United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, JULY 26, 2006 No. 100

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 26, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Richard K. Barnard, Rector, The Chapel of the Cross, Dallas, Texas, offered the following prayer:

Blessed art Thou, O Lord God, King of the Universe, who hast taught us through Thy servant David that those who rule must be just. Grant to the Members of this House, and to all those to whom we entrust the authority of government, the spirit of wisdom and truth. Direct and prosper all their consultations to the advancement of Thy glory and to the safety, honor and welfare of the people, that there may be peace at home and that we may show forth righteousness among the nations of the Earth. Give to the Members of this House courage, fearlessly to contend against evil and to give no place to oppression. And to the end that they, and all the people of this land, may properly use Thy gift of freedom, help us to employ it in the maintenance of justice, to the glory of Thy holy Name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BURGESS 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.

WELCOMING REVEREND RICHARD K. BARNARD

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 1 minute.

There was no objection.

Mr. BURGESS. Mr. Speaker, today I rise to welcome my pastor, Reverend Richard Kevin Barnard. I am honored that Father Barnard is here today to lead us in glory and praise of our Almighty. Reverend Barnard has served as rector of The Chapel of the Cross, a Reformed Episcopal Church, since July of 1989. He has also served Reformed Episcopal congregations in New Jersey and New York.

Before coming to The Chapel, Father Barnard was director of communications for the International Bible Society, which was then located in East Brunswick, New Jersey. In that capacity, he was a regular participant in the monthly White House Forum for Religious Organizations during the Reagan administration and represented the Bible Society at public and private events, traveling to Central America, Europe, Africa and Asia.

Father Barnard is the author of two books and numerous articles, and is also a Past Master of the Roy Stanley Masonic Lodge in Dallas.

Before becoming a Reformed Episcopalian, the Reverend Barnard was a Baptist pastor, serving congregations in Missouri, Florida and Tennessee. He is a graduate of Baptist Bible College in Springfield, Missouri, and holds a master of divinity degree from Cummins Theological Seminary, a Reformed Episcopal seminary in Summerville, South Carolina.

Father Barnard is married to the former Miss Paula Ann Henderson of Fort Worth, Texas. They have four children and two grandchildren. Their youngest son, Adam, is currently serving aboard the USS *Los Angeles* stationed at Pearl Harbor.

Father Barnard's gracious presence and true dedication to the work and word of Christ is an instrumental part of my life. He guides his flock diligently and challenges us to remain faithful to pursuing our walk with Christ daily. I am thankful for his leadership and his presence here today. It is truly an honor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker and the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by His Excellency Nouri Al-Maliki, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

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The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 20, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1051

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq, into the Chamber:

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from California (Mr. HUNTER);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Michigan (Mr. HOEKSTRA);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON); and

The gentleman from California (Mr. LANTOS).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from Montana (Mr. BURNS);

The Senator from Nevada (Mr. REID); and

The Senator from Illinois (Mr. DURBIN).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 6 minutes a.m., the Assistant to the Sergeant at Arms announced His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.

The Prime Minister of the Republic of Iraq, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

Prime Minister AL-MALIKI. In the Name of God, the Most Gracious, the Most Merciful.

Your Excellency the Speaker of the House, Mr. Vice President, honorable ladies and gentlemen, Members of Congress, it is with great pleasure that I am able to take this opportunity to be the first democratically and constitutionally elected Prime Minister of Iraq to address you, the elected representatives of the American people, and I thank you for affording me this unique chance to speak at this respected assembly.

Let me begin by thanking the American people through you and on behalf of the Iraqi people for supporting our people in ousting dictatorship. Iraq will not forget those who stood with her and who continue to stand with her in times of need.

Thank you for your continued resolve in helping us fight the terrorists plaguing Iraq, which is a struggle to defend our nascent democracy and our people who aspire to liberty, democracy, human rights and the rule of law. All of those are not Western values. They are universal values for humanity. They are as much for me the pinnacle embodiment of my faith and religion and they are for all free spirits. The war on terror is a real war against those who wish to burn out the flame of freedom. We are in this vanguard for defending the values of humanity.

I know that some of you here question whether Iraq is part of the war on terror. Let me be very clear. This is a battle between true Islam, for which a person's liberty and rights constitute essential cornerstones, and terrorism which wraps itself in a fake Islamic cloak, in reality wages a war on Islam and Muslims and values and spreads hatred between humanity contrary to our Koran which says, We have created you male and female and made you tribes and families that you know each other. Surely the noblest of you in the sight of God is the best conduct. The truth is that terrorism has no religion. Our faith says that who kills an innocent has killed all mankind.

Thousands of lives were tragically lost on September 11 when these imposters of Islam reared their ugly heads. Thousands more continue to die in Iraq today at the hands of the same terrorists who show complete disregard for human life. Your loss on that day was a loss of all mankind and our loss today is a loss for all free people. Wherever humankind suffers a loss at the hands of terrorists, it is a loss for all humanity.

It is your duty and our duty to defeat this terror. Iraq is the front line in this struggle and history will prove that the sacrifices of Iraqis for freedom will not be in vain. Iraqis are your allies in the war on terror and history will record their bravery and humanity. The fate of our country and yours is tied. Should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere.

Mr. Speaker, we are building a new Iraq on a foundation of democracy and are erecting it through our belief in the rights of every individual, just as Saddam has destroyed it through his abuse of all those rights, so that future Iraqi generations can live in peace, prosperity and hope. Iraqis have tasted freedom, and we will defend it absolutely.

Every human possesses inalienable rights which transcend religion as it is stated in the international convention of human rights. They transcend religion, race and gender. God says in the Koran: ''And surely we have honored all children of Adam.'' I believe these human rights are not an artifact construct reserved for the few. They are the divine entitlement for all. It is on this unwavering belief that we are determined to build our nation, a land whose people are free, whose air is liberty and where the rule of law is supreme. This is the new Iraq which is emerging from the ashes of dictatorship and, despite the carnage of extremists, a country which respects

international conventions and practices noninterference in the internal affairs of others, relies on dialogue to resolve differences, and strives to develop strong relations with every country that espouses freedom and peace.

We are working diligently so that Iraq returns to take the position it deserves and to play a positive role in its regional and international environment as a key, active player in spreading security and stability, to give an example of a positive relationship between countries through denouncement of violence and resorting to constructive dialogue, solving problems between nations and peoples.

We have made progress and we are correcting the damage inflicted by the politics of the previous regime, in particular with our neighbors. My presence here is a testament of the new politics of a democratic Iraq.

Ladies and gentlemen, in a short space of time, Iraq has gone from a dictatorship to a transitional administration and now to a full-fledged democratic government. This has happened despite the best efforts of the terrorists who are bent on either destroying democracy or Iraq. But by the courage of our people who defied the terrorists every time they were called upon to make a choice by risking their lives for the ballot box, they have stated over and over again with their ink-stained fingers waving in pride that they will always make the same choice——

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. If our honored guest would suspend for a moment.

The Chair notes a disturbance in the gallery.

The Sergeant at Arms will secure order by removing those engaging in disruption.

His Excellency, the Prime Minister, may resume.

Prime Minister AL-MALIKI. Of hope over fear, liberty over oppression, dignity over submission, democracy over dictatorship, federalism over a centralist state. Let there be no doubt. Today Iraq is a democracy which stands firm because of the sacrifices of its people and the sacrifices of all those who stood with us in this crisis from nations and countries. That is why I would like to thank them very much for all their sacrifices.

Iraqis of all persuasions took part in a unanimously democratic election for the first parliament formed under the country's first permanent constitution. After eight decades of temporary constitutions and dictatorships, a constitution written by the elected representatives of the people and ratified by the people, Iraqis succeeded in forming a government of national unity based on an elected parliamentary foundation and includes all of Iraq's religions, ethnicities and political groupings.

The journey has been perilous and the future is not guaranteed. Yet many around the world who underestimated the resolve of Iraq's people were sure that we would never reach this stage. Few believed in us, but you, the American people, did, and we are grateful for this.

The transformation in Iraq can sometimes be forgotten in the daily futile violence. Since liberation, we have witnessed great accomplishments in politics, the economy and civil society. We have gone from a one-party state ruled by a small elite to a multiparty system where politics is the domain of every citizen and parties compete at all levels.

What used to be a state-controlled media is now completely free and uncensored, something Iraq had never witnessed since its establishment as a modern state and something which remains alien to most of the region.

What used to be a command economy in Iraq, we are rapidly transforming into a free market economy. In the past 3 years, our GDP per capita has more than doubled, and it is expected that our economy will continue to grow. The standard of living has been raised for most Iraqis as the markets witness an unprecedented level of prosperity. Many individuals are buying products and appliances which they would never have hoped to afford in the past. In keeping with our economic visions of creating a free market economy, we will be presenting to parliament legislation which will lift current restrictions on foreign companies and investors who wish to come to Iraq.

While we are making great economic strides, the greatest transformation has been on Iraqi society. We have gone from mass graves and torture chambers and chemical weapons to the rule of law and respect for human rights. The human rights and freedoms embodied in the new Iraq and consolidated in the constitution have provided a fertile environment for the ever-growing number of civil society institutions which are increasing in scope and complexity and provide a healthy reflection of what is developing beneath the violence.

The rights chartered in the constitution will also help consolidate the role of women in public life as equals to men and help them to play a greater role in political life. I am proud to say that a quarter of Iraq's council of representatives is made up of women, but we still have much to accomplish.

Mr. Speaker, Mr. Vice President, our nascent democracy faces numerous challenges and impediments, but our resolve is unbreakable and we will overcome them. The greatest threat Iraq's people face is terror, terror inflicted by extremists who value no life and who depend on the fear the wanton murder and destruction creates. They have poured acid into Iraq's dictatorial wounds and created many of their own.

Iraq is free and the terrorists cannot stand this. They hope to undermine our democratically elected government through the random killing of civilians. They want to destroy Iraq's future by assassinating our leading scientific, political and community leaders. Above all, they wish to spread fear.

Do not think that this is an Iraqi problem. This terrorist front is a threat to every free country in the world and their citizens. What is at stake is nothing less than our freedom and liberty. Confronting and dealing with this challenge is the responsibility of every liberal democracy that values its freedom. Iraq is the battle that will determine the war. If through our continued partnership we have the strength of mind and commitment to defeat the terrorists and their ideology in Iraq, they will never be able to recover.

For the sake of success of the political process, I launched the National Reconciliation Initiative which aims to draw in groups willing to accept the logic of dialogue and participation. This olive branch has received the backing of Iraq's parliamentary blocs and support further afield from large segments of the population. I remain determined to see this initiative succeed. But let our enemies not mistake our outstretched hand for forgiveness as a sign of weakness. Whoever chooses violence against the people of Iraq, then the fate that awaits them will be the same as that of the terrorist Zarqawi.

While political and economic efforts are essential, defeating terror in Iraq relies fundamentally on the building of a sound Iraqi force, both in quantity and capability. The completion of Iraq's forces forms the necessary basis for the withdrawal of multinational forces, but only then, only when Iraq's forces are fully capable, will the job of the multinational forces be complete.

Our Iraqi forces have accomplished much and have gained a great deal of field experience to eventually enable them to triumph over the terrorists and to take over the security portfolio and extend peace through the country. The other impediment to Iraq's stability are the armed militias. I have on many occasions stated my determination to disband all militias, without exception, and reestablish a state monopoly on arms and to guarantee citizens' security so that they do not need others to provide it.

It is imperative that the reconstruction starts now. While small sections of central Iraq are unstable, large sections have remained peaceful but ignored for far too long. These were the most deprived areas of Iraq under the previous regime and have been the most valiant in Iraq's struggle for freedom. We need to make an example out of these stable areas as models for the rest of the country.

Reconstruction projects in these areas will tackle unemployment, which will weaken the terrorists. They will become prototypes that other, more volatile, regions aspire to undoubtedly. Reconstruction in these areas will fuel economic growth and show what a prosperous, stable, democratic and federal Iraq would look like.

Members of the Congress, in this effort, we need your help. We need the help of the international community. Much of the budget you had allocated for Iraq's reconstruction ended up paying for security firms and foreign companies whose operating costs were vast. Instead, there needs to be a greater reliance on Iraqis and Iraqi companies, with foreign aid and assistance, to help us rebuild Iraq.

We are rebuilding Iraq on a new, solid foundation, that of liberty, hope and equality.

Iraq's democracy is young, but the will of its people is strong. It is because of this spirit and desire to be free that Iraq has taken the opportunity you gave us and we chose democracy.

We faced tyranny and oppression under the former regime and we now face a different kind of terror. We did not bow then and we will not bow now.

I will not allow Iraq to become a launch pad for al Qaeda and other terrorist organizations. I will not deprive Iraqis of their hopes and dreams. I will not allow terrorists to dictate to us our future.

For decades, we struggled alone for our freedom. In 1991, when Iraqis tried to capitalize on the regime's momentary weakness and rose up, we were alone again.

The people of Iraq will not forget your continued support as we establish a secure, liberal democracy. Let 1991 never be repeated, for history will be most unforgiving.

The coming few days are difficult, and the challenges are considerable. Iraq and America both need each other to defeat the terror engulfing the free world. In partnership we will be triumphant, because we will never be slaves to terror, for God has made us free.

Trust that Iraq will be a grave for terrorism and terrorists. Trust that Iraq will be a graveyard for terrorism and terrorists, for the good of all humanity.

Thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 36 minutes a.m., His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 40 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. POE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 9. An act to amend the Voting Rights Act of 1965.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5865. An act to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 15 requests per side to address the House for 1 minute.

IRAQI PRIME MINISTER ADDRESSES CONGRESS

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

Ms. FOXX. Mr. Speaker, just a few minutes ago, we welcomed His Excellency Nouri Al-Maliki to address the U.S. Congress. We commend him for his sacrifices and efforts to bring peace and democracy to Iraq. Once sentenced to death and thus forced into exile by Saddam Hussein's government, Al-Maliki has devoted his life to ending the tyranny that dominated his country for so long.

I commend His Excellency for his commitment to rebuilding his nation on the principles of freedom, democracy and the rule of law; and we look forward to collaborating with him in this regard. I applaud the Prime Minister for condemning the countless terrorist acts in Iraq; and I encourage him to condemn all acts of terror in the Middle East, including the most recent ones we have seen begun by Hezbollah. As the Prime Minister articulated, we must continue to fight for ''liberty over oppression'' and ''democracy over terrorism'' wherever it may occur in the world.

GAS PRICES AND ENERGY INDEPENDENCE

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

Mr. ETHERIDGE. Mr. Speaker, as gas prices hit another record high, I call on this Congress to pass visionary legislation for America's energy independence.

This summer, middle-class families are being squeezed like never before by the high price of gasoline and farmers are watching their profits erode. With the big oil companies pocketing record profits, the only action the Republican Congress has taken is more giveaways to Big Oil. We need a new direction in this country that will once and for all put us on the path to energy independence and free us from our reliance on foreign oil sources.

Rural America feels this crisis every day; and as cochairman of the Rural Working Group, I have worked with my colleagues to draft legislation to secure America's energy independence through the bounty of American agriculture. The answer to the energy crisis is growing on our farms, and H.R. 5372 will upgrade our infrastructure to tap these homegrown resources. Specifically, the Biofuel Act will facilitate the production of vehicles that can run on E–85, ethanol-based fuel and soybean diesel and provide tax credits to encourage gas station owners to update their equipment to handle these new environmentally friendly fuels.

Mr. Speaker, it is time for a new direction for America; and Congress must take action now to secure America's energy future.

COMPETITION

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

Mr. BONNER. Mr. Speaker, I rise today to talk about the value of competition in our Department of Defense acquisition process. Without competition, we have no choices, innovation does not exist, we have no bargaining position relative to costs, and the capability of our military stagnates.

Some would argue that we must protect our industrial base. I would suggest that competition does just that. We live in a global economy, and when U.S. industry does not produce competitive products, our entire industrial base suffers. If we are to continue to

procure the best military equipment for the best value the taxpayer dollar can afford, we must preserve the competitive process. In today's global economy, that means we must not shy away from our allies' participation.

Air refueling is the key enabler to our global military might, and we need to get the competition for the KC–135 replacement program right. Otherwise, we will never know whether competition was true competition or whether our warfighters have received the best possible capability.

CALLING FOR ABOLITION OF NUCLEAR WEAPONS

(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, in the Hindu religion, Brahma, the Creator; Vishnu, the Preserver; and Shiva, the Destroyer exist simultaneously and represent the multiplicity of God.

Today, we are going to be called upon to determine which of the principles, Creator, Preserver or Destroyer, shall work through each of us. If we continue to pursue nuclear proliferation embodied in the nuclear agreement with India, we will be open to the principles of destruction. At this moment when world tensions are rising and violence is cycling higher, we need to take the direction of preserving the peace and creating a new opening through abolishing all nuclear weapons.

August 6, 2006, will mark the 61st anniversary of the bombing of Hiroshima which obliterated the city and killed about 140,000 people. Today, 30,000 nuclear weapons remain in the world. Many nuclear weapons are deployed. Any use of nuclear weapons would be unthinkable devastation. The only way to prevent the use of nuclear destruction is to abolish all nuclear weapons.

To that end, I will be introducing legislation today.

REPARATIONS FOR VICTIM

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

Mr. POE. Mr. Speaker, it was described as ''more than 2 hours in hell.'' Those are the only words a central Texas sheriff could utter about the brutal attack of an 18-year-old girl.

Driving home one night, she was run off the road by two illegals just fired from their jobs for showing up to work hung over. She was corralled just 2 miles from her house near Mexia, Texas, but she couldn't have been further from safety. They forced her into their vehicle, then drove around as they raped, beat and stabbed her numerous times. When they had finished their sinful crime, they tossed her bloody body in a ditch and left her for dead.

When she reached a house nearby after crawling over a half mile, she lay on the porch and the woman inside heard her say, ''I'm going to die.'' The woman who found her covered in blood said she would never as long as she lived get that look on her face out of her mind.

Javier Martinez of Mexico and Noel Hernandez of Honduras will have their day of judgment in a Texas courthouse very soon, but the two countries these outlaws come from should be held accountable and pay reparations to the victim of this assault.

And that's just the way it is.

IRAQI PRIME MINISTER ADDRESSES CONGRESS

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

Mr. ENGEL. Mr. Speaker, I sat here before and listened to the speech of Prime Minister Al-Maliki of Iraq. Quite frankly, I was underwhelmed. I am glad that he condemned terrorism by al Qaeda in Iraq, but we heard not a word of condemnation about Hezbollah and their terrorism against Israel.

I guess, according to the Prime Minister, terrorism against Iraq is no good, but terrorism against Israel is acceptable. I am also sorry he didn't take the opportunity to set the record straight involving his criticism of Israel this week or to condemn the speaker of the parliament of Iraq and his vicious anti-Semitic and anti-Jewish diatribe and tirade earlier this week. Unfortunately, none of that was forthcoming.

If we are to take the Iraqi leadership seriously in condemnation of terror, they have to condemn terror wherever it rears its ugly head, against Iraq, against Israel, or against any other nation. Only then will I truly believe that they are democrats and care about democracy and really care about the war on terror.

IRAQ AND FREEDOM

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

Mr. MCHENRY. Mr. Speaker, this House in a joint session of Congress listened to the new Prime Minister of our ally, Iraq, earlier today. The Prime Minister outlined his plan for freedom and security for the Iraqi people and for a free, safe and secure Iraq.

As an ally, we in the United States have an obligation to see this through. We have an obligation to ensure freedom and democracy. However imperfect it may be, as freedom and democracy always is, we have an obligation to see that through in Iraq, today, tomorrow and for years to come.

Beyond that, Mr. Speaker, I think it is important to note that the United States, Israel and Iraq have the same mutual enemy, and those are Islamic extremists, in our country, in Israel, in Iraq and around the world, and we have to fight together for freedom today, freedom tomorrow, freedom forever.

BIG OIL HAS ANOTHER GREAT QUARTER WHILE THE CONSUMER IS GOUGED AT THE PUMP

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

Mrs. MCCARTHY. Big Oil has another great quarter while the consumers are gouged at the pumps.

Mr. Speaker, the numbers are already pouring in. All week, Big Oil and Gas will tout their profits during the second quarter. The real question now is, will they break the records of the first quarter, more than $16 billion just for the Big Three.

B–P announced its profits earlier this week, bringing in $6.1 billion during the second quarter. We will hear the rest of the numbers later this week.

Mr. Speaker, America can do better. We have the technology. We have the willpower. But we have to work together. It is basically Democrats that actually have the answers on what we can do to reduce oil prices in this country. This isn't short term. It's long term. We need to work together. We need to get this done.

Consumers at home are hurting. Middle-income families are hurting when you have expensive oil on Long Island where I live, $3.29, it has been that way for quite a while, and that is only for the economy fuel. It is raising our fuel prices. It is raising everything. And they wonder why the economy, which is supposed to be, quote, doing well, our middle-income families are not. They are hurting.

SMALL BUSINESS

(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, this Congress needs to continue the tax relief and economic policies that have helped small businesses create new jobs and foster strong economic growth across our country. I have been pushing a five-point agenda to help small businesses succeed:

One, continue the tax cuts for small businesses, which we accomplished earlier this year by passing the Tax Relief Extension Reconciliation Act into law.

Two, we need to make health care costs more affordable for small businesses and their employees. The Senate, like the House, needs to pass legislation to create small business health plans that will lower their premiums by up to 30 percent.

Three, we need to level the playing field for small businesses. The Senate can help us do this by approving two of my bills that have been overwhelmingly passed in the House to help small businesses earn interest on their checking accounts and gain increased access to capital.

Four, the Senate, like the House, needs to vote to permanently end the death tax on small businesses and family farms.

Five, we need to stop excessive and redundant Federal regulations on small businesses.

Mr. Speaker, I urge the House to immediately consider my bill that has passed the Government Reform Committee and would help prevent Federal agencies from imposing unnecessary regulations that suffocate small businesses.

Mr. Speaker, let's fully demonstrate our commitment to small businesses by passing these legislative solutions to help small businesses in New York's Hudson Valley and all over the Nation.

TIME FOR A NEW DIRECTION IN IRAQ

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

Mr. MCGOVERN. Mr. Speaker, sadly, the war in Iraq is escalating daily. In the first 6 months of 2006, more than 350 American soldiers were killed in action and over 2,400 wounded. This means the United States lost the equivalent of five battalions' worth of ground forces during the period Iraqi political leaders squabbled over how to form a government.

And while forming a government was a positive step, it has made little difference in the daily lives of most Iraqis. Violence has escalated and claims more and more Iraqi lives. According to the U.N., over 14,000 Iraqi civilians were killed in the first 6 months of 2006, including 5,800 in May and June alone. States of emergency, curfews and military operations have not stabilized the country. There are more insurgents, more foreign fighters and more attacks. The signs of sectarian and ethnic cleansing are everywhere. President Bush has said he is going to deploy more troops into Baghdad.

Mr. Speaker, 2006 was supposed to be a year of significant transition in Iraq. But the U.S. remains on the defensive, caught in a civil war.

Mr. Speaker, this war is a miserable failure. It is time for a new direction in Iraq.

□ 1230

SUPPORT OUR SCOUTS ACT

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, the Boy Scouts of America is one of the most wholesome organizations in this Nation's history, which is why it has earned the Congressional Charter. The Scouts have provided a way for children from the inner city and the country to learn more about themselves, their environment and their role as citizens through active engagement in outdoor and service activities.

Unfortunately, the city of Philadelphia is considering a move that would seriously hinder scouting in southeastern Pennsylvania. Philadelphia Mayor John Street has told the Cradle of Liberty Council, which serves 87,000 inner city and suburban Scouts, to either pay market value for or vacate the headquarters it has used rent-free since 1928.

Mayor Street has chosen to focus on the differences of opinion he has with the Boy Scouts, rather then embracing and fostering greater cooperation on the issues we can agree on. This is an unfortunate turn of events for the scouting community in my district and the Philadelphia region, especially when the city is in crisis; violent crime and drug use are at all-time highs.

I call on Mayor Street to work with the Scouts to work out an equitable solution to their dispute, and I call on my colleagues to cosponsor H.R. 1337, The Support Our Scouts Act, which will reaffirm the Federal Government's commitment to scouting.

PREPAREDNESS FIRST ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, America needs to be prepared. Whether it is for a commuter train attack or a hurricane, it is clear America must get serious about all hazards preparedness, and that is preparing for all emergencies, whether they are natural or manmade.

Today I am introducing the Preparedness First Act to authorize critical grant programs that our State and local governments already depend upon for all hazards emergency preparedness. The premise of this bill? To ensure that States and localities will have a basic level of preparedness so that they can protect their citizens, communicate with each other and work with the Federal Government during any type of emergency, from earthquakes to terrorist attacks.

Under this bill, all States would receive a base of preparedness funding. This would guarantee that the Federal Government would have an able partner in every State to coordinate preparedness activities. Additional resources would then be made available to address the unique risk and manmade disasters that are posed in each area.

I urge my colleagues to support this bill and put all hazards preparedness first for all Americans.

ISLAMIST PRESENCE IN SOMALIA

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

Mr. ROYCE. Mr. Speaker, recently the subcommittee on international terrorism and nonproliferation that I chair held a hearing on the growing Islamist terrorist threat in Somalia. The country's unsecured borders and proximity to the Arabian Peninsula provide a potential transit point and safe haven for terrorists there. Especially worrying is the powerful presence of the Union of Islamic Courts, which took over Mogadishu last month.

This group is headed by a known associate of al Qaeda and aims to introduce Sharia law throughout Somalia. Mr. Speaker, we are living in an age in which threats in faraway places can hit us at home.

The events unfolding in Somalia mark a critical point in our struggle against Islamist terrorism. Afghanistan is the lesson. I remember those on Afghanistan that said that the Taliban offered stability in that country because the country was deeply divided.

I remember testifying that the Taliban and their support for terror training could lead to more World Trade Center-style attacks on America. That was 11 years ago. Now Somalia demands our focused attention.

IRAQI GOVERNMENT'S TROUBLING COMMENTS ON ISRAEL

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

Mr. PASCRELL. Mr. Speaker, do not think there was an epiphany this morning when the leader of Iraq, duly elected, met at the White House to say that he would join, his country would join with other Arab states condemning terror. You would have thought the word ''terror'' was invented this morning. The audacity for him to look at us and say, for those who are skeptical about the war on terror, there is nobody skeptical in this House, either side, about the war on terror.

But when his legislature condemns Israel, ''we need to stop the Israeli criminal aggression,'' and they voted on that unanimously, you come into our house, as we would say in the Bronx, even though I am from New Jersey, and think that we are supposed to forget everything.

There is terror in Iraq, and there is terror in Israel. And if you think Hezbollah is the Guardian Angels, you are quite mistaken. And we need to understand what is going on in this House. Turn the country back around again. Sixty-five percent of the American people say we are going in the wrong direction, and we continued this morning.

CREATIVE FEDERALISM IN HEALTH CARE

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

Mr. PRICE of Georgia. Mr. Speaker, everyone understands that we have a real challenge in health care with over 45 million Americans without adequate insurance coverage. And Washington is in a logjam with a national solution elusive.

Yesterday, we took a great step in meeting this challenge with the introduction by a bipartisan group of a significant measure to help cover the uninsured. As a physician, I understand that one-size-fits-all does not work in health care.

Our bipartisan working group respects greatly the principle of federalism. And our proposal will empower States to develop methods that best suit their unique populations.

H.R. 5864, the Health Partnership Through Creative Federalism Act holds real promise to increase the number of Americans with health insurance coverage. By empowering States to develop methods that best suit their unique needs, we are putting patients first which should be the foundation of any reform. This bold initiative takes this inherent knowledge into account and gives States the flexibility to find solutions to cover the uninsured.

I encourage my colleagues on both sides to sign on as a cosponsor and support this innovative solution.

REPUBLICANS IGNORE RISING ENERGY COSTS

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

Mr. FILNER. Mr. Speaker, gas prices are once again at record highs. According to the Bush administration's own Energy Department, the average national price at the pump is now over $3 a gallon. We are facing the biggest price rise since Hurricane Katrina 11 months ago.

Yet this Republican Do-Nothing Congress, this Do-Nothing Congress is prepared to leave at the end of the week for a 5-week recess without passing any legislation that will help consumers with prices at the pump. What is the holdup—beside the giant heist of American people?

Why will House Republicans not work with us to hold Big Oil's feet to the fire for any price gouging that is now going on? Why will these House Republicans not join us in repealing $20 billion in tax breaks and subsidies that they gave Big Oil last year? Why won't they join us in taking that money and investing in new energies of the future so we can end our dependence on foreign oil?

The answer, I think, has everything to do with their cozy relationship with Big Oil. It is no wonder that most people think that the letters GOP mean Gas, Oil and Petroleum.

Mr. Speaker, Americans have dealt with high gas prices all summer long. It is time this House started listening to their needs rather than the needs of the special interests in the gas and oil industry.

DO-NOTHING CONGRESS

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

Ms. SCHAKOWSKY. Mr. Speaker, the Republican do-nothing Congress is unwilling to tackle the issues of importance to the American people. At a time when hardworking Americans are finding it more and more difficult to make ends meet, at a time when a weak economy is creating very few jobs, at a time when gas prices are at record levels, the Republican do-nothing Congress has frittered away scarce time on meaningless and divisive proposals that were never even intended to become law.

No wonder the American people are so disgusted with Washington. There is so much that this Congress should be doing, and yet the House Republicans refuse to act. We could raise the minimum wage for the first time in 9 years and give 7 million Americans a pay raise.

We could give the Federal Government the ability to negotiate prescription drugs on behalf of America's seniors in order to fill the gap in coverage that millions of seniors will soon face in their drug coverage. We could finally go after Big Oil and guarantee the American consumer is not to be gouged at the pump.

Mr. Speaker, there is a lot we could do. The problem is Republicans are out of ideas. It is time we lead America in a new direction.

OIL PRICES ARE A NATIONAL SECURITY ISSUE

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

Mr. DAVIS of Tennessee. Mr. Speaker, Congress cannot afford to wait another day to address our Nation's energy crisis. Record gas prices are not only causing pain for American consumers every time they pull up at the pump, but high prices are also seriously threatening our national security.

Consider $5 a barrel increase for a barrel of oil. That translates into $85 million that goes directly to Iran every week, which can then be sent to Hezbollah or to support the escalating sectarian violence in Iraq.

Neither the Bush administration nor congressional Republicans have done enough to wean us off foreign oil. For 5 years now, we have refused to come up with bold new ideas. Instead, their answer last year was to give oil and gas companies $20 billion in tax breaks and subsidies.

The former top aide to Secretary of State Rice told The New York Times yesterday, I do not think any of us have done a terribly good job of thinking through, and how far behind the eight ball we are on these issues.

For 5 years now, Washington Republicans have been unwilling to think outside of the box for fear that they will irritate their special interest friends in Big Oil. I think it is time that we lead America in a new direction.

RAISE THE MINIMUM WAGE

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

Mr. BERRY. Mr. Speaker, as millions of Americans struggle to get by making the lowest real value minimum wage in 50 years, Republicans in this body are preparing to adjourn the House for a 5-week summer vacation without providing them with any financial relief.

Despite numerous attempts by the Democratic Members, Republicans still refuse to increase the minimum wage to a living wage. It is time for a new direction.

Six million people who would benefit from an increase in the minimum wage deserve better than a Congress that rewards the wealthiest while punishing those who need assistance the most and are willing to work for it. Eighty-six percent of Americans support increasing the minimum wage, because they know, just as Democrats in this body know, that it is simply wrong for a full-time worker with a full-time job to live in poverty in this great Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2006

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5337) to ensure national security while promoting 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, as amended.

The Clerk read as follows:

H.R. 5337

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 ''National Security Foreign Investment Reform and Strengthened Transparency Act of 2006''.

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COMMITTEE.—The term 'Committee' means the Committee on Foreign Investment in the United States.

''(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

''(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

''(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

''(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

''(1) NATIONAL SECURITY REVIEWS.—

''(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or on a motion made under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee, shall review the covered transaction to determine the effects on the national security of the United States.

''(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

''(C) WRITTEN NOTICE.—

''(i) IN GENERAL.—Any party to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

''(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review unless—

''(I) a written request for such withdrawal is submitted by any party to the transaction; and

''(II) the request is approved in writing by the Chairperson, in consultation with the Vice Chairpersons, of the Committee.

''(iii) CONTINUING DISCUSSIONS.—The approval of a withdrawal request under clause (ii) shall not be construed as precluding any party to the covered transaction from continuing informal discussions with the Committee or any Committee member regarding possible resubmission for review pursuant to this paragraph.

''(D) UNILATERAL INITIATION OF REVIEW.—The President, the Committee, or any member of the Committee may move to initiate a review under subparagraph (A) of—

''(i) any covered transaction;

''(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

''(iii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A), and—

''(I) such breach is certified by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

''(II) such department or agency certifies that there is no other remedy or enforcement tool available to address such breach.

''(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the receipt of written notice under subparagraph (C) by the Chairperson of the Committee, or the date of the initiation of the review in accordance with a motion under subparagraph (D).

''(2) NATIONAL SECURITY INVESTIGATIONS.—

''(A) IN GENERAL.—In each case in which—

''(i) a review of a covered transaction under paragraph (1) results in a determination that—

''(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1); or

''(II) the transaction is a foreign government-controlled transaction;

''(ii) a roll call vote pursuant to paragraph (3)(A) in connection with a review under paragraph (1) of any covered transaction results in at least 1 vote by a Committee member against approving the transaction; or

''(iii) the Director of National Intelligence identifies particularly complex intelligence concerns that could threaten to impair the national security of the United States and Committee members were not able to develop and agree upon measures to mitigate satisfactorily those threats during the initial review period under paragraph (1),

the President, acting through the Committee, shall immediately conduct an investigation of the effects of the transaction on the national security of the United States and take any necessary actions in connection with the transaction to protect the national security of the United States.

''(B) TIMING.—

''(i) IN GENERAL.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date of the investigation commenced.

''(ii) EXTENSIONS OF TIME.—The period established under subparagraph (B) for any investigation of a covered transaction may be extended with respect to any particular investigation by the President or by a rollcall vote of at least 2/3 of the members of the Committee involved in the investigation by the amount of time specified by the President or the Committee at the time of the extension, not to exceed 45 days, as necessary to collect and fully evaluate information relating to—

''(I) the covered transaction or parties to the transaction; and

''(II) any effect of the transaction that could threaten to impair the national security of the United States.

''(3) APPROVAL OF CHAIRPERSON AND VICE CHAIRPERSONS REQUIRED.—

''(A) IN GENERAL.—A review or investigation under this subsection of a covered transaction shall not be treated as final or complete until the findings and the report resulting from such review or investigation are approved by a majority of the members of the Committee in a roll call vote and signed by the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Commerce (and such authority of each such Secretary may not be delegated to any person other than the Deputy Secretary of the Treasury, the Deputy Secretary of Homeland Security, or the Deputy Secretary of Commerce, respectively).

''(B) ADDITIONAL ACTION REQUIRED IN CERTAIN CASES.—In the case of any roll call vote pursuant to subparagraph (A) in connection with an investigation under paragraph (2) of any foreign government-controlled transaction in which there is at least 1 vote by a Committee member against approving the transaction, the investigation shall not be treated as final or complete until the findings and report resulting from such investigation are signed by the President (in addition to the Chairperson and the Vice Chairpersons of the Committee under subparagraph (A)).

''(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States of any covered transaction, including making requests for information to the Director of the Office of Foreign Assets Control within the Department of the Treasury and the Director of the Financial Crimes Enforcement Network. The Director of National Intelligence also shall seek and incorporate the views of all affected or appropriate intelligence agencies.

''(B) 30-DAY MINIMUM.—The Director of National Intelligence shall be provided no less than 30 days to complete the analysis required under subparagraph (A), except in any instance described in paragraph (2)(A)(iii).

''(C) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall not be a member of the Committee and shall serve no policy role with the Committee other than to provide analysis under subparagraph (A) in connection with a covered transaction.

''(5) RESUBMITTALS OF NOTICE AND REQUESTS FOR ADDITIONAL REVIEW OR INVESTIGATION.—

''(A) IN GENERAL.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from—

''(i) submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is on-going; or

''(ii) requesting a review or investigation of the transaction after any previous review or investigation of the same or a similar transaction has become final if information material to the prior review or investigation and not previously submitted to the Committee becomes known or if any material change in circumstances to the covered transaction has occurred since the review or investigation.

''(B) APPROVAL OF REQUEST.—In the case of a request referred to in subparagraph (A)(ii), the Committee shall determine by consensus whether to grant a request.

''(6) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

''(A) submitting any notice of a proposed or pending covered transaction to the Committee;

''(B) submitting a request to withdraw a proposed or pending covered transaction from review; and

''(C) resubmitting a notice of proposed or pending covered transaction that was previously withdrawn from review.''.

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following new subsection:

''(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

''(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

''(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

''(A) The Secretary of the Treasury.

''(B) The Secretary of Homeland Security.

''(C) The Secretary of Commerce.

''(D) The Secretary of Defense.

''(E) The Secretary of State.

''(F) The Attorney General.

''(G) The Secretary of Energy.

''(H) The Chairman of the Council of Economic Advisors.

''(I) The United States Trade Representative.

''(J) The Director of the Office of Management and Budget.

''(K) The Director of the National Economic Council.

''(L) The Director of the Office of Science and Technology Policy.

''(M) The President's Assistant for National Security Affairs.

''(N) Any other designee of the President from the Executive Office of the President.

''(3) CHAIRPERSON; VICE CHAIRPERSONS.—The Secretary of the Treasury shall be the Chairperson of the Committee. The Secretary of Homeland Security and the Secretary of Commerce shall be the Vice Chairpersons of the Committee.

''(4) OTHER MEMBERS.—Subject to subsection (b)(4)(B), the Chairperson of the Committee shall involve the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (b) as the Chairperson, after consulting with the Vice Chairpersons, determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation (or the designee of any such department or agency head).

''(5) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the Chairperson of the Committee without regard to section 552b of title 5, United States Code (if otherwise applicable).

''(6) COLLECTION OF EVIDENCE.—Subject to subsection (c), the Committee may, for the purpose of carrying out this section—

''(A) sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

''(B) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Chairperson of the Committee may determine advisable.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each of fiscal years 2007, 2008, 2009, and 2010, expressly and solely for the operations of the Committee that are conducted by the Secretary, the sum of $10,000,000.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The first sentence of section 721(c) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(c)) is amended—

(1) by striking ''material filed with'' and inserting ''material, including proprietary business information, filed with, or testimony presented to,''; and

(2) by striking ''or documentary material'' the 2nd place such term appears and inserting '', documentary material, or testimony''.

SEC. 4. ADDITIONAL FACTORS REQUIRED TO BE CONSIDERED.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''among other factors'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(6) whether the covered transaction has a security-related impact on critical infrastructure in the United States;

''(7) whether the covered transaction is a foreign government-controlled transaction; and

''(8) such other factors as the President or the President's designee may determine to be appropriate, generally or in connection with a specific review or investigation.''.

SEC. 5. NONWAIVER OF SOVEREIGN IMMUNITY.

Section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended by adding at the end the following new sentence: ''The United States shall not be held liable for any losses or other expenses incurred by any party to a covered transaction as a result of actions taken under this section after a covered transaction has been consummated if the party did not submit a written notice of the transaction to the Chairperson of the Committee under subsection (b)(1)(C) or did not wait until the completion of any review or investigation under subsection (b), or the end of the 15-day period referred to in this subsection, before consummating the transaction.''.

SEC. 6. MITIGATION, TRACKING, AND POST-CONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (k) (as amended by section 3 of this Act) the following new subsection:

''(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

''(1) MITIGATION.—

''(A) IN GENERAL.—The Committee or any agency designated by the Chairperson and Vice Chairpersons may negotiate, enter into or impose, and enforce any agreement or condition with any party to a covered transaction in order to mitigate any threat to the national security of the United States.

''(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis of the threat to national security of the covered transaction.

''(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

''(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

''(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

''(ii) specific timeframes for resubmitting any such written notice; and

''(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

''(B) DESIGNATION OF AGENCY.—The Committee may designate an appropriate Federal department or agency, other than any entity of the intelligence community (as defined in the National Security Act of 1947), as the lead agency to carry out the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph.

''(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

''(A) DESIGNATION OF AGENCY.—The Committee shall designate a Federal department or agency as the lead agency to negotiate, modify, monitor, and enforce any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency.

''(B) REPORTING BY DESIGNATED AGENCY.—

''(i) IMPLEMENTATION REPORTS.—The Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction shall—

''(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on the implementation of such agreement or condition; and

''(II) require, as appropriate, any party to the covered transaction to report to the head of such department or agency (or the designee of such department or agency head) on the implementation or any material change in circumstances.

''(ii) MODIFICATION REPORTS.—The Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

''(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on any modification to any such agreement or condition imposed with respect to the transaction; and

''(II) ensure that any significant modification to any such agreement or condition is reported to the Director of National Intelligence and to any other Federal department or agency that may have a material interest in such modification.''.

SEC. 7. INCREASED OVERSIGHT BY THE CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

''(g) REPORTS TO THE CONGRESS.—

''(1) REPORTS ON COMPLETED COMMITTEE INVESTIGATIONS.—

''(A) IN GENERAL.—Not later than 5 days after the completion of a Committee investigation of a covered transaction under subsection (b)(2), or, if the President indicates an intent to take any action authorized under subsection (d) with respect to the transaction, after the end of 15-day period referred to in subsection (d), the Chairperson or a Vice Chairperson of the Committee shall submit a written report on the findings or actions of the Committee with respect to such investigation, the determination of whether or not to take action under subsection (d), an explanation of the findings under subsection (e), and the factors considered under subsection (f), with respect to such transaction, to—

''(i) the Majority Leader and the Minority Leader of the Senate;

''(ii) the Speaker and the Minority Leader of the House of Representatives; and

''(iii) the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including the Committee on International Relations, the Committee on Financial Services,

and the Committee on Energy and Commerce of the House of Representatives.

''(B) NOTICE AND BRIEFING REQUIREMENT.—If a written request for a briefing on a covered transaction is submitted to the Committee by any Senator or Member of Congress who receives a report on the transaction under subparagraph (A), the Chairperson or a Vice Chairperson (or such other person as the Chairperson or a Vice Chairperson may designate) shall provide 1 classified briefing to each House of the Congress from which any such briefing request originates in a secure facility of appropriate size and location that shall be open only to the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, (as the case may be) the chairman and ranking member of each committee of the House of Representatives or the Senate (as the case may be) with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, and appropriate staff members who have security clearance.

''(2) APPLICATION OF OTHER PROVISION.—

''(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House or any committee of the Congress shall be subject to the same limitations on disclosure of information as are applicable under such subsection.

''(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of the Congress and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.''.

(b) SEMI-ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (l) (as added by section 6 of this Act) the following new subsection:

''(m) SEMI-ANNUAL REPORT TO THE CONGRESS.—

''(1) IN GENERAL.—The Chairperson of the Committee shall transmit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, before January 31 and July 31 of each year on all the reviews and investigations of covered transactions conducted under subsection (b) during the 6-month period covered by the report.

''(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The report under paragraph (1) shall contain the following information with respect to each covered transaction:

''(A) A list of all notices filed and all reviews or investigations conducted during the period with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about the status of the review or investigation, information on any withdrawal from the process, any rollcall votes by the Committee under this section, any extension of time for any investigation, and any presidential decision or action under this section.

''(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and presidential decisions or actions under this section.

''(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

''(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later re-filed such notices, or, alternatively, abandoned the transaction.

''(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction.

''(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next such report, to the extent possible.

''(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

''(A) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the semi-annual report submitted under paragraph (1) the following:

''(i) An evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer.

''(ii) An evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

''(B) CRITICAL TECHNOLOGIES DEFINED.—For purposes of this paragraph, the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or national security identified pursuant to this section.

''(C) RELEASE OF UNCLASSIFIED STUDY.—That portion of the semi-annual report under paragraph (1) that is required by this paragraph may be classified. An unclassified version of that portion of the report shall be made available to the public.''.

(c) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950 (as in effect before the date of the enactment of this Act).

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General.

(d) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon completion of the study under paragraph (1) or in the next semi-annual report under section 721(m) of the Defense Production Act of 1950 (as added by subsection (b)), the Secretary of the Treasury shall submit a report to the Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study, together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (m) (as added by section 7(b) of this Act) the following new subsection:

''(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice required to be submitted, by a party to a covered transaction, to the President or the President's designee under this section and regulations prescribed under such section, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B)(ii) of subsection (l) with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of such subsection, or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the person's knowledge and belief—

''(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

''(2) the notice or information is accurate and complete in all material respects.''.

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

''(h) REGULATIONS.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.''.

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

''(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established

under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today to urge all Members to support H.R. 5337, the National Security FIRST Act, which makes important reforms to the process by which the Committee on Foreign Investment of the United States scrutinizes purchases of U.S. businesses by foreign ones, to ensure that there is no threat to national security.

As we consider this legislation, we must remember that the result of foreign investment in the United States has been spectacular. U.S. subsidiaries of foreign-owned companies employ nearly 5½ million Americans. The average salary for those workers is a healthy $60,000 and a third of those jobs are in manufacturing.

At a time when we are concerned about our balance of trade, it is important to note that more than 20 percent of U.S. exports are produced by U.S. subsidiaries of foreign companies. Mr. Speaker, we all know why we are here today.

Congress and the country went through a very difficult period this spring after we learned about the Dubai Ports sale.

□ 1245

As a response, in one of the best examples of bipartisanship I have seen in my tenure here, H.R. 5337 was introduced by Majority Whip BLUNT, Chairwoman PRYCE, Mrs. MALONEY and Mr. CROWLEY and now has nearly 90 cosponsors. It is a very good bill that addresses what some see as flaws in the CFIUS process without creating new problems or barriers to investment.

I would particularly like to compliment Chairwoman PRYCE for her leadership on this complex issue. In three very thorough hearings, she made certain,ky018 members were well-versed in the details of the CFIUS process before any legislating was done. The result was a unanimous 64–0 vote for passage in the Financial Services Committee.

The language we are considering today is nearly identical, with a manager's amendment that makes only a few changes made to further strengthen the process. Among those changes are the addition of Commerce Secretary as a second Vice Chair of CFIUS; the addition of the Energy Secretary to CFIUS itself; clarification that CFIUS reviews are to be done to determine the effects of a transaction on national security; the requirement that the 30-day review period end with a roll call vote, with any single dissenting vote sending the transaction into the 45-day investigative period; and further clarification of the role of the Director of National Intelligence in the CFIUS process.

Mr. Speaker, what we need to accomplish is to strengthen the national security in two ways: by increasing administration accountability and by improving the ability of Congress to perform necessary oversight. This bill does both. The result will be a process that stops what should be disapproved and gives a green light to what should be approved, including, of course, any modifications needed to protect against the loss of the defense industrial base or a critical technology.

This is a strong and effective bill here that corrects exactly what was wrong with the CFIUS process without overreaching and causing further problems. It continues to give CFIUS the flexibility to exercise discretion, allowing it to focus on investments that raise national security concerns. I do not and will not support some of the other proposals that have been put forward, such as any additional time delays or directly involving Congress in the decisionmaking process. I believe we need to take great care to refrain from inserting politics into the consideration process, and that goal has been achieved here.

Mr. Speaker, we must protect our national security, but national security includes economic security. Let's remember that it is our economic security and prosperity that give us the resources to provide adequately for our internal and external defenses. We simply must not drive off those who want to make the wise investment in our great economy.

Our friends in the other body should understand that no bill would be a preferable alternative to a bad bill, and we in the House will not sacrifice American prosperity and job growth when there is no real improvement to American security.

Mr. Speaker, this is an excellent bill; and I think the CFIUS process and our national security would be improved by enacting it exactly as written.

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

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

Mr. Speaker, I am delighted to join my colleagues, Representatives OXLEY, PRYCE, CROWLEY and Majority Whip BLUNT in bipartisan support of H.R. 5337, the National Security FIRST Act.

After the Dubai Ports World disaster, it was clear that there was a pressing need to reform the process by which the United States Government reviews foreign acquisitions of businesses in the United States for national security threats, the Committee for Foreign Investment in the United States, or CFIUS.

This bill was unanimously approved by the Financial Services Committee and has received strong bipartisan support in the Homeland Security Committee. It also reflects the input of the Energy and Commerce, Armed Services and International Relations Committees.

We have all worked hard together to achieve a strong and sensible bill, and I would like to thank the members and staff of these committees as well as my own staff for their support and hard work.

H.R. 5337, the National Security FIRST Act, is widely recognized as a balanced approach which protects national security, first, while continuing to encourage safe and important foreign investment, to create American jobs and improve our economy.

Many observers, both domestic and foreign, think our bill has struck this balance successfully. The National Security FIRST Act incorporates and builds on a bipartisan bill I introduced earlier, based on reforms proposed by the General Accounting Office even before Dubai Ports World brought this issue into the spotlight. These recommendations of the GAO were obviously not knee-jerk reactions to the Dubai crisis but addressed structural problems in the CFIUS process and so provided a sound and farsighted basis for long-term reform.

This bill addresses three core issues.

First, the bill strengthens national security protections. All foreign government-controlled entities must go through a 45-day rigorous investigation in addition to the 30-day review. This is necessary because government-controlled entities could have agendas other than profit and can pay whatever they want to accomplish them. Private companies would not be able to compete.

To ensure greater accountability and better judgment, all reviews and investigations by CFIUS will require sign-off at the highest levels. The Secretary or Deputy Secretary of Treasury, Homeland Security and Commerce must sign the CFIUS recommendation. The Dubai Ports deal was approved by 12 people and agencies. No one had ever heard of these particular people. This bill makes Cabinet officers responsible to the American people for their decisions.

Also important, all reviews and investigations will be analyzed by the Director of National Intelligence, whose input is required under the bill.

For the first time, CFIUS will have a set of mandatory factors to consider in determining whether the purchase could affect national security, including whether it affects critical infrastructure such as ports, energy transmission or voting machines.

Second, the bill builds in congressional oversight by requiring twice-annual reporting to Congress of all completed actions by CFIUS. In order to ensure that this administration does not evade its responsibility by only reporting to one or two members, the bill specifies that both majority and minority members of the relevant committees will be notified.

Additionally, Congress would be notified promptly of any extensive investigation or transaction involving a foreign government purchase.

Involving Congress can help the CFIUS agencies be more aware of transactions that raise a red flag. For example, recently I wrote a letter to Secretary Snow urging CFIUS to review a transaction in which a company with strong Venezuelan ties acquired a major electronic voting company in the United States. Treasury says it is conducting a pre-review of whether the company is owned by the Venezuelan Government and whether the deal puts our electoral system at risk. Regardless of the outcome, this is a good example of why this bill is needed.

The third impact of the bill is to strengthen the CFIUS enforcement and monitoring systems. In many cases, the U.S. Government enters into a contract with a foreign purchaser to ensure U.S. Government concerns regarding national security are met. This bill strengthens these contracts and adds provisions to follow up on whether the foreign purchasers are complying.

Also, the bill provides for greater oversight of withdrawals from the CFIUS process. The GAO, the Government Accountability Office, noted a pattern of applicants withdrawing if they needed or received indications of concern and then going ahead with the flawed transaction anyway without the CFIUS approval. These off-the-radar deals pose great risk and great incentives, and we need to adopt better monitoring of them.

In sum, this bill is a sensible, balanced approach to making sure foreign acquisitions do not jeopardize our national security, while not killing foreign investment in our country. I urge my colleagues to support the bill. Ninety of our colleagues are cosponsors.

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

Mr. OXLEY. Mr. Speaker, I am pleased now to yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), the majority whip and the lead sponsor of this important legislation.

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding time and for the great work he has done on this bill, the work that his committee has done, particularly the work that Chairman PRYCE and her subcommittee has done not only to look at this bill carefully in hearings but have significant input and then crafting what a bill would look like that protects our country in a post-9/11 world but still also protects our economy and American companies and American pension plans and others that invest in those companies. The tremendous efforts that Mrs. MALONEY has made and is making again today on the floor, as well as the efforts of Mr. CROWLEY, have all been significant in trying to take a problem and create the right solution. Chairman BARTON, Chairman KING, Chairman HOEKSTRA, all original cosponsors of the bill and who have all helped this bill as it worked its way through the process. Chairman HYDE and Chairman HUNTER had significant input. Certainly the ranking member of the Financial Services Committee, Mr. FRANK, had input and was very helpful in what I think is a product that we can be pleased with here, as was Mr. SMITH from Texas.

A few months ago, the country and, frankly, many Members, virtually everybody in the legislature, and even more frankly almost everybody in the administration, was surprised when the announcement was made that this particular decision had been made regarding one of our ports. That called attention to the fact that the CFIUS process was a process that might have worked well in a previous time, but the Committee on Foreign Investment in the United States was not designed to meet our time. The attacks on September 11 changed that. That world needs to be balanced with a global economy, where even if you don't know that you own stock in an American company that may be the subject of purchase, your pension plan may be very dependent on the value of that company.

So what this bill does, Mr. Speaker, is I think arrive at the right balance that, first and foremost, does protect our security but does that in a way that doesn't needlessly impact the value of American companies and American assets in the marketplace.

The points that have been made by the previous speakers are certainly the points that need to be made. Congress reaffirmed the intent of the Congress to look more carefully at companies that are owned by foreign governments in light of particularly some of the examples that have been given. The example that was just given by Mrs. MALONEY would be an example.

We have increased the accountability of CFIUS by establishing the process more fully in statute, by adding the Department of Homeland Security and the Secretary of Homeland Security, the Secretary of Commerce as vice chairmen. We have also added the Department of Energy to the committee and formalized the importance of each of the agencies in reaching a conclusion. We have increased congressional oversight and done the right things here.

I think the key to this legislation as it hopefully moves forward today is the tremendous bipartisan effort that has been made. If our colleagues approve this bill today, I know we all look forward to working with Senators SHELBY and SARBANES in conference and getting this problem solved in this Congress. We have a tough bill on the floor today. We improve our security in the right way.

And, again, before, as I close, I would like to thank the staff that has worked so hard: Joe Pinder, Bob Foster, Jackie Moran, Sam Geduldig on my staff, and many other staffers on all of these committees whose chairmen have been mentioned who have worked this bill in a way that solves a complicated problem in the right way.

Mrs. MALONEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK), ranking member of the Financial Services Committee.

□ 1300

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman. She and the gentleman from New York (Mr. CROWLEY) and others on our committee on both sides of the aisle worked constructively on a good bill. I appreciate the kind words of the majority whip.

There was a threatening climate towards foreign direct investment a few months ago as a result of the reaction to the Dubai Ports. I thought it was a mistake to allow Dubai to be able to buy those ports, but I did think that the reaction against that threatened to jeopardize a very important source of support for the American economy, and that is foreign direct investment.

There was among some of our colleagues a kind of reaction to say, ''We don't want them bringing their money in here and investing in America.'' That was unwise, and I think cooler heads on both sides of the aisle have prevailed, and we have a bill that recognizes that foreign direct investment, the foreign investment in building plants and running enterprises in America, is a good thing.

Many Americans complain when American corporations invest their money in physical facilities overseas. Well, it then does not make sense to complain about the reciprocal. Yes, we want to make sure that nothing is done that jeopardizes our security.

I think we have a bill today that improves the situation without any kind of drastic change of a sort that would have endangered foreign direct investment, and I have to say there was a terrible mistake made by the Bush administration, in my judgment, in not shutting down the Dubai Ports thing before we got to it.

I do think we should be very clear, though, we have to differentiate between laws which are badly administered and laws which are badly structured. We have had cases, in my view, where this administration has messed up on a number of occasions. I think they badly handled Katrina. They made a terrible mistake with Dubai, but if we were going to drastically wrench out of shape every law that this administration administers poorly, we would not be taking an August recess. That would keep us busier than we already are.

What we have to do is make a separation. We have to be able to differentiate between the incompetence of an

administration and a structural failing in the law.

Now, we have done that in this case. I understand the bipartisanship extends here to the restructuring, in a reasonable way, in the law and not to recognition in my part on the incompetency of the administration. I do not mean to include my colleagues in saying that, but I do think this is the principle we have tried to follow on our side.

When this administration messes something up, we should not overreact and wrench the structure out of shape. We should make those structural changes that might be called for. That is what we are doing here, and we are preserving the role that foreign direct investment can play in the United States. We can express the hope that this administration in its remaining time will not misadminister this as badly as they did before.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), the chairman of the appropriate subcommittee who has shown enormous leadership on this issue.

Ms. PRYCE of Ohio. Mr. Speaker, I want to thank the chairman for yielding me the time and his invaluable leadership on this piece of legislation. His leadership led us very thoughtfully through this process, and we did not have a knee-jerk reaction that so often happens around here. Your valued experience and insights have made this much better legislation. Thank you.

Over the last few months, we have heard very much about CFIUS. Media reports of CFIUS transactions such as the Dubai Ports deal have given pause to most Americans and awakened this Congress to the need to reform the process of allowing foreign investment in the United States. Congress has taken a strong position on national security since 9/11, and this legislation updates CFIUS for a post-9/11 world where national security and homeland security need to be considered much more strongly than in years past. National security, however, is not mutually exclusive of economic security. This legislation strives to ensure national security while promoting the creation and maintenance of jobs.

This legislation institutes vice chair positions in CFIUS to be filled by the Secretary of Homeland Security and the Secretary of Commerce. We believe it shows how America continues to think globally for investment and locally for security.

While strengthening our security, we have also continued our work to strengthen our relationships and open markets with nations abroad. These countries have a growing appetite for foreign goods and products, American products and American investments.

American companies and brand names that we all recognize have grown exponentially because of these market openings, and growing American companies mean growing American jobs.

In Ohio, we have seen the benefits of open markets and foreign investment, welcoming into our communities Siemens, Sodexho, Honda, Lexis-Nexis, and many, many more.

Honda Motor Corporation has become the largest auto producer in Ohio beginning production in 1979 with an initial investment of $35 million in Marysville, Ohio. To date, Honda's capital investment in Ohio tops $6.3 billion over 26 years. Honda's North American plants purchased more than $6.5 billion in parts from 150 different Ohio suppliers just in 2005. Honda's investment in the people of Ohio keeps approximately 8,500 people employed.

When a foreign company looks to invest in the U.S., they are looking to grow their business, and that equals growing jobs in the United States. The U.S. Commerce Department says that foreign firms doing business in the U.S. employed nearly 5.1 million employees in 2004, slightly less than one out of every 20 workers in the private sector.

This process of reforming CFIUS has the potential to undercut the United States' long-standing support for capital market access and the free movement of capital. Thanks to the chairman's leadership and a very thoughtful approach to this reform effort, I believe this legislation continues to focus our efforts in securing our Nation, while remaining committed to free trade as one of the greatest engines of prosperity.

In recent months, the Treasury Department has made strides in congressional notification of pending deals that could potentially affect national security, but that is simply not enough. This legislation ensures that a Dubai Ports World situation does not happen again in a post-9/11 world. When questions of national security or foreign government ownership arise, accountability is clear, and the transaction moved immediately to investigation.

The American people can feel confident that this legislation institutes the oversight and protections needed to determine if a foreign investment transaction is in the best interests of the United States' national security.

In a world intertwined by global companies, it is important we continue to protect U.S. national and economic security while promoting foreign investment. This issue touches every American who wants to know that each day they are safe.

I want to thank the chairman and Ranking Member FRANK, my good friend, Ranking Member MALONEY, our whip, Mr. BLUNT, and Representative CROWLEY and everyone who worked so hard on this, and I urge support.

Mrs. MALONEY. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. CROWLEY) who has worked very hard on this bill.

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

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I rise in strong support of this bipartisan piece of legislation.

I want to commend the work of Majority Whip BLUNT, a good friend, as well as Representative PRYCE and Representative MALONEY for their leadership of working on this legislation. I also want to recognize the outgoing chairman and my good friend, Mike Oxley, for all of his work on this and the many pieces of legislation we have worked together on in a bipartisan way, and particularly BARNEY FRANK, who saw through all of this, cut through the politics and right to the chase and worked very hard in seeing that this important bill passed today.

H.R. 5337 works to keep the flow of direct foreign investment in the U.S.A. strong while putting national security first. This is a good jobs bill, pro-business. It is pro-labor, and this bill does all things to help to secure our Nation, yet not stop investment here in the United States. I am pleased to say this bill enjoyed unanimous support in the Committee on Financial Services, passing on a 64–0 vote.

This bill enjoys the support of everyone from the Center for American Progress to the Chamber of Commerce.

This bill is about keeping the flow of foreign investment coming to the U.S. and not driving these funds and their subsequent jobs out of the country.

But H.R. 5337 includes new, tough safeguards put in place to ensure the security of America first. This entire legislative initiative, which has been pursued in a bipartisan fashion, is a result of the botched handling of the DPW transaction, the Dubai Ports deal. That transaction involved a government-owned company from Dubai buying into various port assets here in the United States.

As a result, a significant and appropriate focus of the committee has been to toughen the scrutiny for acquisitions by government-owned companies since some government-owned companies will make decisions based on government interests and not commercial interests. No job, no deal, no transaction is worth threatening the safety of Americans, and this bill puts those conditions in place. We all know this to be true, but being from New York City, it is even more true.

This bill will provide strong, new safeguards to ensure our Nation's security and protect critical infrastructure, but also continues to give CFIUS flexibility to exercise discretion, allowing CFIUS to focus on the deals that raise real national security issues and not get bogged down into those deals with no national security implications at all.

For example, this bill will allow CFIUS to go straight to an investigation phase if CFIUS so decides that the concerns are so serious as to merit this.

This is a good bill, protecting national security, guaranteeing the flow of direct foreign investment in the

U.S., and ensuring we will not have another Dubai Ports debacle, and I, therefore, urge its passage in the House today.

And finally, I understand the Senate is in the process of moving their bill forward, and I look forward to a constructive conference with the Senate, but this issue is far too important to compromise our national security or our Nation's economic security on backroom wheeling and dealing.

We, in the House, in a bipartisan manner, recognize the diligence that went into crafting this bill, and we will work for this to be the lead text in any conference.

The Senate bill does not meet our important threshold on national or economic security. This bill does, and I know we in House who have worked as hard as we have will fight in conference for a good bill or we will take no bill at all.

I urge a ''yes'' vote on this bill. It protects national security, enhances the ability of more foreign investment here in the U.S.A. and ensures the transparency of CFIUS.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Ways and Means Committee.

Mr. FOLEY. Mr. Speaker, I thank the chairman for his work on this, as well as many, many others.

We know how we got here on this important bill, and it was the Dubai Ports deal. It shocked America, and it shocked me as a member of the Ways and Means Committee. Not that we were thumbing our noses at investors who would feel comfortable investing in the United States. That was not the question. It was not a question about our support for their efforts in the war on terrorism. We support their efforts.

But as was stated by Mr. CROWLEY, it was a foreign government, and foreign governments behave differently than foreign corporations. Corporations do not care about the politics. They care about the profits. Governments take a different view of the world and have to think of external and internal political calculations.

What startled me about the deal was the fact when then-Secretary of the Treasury, John Snow, appeared before our panel, when the news first broke about this transaction, when I asked him what was involved in the vetting process, he looked at me as if he had no idea about the transaction at all. Then we came to find out mid-level managers at the Department decided this on their own. They had not properly vetted it through the necessary agencies to ensure that we had covered the gamut of questions that may have arose from this transaction.

Fortunately, based on the leadership that has been displayed here in crafting this bill in a bipartisan fashion, we will now have a process by which we can analyze and investigate and give comfort to the American public that a transaction involving six strategic ports or any other facility will have the proper authorities reviewing the intricacy of the details.

They always say the devil's in the details. In this transaction, we knew very little about the intentions of the port companies, their expansion capabilities, their leasehold interests, how they may be transferrable to other entities. We had a blank slate on which to review this transaction.

This bill brings to the floor and to the process transparency, clarity and an ability to tell our constituents we know the transaction.

Mrs. MALONEY. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. MALONEY) has 7 minutes remaining. The gentleman from Ohio (Mr. OXLEY) has 7 minutes remaining.

Mrs. MALONEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding, and I rise in support of H.R. 5337 and want to add some important history and context to our discussion.

The Omnibus Trade Act of 1988 was referred to the Committee on Energy and Commerce on which I sit. During its consideration, our committee produced the Exon-Florio provision which determines what can be bought in the United States by foreign entities, and it was included in the final version of the Omnibus Trade Act.

Exon-Florio authorized the President to suspend or prohibit the acquisition of a U.S. corporation by a foreign entity. Responsibility for executing Exon-Florio was delegated to the Committee on Foreign Investment in the United States, CFIUS, the interagency committee that was formed to protect the United States' economic well-being and national security.

□ 1315

In the past, the Energy and Commerce Committee has conducted numerous oversight hearings, aggressively evaluating how well CFIUS has complied with the requirements of Exon-Florio. When the Senate amended Exon-Florio and passed the Byrd amendment in 1993, members of Energy and Commerce were conferees for those provisions.

While I am pleased that the Energy and Commerce Committee conducted a hearing on CFIUS and considered it in open markup, and while we support the legislation, we are disappointed that a number of the provisions we added to the bill are not in the version we are considering today. These are matters of the utmost importance to our economic and national security. As we proceed, I encourage my colleagues to be vigilant and consider these matters carefully.

I look forward to continuing our work in the Committee on Energy and Commerce, consistent with its longstanding involvement with this issue, and working with my other colleagues in the House who have also put much thought and effort into this legislation.

Mr. OXLEY. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Florida (Mr. STEARNS) of the aforementioned Energy and Commerce Committee.

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

Mr. STEARNS. Mr. Speaker, I rise, like my other colleagues, in support of H.R. 5337, the Reform of National Security Reviews of Foreign Direct Investments Act. Obviously, we all agree this is a bill that will strengthen the American economy by encouraging others to invest in America, while at the same time, fortifying our national security.

Myself and Ranking Member SCHAKOWSKY had a hearing dealing with this bill, which showed the importance of it. We had a very small part. I think the Department of Commerce is now co-vice chair in the bill, but I want to commend Mr. BLUNT for his leadership on this, and also for the continuing leadership of Chairman OXLEY, who did all the vitally important work for this. We had a very small part in it, my subcommittee, which is the Subcommittee on Commerce, Consumer Protection, and Trade.

We all know that open investment policy has made the United States a favorite destination for foreign direct investment, with over $115 billion invested in 2004, supporting over 5 million American jobs found in every State of this union, from car manufacturing plants in Missouri to aircraft production in my home State of Florida.

This bill will ensure that the United States is and will remain the world's benchmark for open, transparent investment policy. This openness and this transparency in our vibrant markets at home has basically allowed American companies to export those principles abroad, principles that ultimately increase prosperity and, most importantly, encourage better acceptance of the democratic and free markets, principles that form the bedrock of the American way of life.

So, again, I support this bill, I urge my colleagues to do so, and I thank my colleague for the time.

Mrs. MALONEY. Mr. Speaker, I take this opportunity to thank Chairman OXLEY for his distinguished service to this body and to this country. He has been a very fine chairman of the Financial Services Committee, on which I serve. An example of his leadership is the bill that is before us today, which had very strong bipartisan input, was balanced, took into consideration concerns first of all for national security but also for the business community and all concerned.

In sum, the bill has over 90 cosponsors. It is a balanced approach, making sure that foreign acquisitions do not jeopardize our national security while continuing to encourage appropriate foreign investment.

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

Mr. OXLEY. Mr. Speaker, I am now pleased to yield 1 minute to the distinguished chairman of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding, and I just wanted to say that I am going to support this legislation. We have several important issues that we think were decided in the right way, particularly the one that gives the Secretary of Defense a veto of the process if he finds that national security interests are impaired or are affected. And that is very, very important to us.

There are several issues that we think still need to be resolved that are important to the Armed Services Committee, but we support the bill in terms of moving it forward into the conference and getting this very important legislation, intended to tighten up the CFIUS process, in place so that we can apply it to pending transactions.

So, Mr. Speaker, I intend to vote ''yes'' on this, but to work very closely with the gentleman from Ohio, my good friend, and with all the other Members who have been putting this legislation together as we move through conference to try to firm up a few other important defense issues as we go through the conference.

Mrs. MALONEY. Mr. Speaker, I do not have any further requests at this time, and I yield back the balance of my time and urge a ''yes'' vote.

Mr. OXLEY. Mr. Speaker, I will be brief. I do not think anybody could have predicted, certainly not me, that a few weeks after the firestorm that came about with the announcement of the Dubai Ports deal that we would be on the floor today debating legislation that was considered by our committee and others and passed in our committee overwhelmingly with a 64–0 bipartisan vote, with cooperation on both sides of the aisle, to deal with a real problem.

Even though I personally felt there was a great deal of overreaction about the Dubai Ports deal, the fact is that it revealed some very deep concerns that people like the gentleman from California had, and others, about how the CFIUS process works. We set about with great care, working with Mr. FRANK, our ranking member, Mrs. MALONEY and Mr. CROWLEY, to craft a bill under the guidance of Chairwoman PRYCE and Mr. BLUNT from Missouri, to craft a bill that met the balance, met the test of dealing with our very real concerns about national security and, at the same time, encouraging foreign investment into our country.

I have to say that of all the bills I have been involved in since I have been chairman, and, frankly, all the bills I have been involved in since I have been here in 25 years, this was one that gave me a great deal of satisfaction because it showed the legislative process at its very best, with input from people who had a great deal of knowledge, who worked very hard on the issue, from the staff to the Members, to craft this legislation and stand here today, just a few weeks after that firestorm, with a product that is going to pass overwhelmingly in this House and that really says that this House, when we want to, can deal in a bipartisan way with some very difficult issues in a very professional manner.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I will be glad to yield to my friend from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just like to note that I agree with what the chairman has just said. But this is not the first example of a bill coming out of the Financial Services Committee on a subject which could have been very contentious but, in fact, came to the floor in a form that reflected a very good process, a very open process, with hearings and subcommittee, committee markups, and full participation and, as a result, received overwhelming votes.

We saw this on the GSE bill, we saw it in the bill dealing with the extension of credit, called the FACT Act, and we have seen it on a number of bills, and the chairman deserves a great deal of credit on this. And as his career here draws to a close, I just want to note that this is a very good example of the chairman's willingness to help us bring out the best in ourselves in this process.

And he is correct, this could have been the source of a lot of demagoguery, a lot of political sniping, of frankly some destabilization to the economy because of the negative impact a badly handled bill could have had. So I just want to acknowledge that as the ranking member, it has been my privilege to work with the gentleman from Ohio, and this is only one of a series of bills where we have worked together, under his leadership, to take subjects that, as I said, could have been contentious and destabilizing, and brought the House a product with overwhelming support.

I thank the gentleman for yielding.

Mr. OXLEY. I can't match the eloquence of the gentleman from Massachusetts, so I yield back.

Mr. LANTOS. Mr. Speaker, I rise in support of H.R. 5337, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2006.

As we have seen over the past year, greater oversight is needed regarding foreign investment in the United States. I have expressed serious concern regarding the acquisition of U.S. port operating companies by foreign companies. I want to commend Chairman OXLEY and Ranking Democratic Member FRANK for the work they have done to bring this legislation to the floor.

Mr. Speaker, I want to call attention to one critical issue, the acquisition of U.S. domestic oil companies by Russian firms with close ties to the Russian Government. News reports suggest that Russian oil interests seek to acquire U.S. pipelines and liquefied gas facilities in order to control the entire supply chain of Russian gas exports to the United States, from extraction to consumer sales and distribution. At the same time, however, Russia is preventing American and other foreign oil companies from acquiring more than a 49 percent stake in all but the country's smallest oil and gas fields.

This effort to gain political control of energy markets is not surprising, but it is totally unacceptable.

Acquisition by Russian firms of portions of our energy distribution system poses an extremely serious national security threat to the United States. Russian energy companies such as Gazprom and Rosneft are state-controlled entities and are not simply foreign-owned companies that act as independent commercial entities. These Russian energy firms are run by friends and former colleagues of Russian President Vladimir Putin and their officers include individuals who occupy high level positions in the Putin administration. For example, Rosneft Chairman Igor Sechin is Putin's Deputy Chief of Staff.

These state-dominated companies operate as tools of the Russian Government and the strategy to use Russia's vast oil and gas exports as an instrument of political and economic power. One needs to remember the problems faced earlier this year when Russian firms briefly cut off natural gas to Ukraine, and this irresponsible action raised serious concerns about political manipulation of Russian energy supplies throughout Western Europe.

Mr. Speaker, Putin effectively re-nationalized the Russian energy industry in 2003 by expropriating the assets of Russia's largest privately-owned energy company, Yukos, and by failing to pay appropriate compensation to its owners. Yukos shares were held by numerous United States citizens and shareholders, and they lost some $6 billion.

Rosneft's acquisition of assets from Yukos, a publicly traded company, violated the basic norms of a free market. Public accounts of the transaction suggest that Rosneft's senior officers and directors, some of whom are senior officials of the Russian Government, personally profited from the theft of these assets through their involvement in a sham transaction. In that transaction, a front-company of unknown ownership acquired the assets at billions of dollars below their market value in a forced auction arranged by these very officials, who in turn secured the prompt transfer of these assets from the front-company to Rosneft—a sequence of events that has raised serious questions of corruption.

The Council on Foreign Relations recently released a report on Russia's slide toward authoritarianism that called the Russian Government's forced breakup of Yukos and the long-term

imprisonment of its senior officials on charges of tax evasion as ''the most consequential single episode in the refashioning of the Russian state in this decade.''

Mr. Speaker, I am pleased that the Financial Services Committee recognizes the seriousness of these issues. The Committee report on H.R. 5337 makes clear that the Congress expects the acquisitions of U.S. energy assets or companies by foreign governments or companies controlled by foreign governments will be reviewed closely for their national security impact. I fully endorse the Committee's view that Congress should continue its longstanding efforts to ensure that U.S. investors are treated fairly in foreign markets and that foreign governments honor their commitments in international agreements.

Mr. Speaker, I urge careful consideration of any future acquisition of U.S. oil interests by Russian firms, and I urge my colleagues to support this legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 5337, the Reform of National Security Reviews of Foreign Direct Investment Act. I want more foreign investment in America, not less, but I do not want the kind that threatens our security. CFIUS exists to make the distinction, and we need to know that it's doing a good job.

We don't automatically fear foreign investors here in America. The money provided by foreign investors creates jobs, growth, and opportunity here at home. I just want to ensure the investment we attract does not jeopardize national security.

H.R. 5337 provides consistent criteria with appropriate discretion and will improve the review process without impairing our ability to attract significant and needed foreign investment.

Mr. Speaker, the Energy and Commerce Committee shares jurisdiction over this matter and we marked up the bill in my Committee with some changes. While the amended bill we are considering today contains some differences than the version my Committee reported, I support it. Importantly, it provides for mandatory review of foreign government-controlled transactions. Additionally, it provides clear and consistent review criteria for all other commercial investments, it adds the Secretary of Energy to the Committee, and it makes the Secretary of Commerce a co-vice chair of the Committee. Most important, it adds transparency in the process for Congressional oversight and establishes new reporting requirements many of us feel are essential to this process.

I support H.R. 5337 and urge my colleagues to approve the measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand here today as Ranking Member of the Committee on Homeland Security in support of H.R. 5337, the Reform of National Security Reviews of Foreign Investments Act. This bill provides needed reform by formalizing and streamlining the structure and duties of the Committee on Foreign Investment in the United States (CFIUS). Indeed, this bill addresses many of the concerns raised about CFIUS during the past 6 months, especially its current lack of transparency and oversight. This bill rectifies these concerns by formally establishing CFIUS, its membership, streamlines how and when a CFIUS review will be conducted.

Mr. Speaker, the bill formalizes the CFIUS membership and requires the following to serve: (1) Secretaries of Treasury, Homeland Security, Commerce, Defense, State, and Energy; (2) Attorney General; Chair of the Council of Economic Advisors; the U.S. Trade Representative; Director of Office of Management and Budget; Director of National Economic Council; and (3) The Director of Office of Science and Technology Policy; the President's assistant for national security affairs; and any other designee of the President from the Executive Office.

Under this bill, the Treasury Department will be the Chair with the Secretaries of Commerce and Homeland Security as the Vice Chairs. CFIUS will conduct a review of any national security related business transaction in which the outcome could result in foreign control of any business engaged in interstate commerce in the U.S. After reviewing the proposed business transaction, CFIUS will make a determination, the outcome of which could require conducting a full investigation if one of three circumstances exists: transaction involves a foreign government-controlled entity; transaction threatens to impair national security and the review cannot mitigate concerns; or National Intelligence Director identifies intelligence concerns and CFIUS could not agree upon methods to mitigate the concerns.

Incidents such as the Dubai Ports World (DPW) and the China National Offshore Oil Corporation's attempted bid for control of oil company Unocal raised and increased awareness around transactions that should receive CFIUS review. These incidents highlighted the need for meaningful CFIUS reform.

The bill balances the need for continued foreign investment in the United States, but reviewing that investment to determine if it would impair or threaten national security or critical infrastructure.

This bill establishes accountability to key Cabinet level agencies and, much like other corporate reform, requires personal action by the Secretaries of Treasury, Commerce, and Homeland Security. Congressional Research Service's independent report found that for all merger and acquisition activity in 2005, 13 percent of it was from foreign firms acquiring U.S. firms. This is up from 9 percent almost 10 years before. This statistic shows that foreign investment in the U.S. is vital to the economy.

Only through this legislation will CFIUS have a formal budget, membership, and clear mission—protecting American security while maintaining a free and growing economy.

In closing, let me thank my colleagues on the Financial Services Committee for their leadership on this legislation, especially my Democratic colleagues Representative CAROLYN MALONEY and JOSEPH CROWLEY of New York for their efforts. Congresswoman MALONEY actually testified before the Committee on Homeland Security on this legislation, explaining its necessity and importance.

Mr. BARTON of Texas. Mr. Speaker, although the legislation adds the Secretary of the Department of Homeland Security as a co-Vice Chair of CFIUS, I would like to enter into the RECORD a letter from Chairman KING of the Homeland Security Committee. The letter states that this designation does not affect, alter, or add to that Committee's jurisdiction.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 19, 2006.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY: I write in regard to H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act.

I understand that nothing in H.R. 5337 or the amendments to H.R. 5337 affects, alters, or adds to the jurisdiction of the Committee on Homeland Security. Specifically, H.R. 5337's designation of the Department of Homeland Security as a vice-chairperson of CFIUS and the imposition of any additional duties associated with the appointment of the Department of Homeland Security as a vice-chairperson does not affect, alter, or add to my Committee's jurisdiction.

I'm pleased that we can continue to move this bill forward, and I look forward to working with you in that process.

Sincerely,

PETER T. KING,
Chairman.

Ms. WATERS. Mr. Speaker, I rise in strong support of, H.R. 5337, the Reform of National Security Reviews of Foreign Investments bill. First, I want to once again acknowledge the work of the distinguished gentleman, Mr. OXLEY, Chairman of the Committee on Financial Services for supporting this bill, and Ranking Member FRANK for recognizing the importance of this issue. Let me congratulate Chairwoman PRYCE, of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, for working to move this legislation through the Committee and onto the Floor. The bill we consider today represents a comprehensive set of reforms to the Committee on Foreign Investment in the United States' (CFIUS) procedures. It is a testament to the diligence of the Subcommittee Chair and its Members that there is strong bipartisan support for H.R. 5337, also sponsored by the Subcommittee Ranking Member Ms. MALONEY, Mr. CROWLEY and Mr. BLUNT.

It has been more than 4 months since we were made aware of the Committee of Foreign Investment's (CFIUS) activities related to Dubai World Ports and the implications of the proposed deal for national security. I can genuinely say that the Members of the Committee on Financial Services have been deeply involved in this issue since the deal was analyzed by Congress. H.R. 5337 is designed to reform the CFIUS process based on the information gleaned from hearings on the subject. I am the first to say that no one is interested in cutting off foreign direct investment in the U.S., but we do expect such investments to be prudently made and that they are in the best interest of the country. As the leader of the world economy, it would be foolish to assume that we could take such steps to prohibit foreign direct investment. What we really need are safeguards to ensure that the CFIUS process is consistent with the original Congressional intent about national security and investments.

This bill will guarantee that CFIUS operates within the law, and it makes clear who is responsible for what, since it was revealed that no one was sure who was responsible for the Ports decision. Another critical issue is how decisions are actually made and what entity is principally responsible for protecting the national security interests of the nation as they

pertain to foreign direct investment. The bill enables CFIUS to unilaterally initiate a review where an national security issue is raised; any foreign government backed deal would be subject to review; both the Secretaries of Treasury and Homeland Security must sign off on reviews, while the Homeland Security Secretary would be vice-chair of the Committee; and all reviews are subject to review by the Director of National intelligence.

Most importantly, everyone knows that transparency and accountability were, in part, at the heart of Congress' uproar over the Dubai World Ports deal. H.R. 5337 requires that CFIUS report bi-annually to Congress on its activities, which should prevent Congress from being alerted to such deals after the fact. I would submit that this is strong legislation that will only make Congress' job less difficult on the issue of national security and foreign direct investment. Therefore, I urge my Colleagues to support this major reform bill.

Mr. BACA. Mr. Speaker, I rise in strong support as a cosponsor of H.R. 5337, National Security Foreign Investment Reform and Strengthened Transparency Act of 2006.

This legislation clarifies and strengthens the authority of the Committee on Foreign Investment in the United States to ensure that foreign acquisitions of U.S. companies or assets do not threaten national security.

As the tragic events of September 11, 2001 demonstrate, the threats to the security of the United States have increased and evolved in ways that could not have been anticipated when Congress enacted the Exon-Florio provision in 1988. As a result, we can no longer view national security only through the lens of conventional military threats. We must also guard against other types of threats that could seriously harm our Nation such as a disruption of U.S. energy supplies.

With global energy supplies tight, and oil and gas prices skyrocketing, a major disruption of U.S. energy supplies would pose a grave danger to the Nation's economy and the safety and security of the American people. This bill recognizes this fact and includes strong measures to ensure that foreign takeovers of U.S. energy companies or assets do not threaten the energy security of the United States.

The Committee's Report states: "H.R. 5337 makes clear that national security encompasses threats to critical U.S. infrastructure, including energy-related infrastructure. The Committee expects that acquisitions of U.S. energy companies or assets by foreign governments or companies controlled by foreign governments will be reviewed closely for their national security impact. If such acquisitions raise legitimate concerns about threats to U.S. national security, appropriate protections as set forth in the statute should be instituted including potentially the prohibition of the transaction."

Russia is a perfect example. Russia has made it clear that it wants to acquire pipelines and natural gas conversion facilities in the United States. I strongly believe, however, the United States should tread very carefully before permitting such acquisitions. Here's why.

In 2003, Russian President Vladimir Putin reasserted government control over Russia's energy industry through the expropriation of Russia's largest privately-owned energy company, Yukos, without paying any compensation to its owners, including U.S. shareholders who lost approximately $6 billion.

As a result, Russian energy companies such as Gazprom and Rosneft are controlled by friends and associates of Putin, including individuals who occupy high level positions in the Putin Administration. Putin appears to be using these companies to implement his strategy of using Russia's oil and gas exports as an instrument of political and economic coercion to advance the interests of the Kremlin. If these Russian government-controlled companies gain control of U.S. energy assets, U.S. energy security could easily be put at risk just as was the case when Russia cut off natural gas supplies to Ukraine in January, and later this spring, when Gazprom not-so-subtlety warned European leaders that Russia would sell its natural gas to Asia instead of Europe if they tried to interfere in Russia's plans to control the entire sales and distribution of natural gas throughout Europe.

Mr. Speaker, this would be a disaster for America. We must not let this happen to the United States.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 5337, the National Security Foreign Investment Reform and Strengthened Transparency Act.

I am an original cosponsor of this legislation, which would require that all transactions involving state-owned companies be automatically subject to a full 45-day investigation. The legislation would also name make the Homeland Security secretary the vice chairman of the Committee for Foreign Investment in the United States (CFIUS), which is chaired by the Treasury Department.

The recent attempt by Dubai Ports World (DP World), a port operations company owned by the government of the United Arab Emirates (UAE), to purchase operating terminals at six U.S. ports, was a clear indicator we must reform the CFIUS process.

Whenever a foreign investment affects homeland security, it deserves greater scrutiny. This legislation strikes the proper balance between strengthening our economy and protecting the American people.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. MORAN of Virginia. Mr. Speaker, I support H.R. 5337, and I would like to applaud the floor managers of the bill for their efforts on the legislation. The CFIUS process is in need of reform, and this bill provides reforms that effectively balance the country's need for strong national security protections with its need for continued foreign investment.

While our national security objectives must be paramount in this area, I do have some concern about the time CFIUS could take under the bill's provisions to review an acquisition that it ultimately determines presents no national security issues. The bill allows for a CFIUS review period of up to 30 days, followed by an investigation of up to 45 days when certain conditions specified in the bill are determined to be present. The investigation period can then be extended under certain circumstances. Notably, there is a mandatory investigation of all acquisitions by state-owned companies even in the absence of any showing of a possible national security concern.

I would prefer to see the process shortened where it is apparent at an early stage that national security is not an issue, and I urge my colleagues to consider changes in this regard in conference. It would be unfortunate if CFIUS resources were diverted from acquisitions with real national security implications to those with no such implications. I am comforted on this point, however, by the fact that the review and investigation provisions would not preclude a person from petitioning CFIUS to dispense with the initial review period and to go directly to the investigative stage, thereby shortening the process in situations that do not present significant security risks. My understanding is that such a petition could be filed under the current CFIUS regime, and I do not read the bill as changing the law in that regard. I would assume that CFIUS would consider any such petition on a case-by-case basis and would decide whether or not to grant it depending on various factors affecting national security. Such factors, I assume, would include whether the acquirer had established its national security credentials in previous CFIUS proceedings or otherwise, whether in the case of a government-owned acquirer the government was a U.S. ally, and many other factors bearing one way or another on national security. I am also encouraged by the fact that the bill's review and investigation provisions prescribe a maximum, not a minimum, number of days.

Mr. Speaker, again I want to compliment the floor managers on a bill that puts national security first but that also will allow our continued need for foreign investment to be satisfied rather than ignored.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 5337, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. SHADEGG. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 454) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 454

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 27, 2006, or Friday, July 28, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, September 6, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, August 3, 2006, Friday, August 4, 2006, or Saturday, August 5, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday,

September 5, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

UNITED STATES-ISRAEL ENERGY COOPERATION ACT

Mr. SHADEGG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2730) to establish a grant program to fund eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Israel Energy Cooperation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the highest national security interests of the United States to ensure secure access to reliable energy sources;

(2) the United States relies heavily on the foreign supply of crude oil to meet the energy needs of the United States, currently importing 58 percent of the total oil requirements of the United States, of which 45 percent comes from member states of the Organization of Petroleum Exporting Countries (OPEC);

(3) revenues from the sale of oil by some of these countries directly or indirectly provide funding for terrorism and propaganda hostile to the values of the United States and the West;

(4) in the past, these countries have manipulated the dependence of the United States on the oil supplies of these countries to exert undue influence on United States policy, as during the embargo of OPEC during 1973 on the sale of oil to the United States, which became a major factor in the ensuing recession;

(5) research by the Energy Information Administration of the Department of Energy has shown that the dependence of the United States on foreign oil will increase by 33 percent over the next 20 years;

(6) a rise in the price of imported oil sufficient to increase gasoline prices by 10 cents per gallon at the pump would result in an additional outflow of $18,000,000,000 from the United States to oil-exporting nations;

(7) for economic and national security reasons, the United States should reduce, as soon as practicable, the dependence of the United States on nations that do not share the interests and values of the United States;

(8) the State of Israel has been a steadfast ally and a close friend of the United States since the creation of Israel in 1948;

(9) like the United States, Israel is a democracy that holds civil rights and liberties in the highest regard and is a proponent of the democratic values of peace, freedom, and justice;

(10) cooperation between the United States and Israel on such projects as the development of the Arrow Missile has resulted in mutual benefits to United States and Israeli security;

(11) the special relationship between Israel and the United States has been and continues to be manifested in a variety of jointly-funded cooperative programs in the field of scientific research and development, such as—

(A) the United States-Israel Binational Science Foundation (BSF);

(B) the Israel-United States Binational Agricultural Research and Development Fund (BARD); and

(C) the Israel-United States Binational Industrial Research and Development (BIRD) Foundation;

(12) these programs, supported by the matching contributions from the Government of Israel and the Government of the United States and directed by key scientists and academics from both countries, have made possible many scientific breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(13) on February 1, 1996, United States Secretary of Energy Hazel R. O'Leary and Israeli Minister of Energy and Infrastructure Gonen Segev signed the Agreement Between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation, to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(14) Israeli scientists and researchers have long been at the forefront of research and development in the field of alternative renewable energy sources;

(15) many of the top corporations of the world have recognized the technological and scientific expertise of Israel by locating important research and development facilities in Israel;

(16) among the technological breakthroughs made by Israeli scientists and researchers in the field of alternative, renewable energy sources are—

(A) the development of a cathode that uses hexavalent iron salts that accept 3 electrons per ion and enable rechargeable batteries to provide 3 times as much electricity as existing rechargeable batteries;

(B) the development of a technique that vastly increases the efficiency of using solar energy to generate hydrogen for use in energy cells; and

(C) the development of a novel membrane used in new and powerful direct-oxidant fuel cells that is capable of competing favorably with hydrogen fuel cells and traditional internal combustion engines; and

(17) cooperation between the United States and Israel in the field of research and development of alternative renewable energy sources would be in the interests of both countries, and both countries stand to gain much from such cooperation.

SEC. 3. GRANT PROGRAM.

(a) AUTHORITY.—Pursuant to the responsibilities described in section 102(10), (14), and (17) of the Department of Energy Organization Act (42 U.S.C. 7112(10), (14), and (17)) and section 103(9) of the Energy Reorganization Act of 1974 (42 U.S.C. 5813(9)), the Secretary, in consultation with the BIRD or BSF, shall award grants to eligible entities.

(b) APPLICATION.—

(1) SUBMISSION OF APPLICATIONS.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary containing such information and assurances as the Secretary, in consultation with the BIRD or BSF, may require.

(2) SELECTION OF ELIGIBLE ENTITIES.—The Secretary, in consultation with the Directors of the BIRD and BSF, may review any application submitted by any eligible entity and select any eligible entity meeting criteria established by the Secretary, in consultation with the Advisory Board, for a grant under this section.

(c) AMOUNT OF GRANT.—The amount of each grant awarded for a fiscal year under this section shall be determined by the Secretary, in consultation with the BIRD or BSF.

(d) RECOUPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish procedures and criteria for recoupment in connection with any eligible project carried out by an eligible entity that receives a grant under this section, which has led to the development of a product or process which is marketed or used.

(2) AMOUNT REQUIRED.—

(A) Except as provided in subparagraph (B), such recoupment shall be required as a condition for award and be proportional to the Federal share of the costs of such project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

(B) In the case where a product or process is used by the recipient of a grant under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

(3) WAIVER.—The Secretary may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

(A) the commercial competitiveness of the entity or entities developing or using the product or process;

(B) the profitability of the project; and

(C) the commercial viability of the product or process utilized.

(e) PRIVATE FUNDS.—The Secretary may accept contributions of funds from private sources to carry out this Act.

(f) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—The Secretary shall carry out this section through the existing programs at the Office of Energy Efficiency and Renewable Energy.

(g) REPORT.—Not later than 180 days after receiving a grant under this section, each recipient shall submit a report to the Secretary—

(1) documenting how the recipient used the grant funds; and

(2) evaluating the level of success of each project funded by the grant.

SEC. 4. INTERNATIONAL ENERGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established in the Department of Energy an International Energy Advisory Board.

(b) DUTIES.—The Advisory Board shall advise the Secretary on—

(1) criteria for the recipients of grants awarded under section 3(a);

(2) the total amount of grant money to be awarded to all grantees selected by the Secretary, in consultation with the BIRD; and

(3) the total amount of grant money to be awarded to all grantees selected by the Secretary, in consultation with the BSF, for each fiscal year.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Board shall be composed of—

(A) 1 member appointed by the Secretary of Commerce;

(B) 1 member appointed by the Secretary of Energy; and

(C) 2 members who shall be Israeli citizens, appointed by the Secretary of Energy after consultation with appropriate officials in the Israeli Government.

(2) DEADLINE FOR APPOINTMENTS.—The initial appointments under paragraph (1) shall be made not later than 60 days after the date of enactment of this Act.

(3) TERM.—Each member of the Advisory Board shall be appointed for a term of 4 years.

(4) VACANCIES.—A vacancy on the Advisory Board shall be filled in the manner in which the original appointment was made.

(5) BASIC PAY.—

(A) COMPENSATION.—A member of the Advisory Board shall serve without pay.

(B) TRAVEL EXPENSES.—Each member of the Advisory Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

(6) QUORUM.—Three members of the Advisory Board shall constitute a quorum.

(7) CHAIRPERSON.—The Chairperson of the Advisory Board shall be designated by the Secretary of Energy at the time of the appointment.

(8) MEETINGS.—The Advisory Board shall meet at least once annually at the call of the Chairperson.

(d) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 5. DEFINITIONS.

In this Act:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the International Energy Advisory Board established by section 4(a).

(2) BIRD.—The term ''BIRD'' means the Israel-United States Binational Industrial Research and Development Foundation.

(3) BSF.—The term ''BSF'' means the United States-Israel Binational Science Foundation.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a joint venture comprised of both Israeli and United States private business entities or a joint venture comprised of both Israeli academic persons (who reside and work in Israel) and United States academic persons, that—

(A) carries out an eligible project; and

(B) is selected by the Secretary, in consultation with the BIRD or BSF, using the criteria established by the Secretary, in consultation with the Advisory Board.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means a project to encourage cooperation between the United States and Israel on research, development, or commercialization of alternative energy, improved energy efficiency, or renewable energy sources.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

SEC. 6. TERMINATION.

The grant program authorized under section 3 and the Advisory Board shall terminate upon the expiration of the 7-year period which begins on the date of the enactment of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

The Secretary is authorized to expend not more than $20,000,000 to carry out this Act for each of fiscal years 2006 through 2012 from funds previously authorized to the Office of Energy Efficiency and Renewable Energy.

SEC. 8. CONSTITUTIONAL AUTHORITY.

The Constitutional authority on which this Act rests is the power of Congress to regulate commerce with foreign nations as enumerated in Article I, Section 8 of the United States Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. SHADEGG) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

□ 1330

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2730, the United States-Israel Energy Cooperation Act and urge my colleagues to support its passage. The U.S.-Israel Energy Cooperation Act will help curb America's reliance on foreign oil and increase our use of new energy technologies.

As the gentleman knows, the price of gasoline has risen to well above $3 a gallon across America. Indeed, it is drastically affecting the pocketbooks of all Americans and all American businesses. It affects every aspect of our economy; and, indeed, the rising cost of energy threatens the American economy. That is at least one of the reasons why the United States and Israel need to work together in partnership to look for ways that we can reduce our reliance on foreign sources of energy and particularly on foreign oil.

This bill utilizes the critical and close relationship between the United States and Israel on a common area of interest, that is, energy and energy independence by creating a vehicle for innovation and security.

Mr. Speaker, every American is aware that the United States is too dependent on foreign sources of energy. Every American should realize the danger this creates for us as a Nation. The United States Government predicts that by 2025 America will import almost 68 percent of its oil; and, increasingly, this oil comes from dangerous parts of the world. It comes from unstable areas, including the increasingly unstable Middle East.

Global fuel and consumption, however, is projected to increase by 100 to 150 percent over the next 20 years, driven largely by the rapidly growing Chinese and Indian economies; and this growth and this increase in demand will force prices even higher.

If the United States is to protect itself from the economic and the political threats created by this excessive dependence, we must reduce our reliance on foreign energy sources and on foreign oil as quickly and as efficiently as possible.

But there is a common interest between the United States and Israel in this work. Israel, too, is too dependent on foreign sources of energy; and this legislation takes care of that issue. It allows the United States Department of Energy to invest up to $20 million annually in joint energy projects between American and Israeli businesses, scientists and academics. Eligible products include research, development and commercialization of alternative energy sources, improved energy efficiency and renewable energy sources.

It is important, Mr. Speaker, to understand that legislation is not a handout, unlike other similar programs. Every single recipient of funds under this legislation is required, by the terms of the legislation, to pay back the American taxpayers in proportion to the Federal Government's share of the overall investment in the project. What that means is that if a successful project is developed as a result of these funds and if an energy source is found, according to rules provided by the Secretary of Energy, the Treasury of the United States will be repaid in proportion to the Federal Government's investment in the research involved or in the project which created this new energy.

H.R. 2730 has wide bipartisan support, including more than 100 Members of this House. It passed the Energy and Commerce Committee unanimously. I believe it is a critically important piece of legislation, and that that view is shared not only by those of us in this Congress but also by the people of Israel.

Not long ago, Mr. Speaker, the Prime Minister, Ehud Olmert, addressed a joint session of the United States Congress here in this Chamber. In his speech to the United States Congress just a few weeks ago, he expressed his support for this legislation, stating that ''through the United States-Israel Energy Cooperation Act, in collaboration with our U.S. counterparts, Israel will increase its efforts to find advanced scientific and technological solutions designed to develop new energy sources and encourage conservation.''

I would suggest it is not common for the Prime Minister of another nation to call on the United States to join them in the passage of a specific piece of legislation which will benefit both nations.

The United States and Israel are both at the cutting edge of research in energy technologies, but we must do

more to end our dependence on foreign energy, and we have every reason to cooperate. For example, in my own State of Arizona, an Israeli scientist is working with an Arizona company on a demonstration project involving a very fast-growing algae which can be used to power a biomass energy plan.

By passing this legislation, the United States and Israel are fostering a partnership dedicated to scientific breakthroughs and improvements in energy innovation. This modest investment in scientific research will help both the United States and Israel in our efforts to develop new energy technologies, and it will help both of our countries reduce our reliance on foreign sources of energy.

Mr. Speaker, I urge my colleagues to support this legislation.

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

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

I want to commend my friend from Arizona for his remarks. I certainly concur with everything he said.

Mr. Speaker, I rise today in strong support of the United States-Israel Energy Cooperation Act. As an original cosponsor of this legislation, I am pleased that Congress is moving it forward today. I would like to thank the gentleman from Arizona (Mr. SHADEGG) and the gentleman from California (Mr. SHERMAN) for their great leadership in introducing this bill, as well as Chairman BARTON and Ranking Member DINGELL for supporting it in our committee.

As the gentleman from Arizona pointed out, the bill did pass the Energy and Commerce Committee unanimously, which shows the strong bipartisan support that it has. We will all benefit from our mutual commitment to this legislation; and, more importantly, our country will benefit.

Today, the United States consumes nearly 21 million barrels of oil per day, demands 25 percent of global oil production and holds only 3 percent of the global oil supply. This has made our Nation dangerously dependent on unstable and hostile nations for fuel and illustrates just how important it is for the United States to continue to build upon partnerships with other nations for developing alternative energy sources. Simply put, initiatives like this will help strengthen United States national security.

Israel has always been a close friend and ally of the United States, and this legislation simply builds upon both nations' history of innovation and cooperation on scientific research. We have already worked together on the United States-Israel Binational Science Foundation and the United States-Israel Binational Industrial Research and Development Foundation.

As some of you may remember, during consideration of the Energy Policy Act of 2005, I had a provision successfully adopted into the law, section 986, which requires the Secretary of Energy to report regularly on energy collaboration between the United States and Israel. We received the first report in November of 2005, and today's legislation will certainly expand opportunities for us to work together on achieving energy independence through the development and deployment of environmentally friendly energy technologies.

As a result of H.R. 2730, the Secretary of Energy will establish a grant program for joint ventures composed of Israeli and U.S. businesses and academics devoted to improving and expanding research on alternative energy, improved the energy efficiency, or renewable energy sources.

Our Nation is long overdue for a national energy policy that provides reliable, secure, affordable and environmentally responsible supplies of energy for our growing economy. While the small grants authorized in this program certainly cannot alone wean us off our addiction on oil in the short term, working with the highly advanced scientific sector in Israel, we can move in the right direction and affirm our hopes for what can be discovered and created through the mutual cooperation of our two great nations.

Again, I want to say that it is imperative that the United States take steps to wean itself off of its dependence on oil, and Middle Eastern oil in particular. Our national security and our energy needs are intertwined, and this bill will go a great step in moving in that direction.

So, Mr. Speaker, I strongly support the U.S.-Israel Energy Cooperation Act and urge its adoption today.

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

Mr. SHADEGG. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me time.

I rise today in strong support of this bill introduced by my distinguished colleague and friend, Mr. SHADEGG of Arizona.

This measure establishes a grant program to fund joint ventures between American and Israeli businesses and scholars and calls for the creation of an International Energy Advisory Board comprised of U.S. and Israeli representatives working in tandem toward the diversification of our sources of energy.

Today, due to our reliance on the foreign supply of oil, the United States is in a troubling position that is quickly escalating. As reported by the Department of Energy, U.S. dependence on foreign oil will increase by 33 percent in the next 20 years.

What makes the situation even worse is that frequently the money invested in foreign oil to meet our energy needs is then manipulated to fund terrorists who aim to attack us and our closest allies.

Part of the solution to this problem is simple: eliminating our dependency on Middle Eastern sources of energy and developing alternative energy sources to meet our needs.

Although developing alternative energy sources, that is, forms of energy, is far from easy, it is necessary for our continued security. Working together with Israel on developing such alternatives and on improving energy efficiency makes perfect sense.

Israel is a close and much valued friend of the United States, one with whom we share a deep bond based on mutual values of freedom, justice and democracy and one with whom we stand side by side in our struggle against terror.

Israeli scientists have developed some of the world's most advanced technology, contributing greatly to breakthroughs in vital fields. One of Israel's many technological breakthroughs in the field of renewable energy sources includes a technique that significantly increases the efficiency of using solar energy to generate hydrogen for use in energy cells.

Mutual collaboration would yield great benefits for both the United States and Israel in an effort to develop technological solutions to our energy dependency problem.

Mr. Speaker, by supporting this bill, the United States Congress will enhance the cooperation between our two countries and will jump-start the creative process for the development of innovative approaches to a critical issue with domestic and national security implications.

And I thank the gentleman, the sponsor, for his time.

Mr. ENGEL. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. SHERMAN), my friend who worked hard on this legislation.

Mr. SHERMAN. Mr. Speaker, there is no greater problem in this world than our dependence on petroleum. There is no greater problem for our Nation.

There is no greater problem for our economy than the fact that we have to import so much oil, sending billions of dollars every year to other countries, thereby impacting our balance of payments.

There is no greater problem for families than paying for gasoline and paying to cool or heat their homes.

There is no greater problem for the environment than the pollution caused when we burn petroleum, and there is no greater problem for the environment than global warming and the production of carbon dioxide and other greenhouse gases.

There is no greater problem for our national security than our reliance on foreign petroleum, first, the physical security of that petroleum and, second, the fact that the rest of the world, if not the United States, finds it necessary in order to acquire petroleum to give money to such countries as Iran and others who use that money for nefarious purposes.

Therefore, there is nothing that we can do that is more important than

weaning the United States and the world off its dependence of petroleum. And the first step is research, and an important part of that research is cooperative research with other countries similarly dedicated to finding alternative energy.

□ 1345

There is perhaps no better partner than Israel. For the prime minister of Israel just a couple months ago, as the gentleman from Arizona pointed out, stood in this hall and said, ''Both Israel and the United States share a desire for energy security and prevention of global warming. Therefore, through the United States-Israel Energy Cooperation Act, in collaboration with our U.S. counterparts, Israel will increase its efforts to find advanced scientific and technological solutions designed to develop new energy sources and encourage conservation.''

As the prime minister pointed out, Israel and the United States have a strong mutual interest in advanced alternative energy research. Both countries are on the cutting edge of this scientific research. With modest investment, we can help stimulate joint efforts between American and Israeli private sector institutions and academic institutions to work toward the development of technology that reduces the world's dependence on petroleum.

In the 108th Congress, I introduced a very similar bill to the one that is before us today. It has been a pleasure to work with the gentleman from Arizona in introducing this bill last year, an improved version of the bill, and to work with so many, including the gentleman from New York, to see that that bill would reach this floor.

H.R. 2730 would allow the Department of Energy to invest up to $20 million annually to provide joint ventures between the U.S. and Israeli business and academic researchers both for alternative energy sources and for energy conservation. The Federal Government could recoup some or all of the monies so appropriated since, as the gentleman from Arizona pointed out, under each grant is an obligation for the grantee to pay the money back if the investment is successful and revenues are obtained.

Now, this legislation builds on existing cooperative efforts, including the United States-Israel Binational Science Foundation and the United States-Israel Binational Research and Development Foundation. These two entities have already made scientific breakthroughs in a variety of fields, including the life sciences, medicine, bioengineering, agriculture, and communications. Now it is time to redouble these efforts and to focus on energy. As the gentleman from New York pointed out, we have already had cooperative efforts with Israel on energy and he had added language in a bill passed last year to redouble those efforts. It is now time to pass the U.S.-Israel Energy Cooperation Act so that we would have a vehicle to move forward and work with Israel to use its cutting-edge scientific knowledge, and ours, to wean the world one step at a time off the need for consumption of petroleum.

Mr. SHADEGG. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the chairman for yielding.

I want to support this bill, H.R. 2730, for four reasons. One, it strengthens our ties between our Nation and Israel. These are mutually beneficial ties, and it is important that we continue to strengthen those ties on every level.

I will also support this legislation because it promotes research across three very broad areas: One, alternative sources of energy, increases or improvements to energy efficiency, and then renewable sources of energy. Breakthroughs in any of these three can have a dramatic impact on the way we use fuel.

The third reason I am going to support this is that while it does authorize $20 million a year over a 7-year period, there are payback or buyback provisions in the bill that allow for companies who benefit from seed money if they develop commercial applications of this research, they will pay this money back.

And the fourth reason is that the authors have included a sunset provision in the bill that after 7 years it goes away.

So for these important reasons, I am going to support this bill and encourage my colleagues to support it as well.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank the gentleman from New York, Mr. ELIOT ENGEL, not only for yielding but for being a leader on this issue and so many others.

Mr. Speaker, I rise in strong support of H.R. 2730, the United States-Israel Energy Cooperation Act. We need only glance at today's headlines about conflict in the Middle East and soaring oil prices to know why this legislation is so important to the future of the United States and Israel, so important to the future of the entire world.

This bill will provide the resources to enable top scientists, academic institutions, and entrepreneurs in the field of renewable energy to develop breakthrough technologies both in the United States and in Israel. These two allies, through this legislation, are making a major commitment to break our addiction to oil through the development of abundant, secure, clean, and renewable sources of energy. I believe the United States-Israel Energy Cooperation Act will be recognized in the coming years as a major step towards energy independence and it will serve as a model for international cooperation we so desperately need if the world is to move beyond our dangerous dependence on oil.

Mr. SHADEGG. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, my colleague from the Commerce Committee, the chairman of the Subcommittee on Telecommunications and the Internet (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I rise in strong support of this legislation. I would note that it passed without dissent in the Energy and Commerce Committee some time ago. But I also refer back to the Energy Policy Act of 2005, section 986, the one we remember so well. It did call for a report to Congress on U.S.-Israel cooperative energy research and projects, and this bill takes that one step further, and it funds cooperative joint ventures to promote energy efficiency, renewable energy, and alternative energy sources.

We have an energy crunch, a crisis. We should be working together. That is what this bill does. It expands the opportunities for companies and universities and different bodies in both countries to work together to develop new technologies, whether it be solar or other different projects, where consumers, citizens from both countries, will benefit. It is good bipartisan legislation. I would like to think that we can pass it without dissent this afternoon, move it to the Senate.

And, again, it was part of the energy bill that the President signed last year. This is a step in the right direction. It is good policy. That is why the Energy and Commerce Committee passed it out on such a strong bipartisan vote, and I would like to think that we will pass it without further ado this afternoon.

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

Mr. Speaker, I want to again commend the gentleman from Arizona (Mr. SHADEGG) for his leadership on this bill.

I think that all the points that have been made on both sides of the aisle have been very important and very relevant, and that is why this bill is really a no-brainer. It is good for the United States, first and foremost. It is good for our relationship with the beleaguered State of Israel. And we know that to move forward, we need to find alternatives to oil, and this bill goes a long, long way. I am convinced that the technology is out there.

I am convinced that we can be free of our addiction to oil, that we can take care of our energy needs without oil. I am doing other legislation with the gentleman from Georgia (Mr. KINGSTON) in that regard. And I believe that in the next decade, our attention is really going to have to be focused on finding alternative ways of energy for this country.

This bill is an absolute win for everybody, and I urge my colleagues to support it.

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

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

At this point, I will insert in the RECORD an exchange of letters between the chairman of the Commerce and Energy Committee and the chairman of the Science Committee on the issue of jurisdiction over this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, June 29, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in H.R. 2730, the United States-Israel Energy Cooperation Act. The Science Committee acknowledges the importance of H.R. 2730 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 29, 2006.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter in regards to H.R. 2730, The United States-Israel Cooperation Act.

I acknowledge and appreciate your willingness not to exercise your jurisdiction over the bill. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Science with respect to its jurisdictional prerogatives on this legislation or similar legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Science's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include your letter and this response in the Committee Report and I look forward to working with you as the bill moves to the House Floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I want to begin by thanking my colleagues Mr. SHERMAN and Mr. ENGEL for their work on this bill. Mr. SHERMAN was the lead cosponsor of the legislation. He has, as he mentioned, worked very hard on the issue in a prior Congress. I am pleased to have been able to work with him on this legislation in this Congress and now to bring it to fruition. I appreciate his comments that he feels the current bill is an improved version and, in any event, believe it is a very important step forward.

I also want to thank my colleague from New York for his cooperation and his support of this legislation.

I believe it is a strong piece of legislation that will help move America forward and help move Israel forward. It will enable us to partner together and to address a problem which confronts both nations in regard to our excessive dependence on foreign sources of energy.

I think it is also important to note the unique nature of this legislation, as has been discussed in the debate here today, and that is the payback provision. Lots of times, government funds research, that research is phenomenally successful, but the government never sees and the taxpayers never see a payback. I am pleased we were able to negotiate language which calls for, under this legislation, a payback provision so that if any of the work done under the auspices of these funding programs produces a financial success, the taxpayers are repaid proportionally according to their investment.

I think it is critically important legislation. I call on my colleagues to support its passage.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to support H.R. 2730, the United States-Israel Energy Cooperation Act, introduced by my colleagues Congressman SHERMAN and Congressman SHADEGG.

The bill uses two existing cooperative efforts, United States-Israel Binational Science Foundation (BSF) and the United States-Israel Binational Industrial Research and Development (BIRD) Foundation, to establish a $20 million/year grant program administered by the Department of Energy. This program is intended to encourage American and Israeli businessmen and academics to pursue projects that would reduce our dependence on current energy resources and explore ways to increase energy efficiency.

Research by the Energy Information Administration of the Department of Energy has shown that the dependence of the United States on foreign oil will increase by 33 percent over the next 20 years. We are familiar with our Nation's "addiction to oil," as President Bush phrased it in the State of the Union, and the need to wean ourselves off of foreign energy dependence and onto more efficient energy resources.

As we watch the Middle East transform before our eyes once again, we must remember that in Israel we not only have a strategic ally. Israel is also a leader in technology innovation and research, a resilient and strong economic partner, and a nation that shares our interest in the development of energy alternatives development. Israel has the highest proportion in the world of scientists and engineers within the working population, as well as the highest proportion of published scientific papers and patents.

The United States and Israel share an unease about depleting energy resources, as well as a concern of the environment, and the importance of conservation initiatives. Although our politics and diplomacy are clearly actively engaged on a different stage of history in the Middle East. We must explore opportunities to increase our energy security, and pursue scientific advancements with the American and Israeli private and public sectors.

This venture is in our economic interest and our national security interest.

I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. SHADEGG) that the House suspend the rules and pass the bill, H.R. 2730, as amended.

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

The title of the bill was amended so as to read: "To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.".

A motion to reconsider was laid on the table.

FUEL CONSUMPTION EDUCATION ACT

Mr. SHADEGG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5611) to provide for the establishment of a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5611

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 at the "Fuel Consumption Education Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) today's gasoline prices are taking a severe toll on the pocketbooks of all Americans;

(2) a large number of factors contribute to the price of gasoline, including worldwide demand for crude oil, taxes, international conflicts, regional supply chains, environmental regulations, and refining capacity;

(3) individuals can take steps to address rising demand by using a few simple gas saving tips; and

(4) increased driving efficiency will lower the demand for gasoline and thereby lower prices in the short term.

SEC. 3. PARTNERSHIP.

(a) IN GENERAL.—The Secretary of Energy, through the existing programs at the Office of Energy Efficiency and Renewable Energy, shall enter into a partnership with interested industry groups, including groups from the automotive, gasoline refining, and oil industries, to carry out a public education campaign that provides information to United States drivers about immediate measures that may be taken to conserve transportation fuel. This public-private partnership shall include a five member advisory board, to be chaired by the Secretary or his designee, which shall include representatives from the Department of Energy, the oil industry, the automotive industry, and the Congress, to be appointed by the Secretary.

The Secretary shall appoint the advisory board not later than 30 days after the date of enactment of this Act.

(b) ACCESSIBILITY.—The public information campaign under this section shall be targeted to reach the widest audience possible. The education campaign shall include television, print, Internet website, or any other method designed to maximize the dissemination of transportation fuel savings information to drivers.

(c) FUNDING.—The Secretary is authorized to expend not more than $10,000,000 to carry out this section from funds previously authorized to the Office of Energy Efficiency and Renewable Energy, but shall provide no more than 50 percent of the cost of carrying out this section.

SEC. 4. PARTNERSHIP ON FUEL SUPPLY FOR EVACUATIONS.

(a) IN GENERAL.—The Secretary of Energy, through the exisiting programs at the Office of Energy Efficiency and Renewable Energy, shall enter into a partnership with interested industry groups and State and local governments, including groups from the gasoline refining and marketing industries, to carry out an education campaign that provides information to the State and local governments and the private sector about best practices to ensure adequate fuel supplies during emergency evacuations. This public-private partnership shall include a five member advisory board, to be chaired by the Secretary or his designee, which shall include representatives from the Department of Energy, the gasoline refining industry, the gasoline marketing industry, a State government, and a unit of local government. The Secretary shall appoint the advisory board not later than 30 days after the date of enactment of this Act.

(b) FUNDING.—The Secretary is authorized to expend not more than $3,000,000 to carry out this section from funds previously authorized to the Office of Energy Efficiency and Renewable Energy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. SHADEGG) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 5611, the Fuel Consumption and Education Act.

I would begin by noting that in the debate on the last bill and, indeed, in the 1-minute speeches which occurred in this Chamber just this morning, it was noted that the cost of gasoline across America is spiking. Indeed, it is imposing a severe financial burden on every single American family and on every single American business. Rightfully, the American people have asked Congress to solve this problem and to solve it quickly, and yet I think most Americans understand, indeed, survey data show that they understand, that there is no single silver bullet that we can enact and solve this problem overnight.

But, Mr. Speaker, there are steps we can take. And this legislation, the Fuel Consumption and Education Act, takes one of those important steps. The rising cost of gasoline is a hardship, and this bill goes right at how we might address that hardship, and that is to reduce unnecessary demand for gasoline and gasoline products through a cooperative effort to understand how we can reduce that demand.

Indeed, the problem of high cost is, in part, specifically that, a result of excessive demand and inadequate or insufficient supply. This bill establishes a fuel conservation public service education campaign aimed at lowering demand for gasoline in the short term. And, indeed, it can work. Using mass media to influence energy consumption behavior across the country has been proven to work in the past.

□ 1400

Let me give you some examples.

In January of 2000, increased energy demand led to rolling blackouts in California. A part of the effort to combat those rising energy costs and to avoid rolling blackouts was a government-funded, public-private cooperative campaign undertaken to help reduce demand. Over the course of the year, Californians reduced peak demand by 89 percent. That is a fact. That is not a mistake. Californians, through this education program, reduced peak demand by 89 percent. They reduced total consumption by 6.7 percent in that year.

There are many things that can be done to reduce consumption, from properly inflating the tires of a vehicle, to making sure that the engine is tuned, to making sure that the air cleaner for the vehicle is replaced when it should be, to making sure that the fuel filter for the vehicle is replaced when it should be.

Mr. Speaker, there are many steps that we can take, that the average consumer, the average automobile driver does not understand and does not routinely do. All of that causes demand to go up, and all of that forces prices higher.

I urge my colleagues to support this legislation. I believe it is critically important. I want to commend my colleague from Texas, Mr. CONAWAY, for introducing this legislation and bringing it forward. It is the kind of step that we can do immediately to address both our excessive demand and the high prices.

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

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

Mr. Speaker, I rise in strong support of H.R. 5611, the Fuel Conservation Education Act. Again, I find myself agreeing with my friend from Arizona in everything he said, which is why the bill is having strong support from all the members of the Energy and Commerce Committee on both sides of the aisle.

Mr. Speaker, during this time of record gasoline prices, over $3 a gallon in my home State of New York and in most States of this Union, we have to be smarter about the way we conserve energy. As individuals, we have a responsibility to make informed choices about what we drive, how we drive and what fuel we put in our cars.

In a recent Energy and Commerce Committee markup, our committee considered several bills to help consumers make decisions about how to improve the fuel economy of their cars. One of these was H.R. 5611, the Fuel Conservation Education Act, which we are debating today, which will direct the Department of Energy to establish a public-private partnership with industry on a conservation education program and campaign, teaching drivers about simple steps they can take to achieve real results. Education is clearly a necessary component of our national commitment to improving fuel economy.

During the same committee markup, our committee considered a bill by Congressman SHIMKUS, Congressman ALLEN and myself that would establish a National Tire Education Program. Right now, consumers have no way of knowing how efficient the replacement tires they purchase are or even that proper maintenance of tires will improve the fuel economy of these tires and of their automobile. It has been estimated that you can improve fuel economy by anywhere from 1 to 3 percent per year if tires are kept properly inflated. This could lead to savings of 1 to 2 billion gallons of fuel per year.

So it is all about education, and that is what this bill is about.

So, Mr. Speaker, while we must work on long-term solutions to our energy challenges that will have a significant impact on gasoline prices, we should also promote programs in the short term that will empower individuals to make informed choices about fuel economy. That is what this bill does, and that is why I urge the adoption of H.R. 5611 today.

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

Mr. SHADEGG. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from Texas (Mr. CONAWAY), the author of this legislation.

Mr. CONAWAY. Mr. Speaker, I appreciate that high praise indeed. I appreciate members of the Energy and Commerce Committee moving this bill along and moving it to the floor today with bipartisan support. I also want to thank the cosponsors of the bill, FRED UPTON, RALPH HALL, ED TOWNS and GENE GREEN, who helped work on this modest attempt to address the usage of gasoline in this country.

Several speakers ahead of us this morning during the one minutes spoke very eloquently about the rising cost of

gasoline. I think yesterday there was a report that it hit a record $3.02 a gallon on average across the United States. It seems as though we as consumers will begin to make decisions at $3 a gallon that we won't make at $2 a gallon, decisions we ought to make at $2 a gallon, but the concern about the money is not there in our heads to make that happen.

This effort of a joint public-private educational effort has shown results in the past, as Mr. SHADEGG has already mentioned, in California, the dramatic results they had; people just making informed decisions, decisions that they ought to make day in and day out, but they don't.

There is a recent headline in the USA Today which said natural gas prices, not gasoline prices, but natural gas prices went down dramatically. Let me read one sentence out of that. ''Prices have fallen because natural gas supplies are far above normal after a mild winter and lower demand, leading to an inventory surge.''

Here is what we are trying to effect. If each one of us, each of us who drives a car in America this coming week and for the foreseeable future, would use just one gallon less of gasoline, you would see that impact. Inventories would begin to surge, and the prices would come down.

When I am out at town halls and other places in the district, even from a district that represents Midland and Odessa, the crude oil and natural gas production capital of the world, that may be a bit over the top, but, nevertheless, an awful lot of crude oil produced in West Texas, even there, people complain about high gasoline prices.

If all of us would collectively do small things, Mr. SHADEGG mentioned a couple of those, several of them, we could have a dramatic impact on total gasoline demand. As demand goes down, inventories would rise; and as those inventories go up, the law of supply and demand takes over and the prices go down.

We would have two benefits from that. One, the benefit we would get directly by actually spending less money on the gasoline for powering our cars; and then collectively we would benefit, the economy benefits as well as the ecology benefits.

2004, the last time we had statistics on that, we drove in America 2,962 billion miles, vehicle miles. You add all the cars up, the 243 million registered cars and trucks in this country, collectively we drove those many miles. With a volume of that size, modest reductions in the usage of gasoline or modest improvements in the efficiency of the usage of that gasoline can yield dramatic results.

Each one of us, on average, drives about 12,000 miles a year. It works out to about 234 miles a week. If we could begin to do the things that would improve the efficiency with which we drive those miles, or simply drive a few miles less, on average, it is about 17 miles to the gallon. If we just drove next week 17 miles less in our car than we did this week, if all of us did it, then the impact we want to achieve on this would begin to happen.

We are going to try to begin to convince the American gasoline users of this idea through media, print, television, Internet, Web sites, a variety of ways, to communicate the benefits of being smarter when you drive. Benefits like driving sensibly. If you are an aggressive driver, if you accelerate aggressively from stop signs and run the tachometer on your car above 2,000 RPMs, you will use more gasoline than you need to. So if you make a conscious effort to keep your tachometer below 2,000 RPMs a minute, you will use dramatically less gasoline. On average, the savings would be between 5 and 30 percent, which would save up to between 8 and 52 billion gallons of gasoline a year.

If you observe the speed limit, something that we all do here in this body, I am sure, religiously, but if you simply observe the speed limit, you could save economy fuel benefits between 7 and 23 percent, another 12 to 40 billion gallons of gasoline a year.

Excessive weight. These are some small things that most of us don't think about. But all that extra stuff that you haul around in the trunk of your car that ought to be stored in the garage, if you will take that weight out, you will improve your gasoline efficiency. In fact, the smaller your car, the greater that weight, then the differential is even bigger. So take all that extra weight out of the trunk of your car, and you will have savings there.

If you also keep your car tuned and the filters changed, there are dramatic savings in those regards as well. Keeping the tires inflated, our colleague on the other side has mentioned the importance of tires and the impact that they have.

So every one of these issues, each of us can choose to do our own. Particularly on our side of the aisle, we talk an awful lot about less government regulation, freedoms and personal choices. That is what we are talking about here. These are personal choices that you and I can make, not walking into work or not riding bicycles, not doing draconian kinds of things that really aren't going to work in the long run, but smart things that we can do, day in and day out, to begin to form a habit that allows us to use a little bit less gasoline than we would have otherwise used and also to keep money that we would spend on that gasoline.

So I encourage my colleagues to support this legislation. It is a modest attempt to address the problem. The overall problem of gasoline costs and usage in this country needs a long-term solution. This is not what that is about. This is about something we can begin to do today and tomorrow to affect this problem.

So I appreciate the Energy and Commerce Committee moving this bill forward, and I appreciate the sponsors that have helped with it.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I am a proud cosponsor of H.R. 5611. I serve on the Committee on Energy and Commerce, and I am glad our committee reported this bill to the floor.

It does basically two things: One, it creates these public-private partnerships so we can deal with the demand side. That benefits all Americans. I am honored to represent a district where we make a lot of gasoline that fuels our cars, but we also have to pay that high price at the pump. We can control our own destiny if we use public-private partnerships that this bill will allow between the Department of Energy and different groups. They will really help to show how we can lower our number of miles we need to drive and do a lot of other things, some of them are being done right now.

Making the Department of Energy more proactive with these private-public partnerships, will lower our demand side and hopefully lower our individual costs we have to pay for fuel. Also, if we lower demand, the price will come down. Because the reason we are paying over $3 a gallon, at least in my area and some areas of the country, is because of the high demand.

The other part of the bill I think is really good, and I am glad Mr. CONAWAY included it, the partnership on fuel supply for evacuations. I don't think there is any secret that in the Houston-Harris County area last year when Rita just barely missed us, it went to the east and hit both Congressman TED POE's district and Congressman KEVIN BRADY's, but we were concerned enough that we had almost 2 million people trying to evacuate, and the supply side for evacuations was not there.

The State of Texas and our local community is doing some planning now in anticipation. But, in hindsight, it really is the Department of Energy's responsibility to be able to look at this and make sure that in emergencies we have a plan in place for supply for evacuations but also after the fact.

In the Houston area, we have a number of refineries, and we actually shut those down because we thought Rita was going to be in the Houston Ship Channel and we were going to have 5 feet of water in those refineries. To get that refining capacity back up, we have to have some assistance; and I want the DOE to be a partner in that.

I support the bill and thank you, Mr. CONAWAY, for introducing it.

Mr. SHADEGG. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman. I appreciate it.

I want to compliment Mr. CONAWAY from Texas for his introduction and

pushing this bill, H.R. 5611, to the forefront. It is an important part of what we are doing in this House.

We get to the point where Asia has used more oil last year than North America, and India is yet to come online fully in its oil consumption. There is only going to be more pressure on the oil produced around the world.

So this House has taken some important steps to try to steady our supply. We have invested in the policy changes for domestic production and expansion of our refinery capability. We have invested in alternative fuels, not only in research and development but trying to make sure there is refining capability for ethanol across the country.

Lastly, we talk about conservation, when I recall back to being a young child and my parents coming home and telling us about President Nixon's challenge to every American to lower their thermostat in their house to help conserve energy, and it worked.

What this bill does is really present some very commonsense options for all of us that we get to follow. It is a true partnership from all of the players who have really the most to gain by conservation. It will lower demand, number one; and it will reduce our dependency on foreign oil, number two. They are small, commonsense things that we can do individually that add up to big solutions. That is what is important about this bill.

Just a few examples, Mr. Speaker, if I may. Replacing your clogged air filter can improve your car's gas mileage by as much as 10 percent. You can improve gas mileage by around 3 percent by keeping your tires inflated to the proper pressure. You can increase your gas mileage by 2 percent by using the recommended grade of motor oil by your car's manufacturer.

These are commonsense, simple things. But Americans need to understand how important those small things are in adding up to big savings of barrels of oil consumed every year, which means, at the end of the day, lower prices, less dependence on foreign oil.

□ 1415

Every family has sat at the table and talked about the consumption of their budget by gas prices. If you stop to fill up your pump on the way to take your kids to school, or to go to work, or run an errand, you know how painful it is today.

If we continue on the path of this House with good energy policy and domestic supply and alternative fuels, and individual conservation, Mr. Speaker, we will ensure that we have an energy supply for the future that is both affordable and meets the demands of an American economy that is on the move.

Mr. ENGEL. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill that we are debating right now was supposed to be a part of a comprehensive Republican Energy Week that we were going to have here at the end of July, showing how committed the Republican Party was to dealing with the energy crisis in our country.

And this is energy week for the Republicans, although I would spell ''weak,'' w-e-a-k, because that is really what this bill is. This is a conservation, efficiency, education bill.

Now, it turns out that if you go to the Department of Energy Web site, you find out that they are already doing almost everything that is in this bill. It is already on their Web site. What I think the American people understand is that they should not expect the Republican Party to actually stand up to do something about energy efficiency.

Because, after all, we put 70 percent of all of the oil which we consume into gasoline tanks. So you would think that they would be out here on the floor, we would be having a huge debate about how to increase the fuel economy for the automotive fleet in our country, which has gone backwards over the last 20 years, to a standard that we met in 1981.

Now, the problem is that America now imports 61 percent of all of the oil which we consume. We put 70 percent of that oil into gasoline tanks. Now, if we just improve the fuel economy standards for our country to 33 miles per gallon over the next 10 years, that would be all of the oil that we actually import from the Persian Gulf. Thirty-three miles per gallon is all of the oil from the Persian Gulf.

Instead, we are back down at 25 miles per gallon in the United States, with this huge challenge knowing that the United States only has 3 percent of the oil reserves in the world.

So this bill out here educating the public as to how to drive their vehicle better or inflate their tires, that is all fine. But it is already out there. The Department of Energy is already doing it. Consumers are already trying to save the price of gasoline at the pump, because they know that OPEC and the oil industry is tipping them upside down and shaking money out of their pockets every time they go in to refill their tank.

By the way, when it comes to appliances, when it comes to electric consumption in our country, the Bush administration, over the first 6 years, has yet to promulgate a regulation on making the devices which we use in our country more efficient. They keep putting it back and back and back. And what they do is they tell us that the first one might be issued in September of 2007, and the last of the backlogged standards will not come out until 2011 and will not go into effect until 2016.

That will be the energy efficiency legacy of the Bush administration, of the Republicans, because, ladies and gentlemen, all of the coal-fired, oil-fired, nuclear-fired power plants that are built in America are nothing more than that electrical generation which is built so that we can plug in toasters, refrigerators, stoves, computers, have light bulbs go on.

But the Bush administration does not want to ensure that the industries that make these devices have to make them more efficient. So as a result we have more pollution, more health problems, and when it comes to automobiles and the importation of 70 percent of the oil, which we consume, by the way it was only 30 percent of the oil that we consumed in 1975 at the first oil crisis.

We are now up to 61 percent getting deeper and deeper. Since the Republicans took over the Congress in 1995, we have gone from 45 percent dependence on imported oil to 61 percent dependence upon imported oil, a 16 percent increase. Goes up about 1½ percent every year that the Republicans control the House and the Senate, and it really accelerates when they take over the Presidency, which they have had for the last 6 years.

They are saying today that they are not going to do anything about the fuel economy standards for SUVs and for automobiles. They are not going to improve the efficiency over the next 10 years, next 20 years, no plan in place. Same thing is true for the appliances which we use, the devices which consume electricity, no plan. But you can go to the Web site. That is what their bill will do. You can find out how to make more efficient the inefficient devices which you now have. That is the plan.

Mr. Speaker, I will tell you it is about as dangerous an abdication of responsibility on any issue that our country has ever seen. We just had the new President of Iraq address the Congress today. Is there a connection between the volatility in the price of oil for Americans at the gas pump and his presence here today?

The pictures that we see every night in Lebanon? All of it is related to the unfortunately crazy, speculative marketplace that is now opening up on the price of oil, because people believe that chaos is breaking out. Who is the victim? Each and every American who has to pay these exorbitantly high prices for energy because there is no Republican energy plan.

This is energy week for the Republicans, w-e-a-k. That is what we have on the floor debated this afternoon. I urge a ''no'' vote on this ineffectual, redundant, unnecessary piece of legislation.

Mr. SHADEGG. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I guess it was about 2 months or so ago that my friend and colleague from the good State of Texas (Mr. CONAWAY) came up to me with a piece of legislation that he thought would really help consumers, an education plan that promoted, in fact, could save lots of gasoline that we would not have to import.

Mr. CONAWAY wanted to do this the right way. He said, you know, this is such a good idea, obviously it is going to be referred to the Energy and Commerce Committee. He wanted it to be bipartisan. And as a new Member, he was not quite sure what his relationship was with some of the members on our committee, particularly on the other side of the aisle.

He asked for some advice. And he went and shopped that piece of legislation before he introduced it. As it turned out, he got every person that he asked to be a cosponsor of the bill.

Now, Mr. TOWNS, Mr. GENE GREEN, a whole number of different Members. The bill moved through our committee. And it passed without dissent. Had a hearing. It passed without dissent and here it is today.

Mr. Speaker, we have an energy crisis. We do. There is a host of things that we as individuals can do ourselves to help our own family budget, particularly as it relates to the fuel efficiency of our vehicles.

Some of us know some of these things already: Going the speed limit, removing the excess weight. But a whole number of different things, and, yes, the Department of Energy talks about it on its Web site. I think we can do a better job. That is what this bill is about, how can we do better?

Working with industry, working with the Department of Energy, working with our constituents trying to promote a whole number of things that collectively make an awful lot of sense. But the bottom line is that we can save, perhaps, if we did them all, if we were in violation of all of these things, perhaps save us as much as 25 or 30 percent of the income that we otherwise use for gasoline.

Mr. Speaker, I would urge my colleagues to support this bipartisan legislation. I endorse wholeheartedly what our colleague, Mr. CONAWAY, does. I would like to think that it will pass with a very strong vote this afternoon.

Mr. ENGEL. Mr. Speaker, I yield 4 minutes to our Democratic whip, my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think this bill, the Fuel Conservation Education Act, is a worthwhile piece of legislation. I am going to support it. This bill calls for a public education campaign by the Department of Energy and industry groups to provide U.S. motorists with information about measures that they may take to conserve fuel. I think that is important information.

Many of the measures, from observing speed limits to keeping tires properly inflated, of course, are already well known.

I believe that even the cosponsors of the bill acknowledge that it is no substitute, however, for a real, proactive energy policy that seeks to wean our Nation from its dependence on foreign oil.

Thus, today, I want to take this occasion to call the Members' attention to legislation that seeks to do precisely that. I call it the PROGRESS Act, a program for real energy security.

I, along with others, unveiled this proposal yesterday, along with the dean of the House, Congressman DINGELL; the ranking Democrat on the Transportation Committee, Congressman OBERSTAR; and Congressmen UDALL, HERSETH, HOLT, BLUMENAUER, and SCHIFF.

In short, the PROGRESS Act seeks to initiate a robust, vigorous, focused national program, akin to the Manhattan Project, this one focused on energy independence.

The PROGRESS Act would establish a National Energy Security Commission, bringing together government, industry and academic leaders to develop consensus national goals on energy.

Well, that sounds very good, another commission. But it is, in fact, like the Base Closure Commission, because they will then submit through the President its proposals, and the Congress will have to act on those in an expedited fashion, as is true with Base Closure.

It would establish as well a new Manhattan Center for high efficiency vehicles, seeking to double the current average vehicles' efficiency, and to diversify fuel types. America, the greatest innovator on the face of the Earth, ought to be producing cars that are 60-, 70-mile-per-gallon cars, and selling them to India and China, as opposed to the other way around.

It would establish a national biofuels infrastructure development program, establishing a grant program to encourage the private sector to invest in wholesale and retail biofuel pumps, tanks, and related distribution equipment.

It will do us no good to produce biofuels if we cannot deliver them to biofuel-capable vehicles. The PROGRESS Act calls for a stimulus package to upgrade the pipeline for biofuels. You cannot ship them through pipelines, they are a different chemical make-up and they eat up pipelines.

The freight rail system, while also providing grants to promote conservation alternatives, such as public transit and commuter rail, the freight rail systems are critical.

This bill would also increase the use of alternative fuels in Federal fleets. Federal fleets are the largest users of petroleum products in the world. The largest single user in the world. Many of our vehicles are flex fuel vehicles. The problem is, there is no delivery of flex fuel infrastructure in place, and therefore they do not use it.

Mr. Speaker, I urge the Members to review the PROGRESS Act, this program for real energy security, which will be introduced tomorrow.

□ 1430

Energy independence is inextricably linked to our national security, our economic well-being and our environmental integrity. So, from a security point of view on national security, from an economics point of view in terms of the growth of our economy and from an environmental standpoint, we must apply America's technological capability to producing clean-burning alternative fuels that are energy efficient and sell them to China and India. Because if China and India do not have that capability as well, they will choke us to death. So it is not just what we do but what these two behemoth societies, growing industrial societies in our globe are doing. We must act now.

That is the point the gentleman from Massachusetts was making. I disagree with him on whether we are for or against this bill. I am going to vote for this bill. There is nothing wrong with this bill. Educating consumers is a good thing to do. To the extent that they are more knowledgeable in saving fuel, that is a positive step for us to take; and I am going to vote for it.

But the point that the gentleman from Massachusetts was making is it is not enough nor is it a substitute for very focused, comprehensive action. That is what the PROGRESS Act is all about. I hope that you will look at it, and I hope that you can help us pass it, perhaps not this year but in the very early part of the next session of the Congress of the United States.

Mr. SHADEGG. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise as one Member on this side of the aisle that in the past has supported Mr. MARKEY's calls for increased fuel efficiency standards and voted for his amendments but believe that it would be foolish to so vote and not also support this demand side plan presented by Mr. CONAWAY from Texas, which also has a proven track record, and urge my colleagues to support H.R. 5611, the Fuel Education Conservation Act.

I just want to point out one fact, that, over one year, Californians reduced peak demand by 89 percent and total consumption by 6.7 percent. I would submit, if we can do it in California, we can do it across America. So I would urge my colleagues to support the bill.

Mr. ENGEL. Mr. Speaker, I have no further speakers. Again, I urge our colleagues to support the bill, and I yield back the balance of my time.

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

Mr. Speaker, I rise in strong support of this bill. It is a constructive suggestion. And I am sorry to say that at least at one point in this debate it was proven that any issue, sadly, any issue that is brought to this floor can be made partisan.

It seems to me that the famous quote by Roosevelt applies here, and that is that it is always easy to point out how the strong man stumbled or how the doer of deeds might have done them

better. It is always possible to come in and say, well, this isn't good enough. You should have done this. You should have done that.

But, as that quote suggests, the credit belongs not to the critic but to the man who is in the arena struggling and trying to do the right thing. In this case, Mr. Speaker, that is my colleague, Mr. CONAWAY of Texas.

Now, some people say facetiously, oh, this is energy week for the Republicans; and they criticize that we haven't done enough. I would note that some of those people oppose drilling in ANWR where we might find additional resource. They oppose even rational proposals to do offshore drilling. They oppose rational proposals called for by the industry to incentivize additional refineries.

Indeed, I worked very hard to increase hydroelectric energy; and the same people who are today here criticizing this bill opposed the construction of additional hydroelectric production facilities. Indeed, they say we should tear down existing dams that produce hydroelectric energy.

One of the speakers on this bill said, well, this really is unnecessary. Indeed, it is a waste of time. Because in point of fact there is already an Energy Department Web site which tells consumers this information.

Well, unfortunately, that misapprehends what this bill does. This bill doesn't just create a Web site. This bill calls for a cooperative effort to advertise to American consumers what they can do.

Perhaps the gentleman who made that argument knows that every single person residing in his congressional district understands already that using their cruise control on the highway can help maintain a constant speed and save gas.

Perhaps the gentleman understands, or in his congressional district every single consumer understands, that aggressive driving can reduce mileage by 33 percent.

Presumably, in that particular Member's district, every single member observes the speed limit and understands that for each five miles per hour over the 60 miles an hour that you drive, you are increasing the cost of gasoline by 21 cents a gallon.

Perhaps, indeed, I assume, every single consumer in that congressional district understands that a single 100 pounds of extra weight in your vehicle can cost you an additional 2 percent each year.

Perhaps in that congressional district every consumer understands that fixing a car that is not timed properly can save you 4 percent of the gasoline you need to consume. Indeed, fixing a serious maintenance problem can save you 40 percent.

And perhaps every consumer in that congressional district understands that if you keep your tires properly inflated you will save 3.3 percent.

But I would suggest that not all Americans do understand those things. I would suggest that this is good legislation. I would suggest that it is indeed the right thing to do, to help educate consumers; and I am, quite frankly, stunned that an opponent would come to the floor and say we do not need to educate America's consumers on the cost of excessive consumption of gasoline.

This is good legislation. I commend the gentleman from Texas (Mr. CONAWAY) for his effort. I appreciate the support of some of my colleagues on the other side, and I urge that all of the Members pass this legislation.

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

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from Arizona (Mr. SHADEGG) that the House suspend the rules and pass the bill, H.R. 5611, as amended.

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

The title of the bill was amended so as to read: ''A Bill to authorize a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes.''.

A motion to reconsider was laid on the table.

DELETING ONLINE PREDATORS ACT OF 2006

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5319) to amend the Communications Act of 1934 to require recipients of universal service support for schools and libraries to protect minors from commercial social networking websites and chat rooms, as amended.

The Clerk read as follows:

H.R. 5319

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 ''Deleting Online Predators Act of 2006''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) sexual predators approach minors on the Internet using chat rooms and social networking websites, and, according to the United States Attorney General, one in five children has been approached sexually on the Internet;

(2) sexual predators can use these chat rooms and websites to locate, learn about, befriend, and eventually prey on children by engaging them in sexually explicit conversations, asking for photographs, and attempting to lure children into a face to face meeting; and

(3) with the explosive growth of trendy chat rooms and social networking websites, it is becoming more and more difficult to monitor and protect minors from those with devious intentions, particularly when children are away from parental supervision.

SEC. 3. CERTIFICATIONS TO INCLUDE PROTECTIONS AGAINST COMMERCIAL SOCIAL NETWORKING WEBSITES AND CHAT ROOMS.

(a) CERTIFICATION BY SCHOOLS.—Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(B)) is amended by striking clause (i) and inserting the following:

''(i) is enforcing a policy of Internet safety for minors that includes monitoring the on-line activities of minors and the operation of a technology protection measure with respect to any of its computers with Internet access that—

''(I) protects against access through such computers to visual depictions that are—

''(aa) obscene;

''(bb) child pornography; or

''(cc) harmful to minors; and

''(II) protects against access to a commercial social networking website or chat room unless used for an educational purpose with adult supervision; and''.

(b) CERTIFICATION BY LIBRARIES.—Section 254(h)(6)(B) of such Act (47 U.S.C. 254(h)(6)(B)) is amended by striking clause (i) and inserting the following:

''(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that—

''(I) protects against access through such computers to visual depictions that are—

''(aa) obscene;

''(bb) child pornography; or

''(cc) harmful to minors; and

''(II) protects against access by minors without parental authorization to a commercial social networking website or chat room, and informs parents that sexual predators can use these websites and chat rooms to prey on children; and''.

(c) DEFINITIONS.—Section 254(h)(7) is amended by adding at the end the following new subparagraph:

''(J) COMMERCIAL SOCIAL NETWORKING WEBSITES; CHAT ROOMS.—Within 120 days after the date of enactment of the Deleting Online Predators Act of 2006, the Commission shall by rule define the terms 'social networking website' and 'chat room' for purposes of this subsection. In determining the definition of a social networking website, the Commission shall take into consideration the extent to which a website—

''(i) is offered by a commercial entity;

''(ii) permits registered users to create an on-line profile that includes detailed personal information;

''(iii) permits registered users to create an on-line journal and share such a journal with other users;

''(iv) elicits highly-personalized information from users; and

''(v) enables communication among users.''.

(d) DISABLING DURING ADULT OR EDUCATIONAL USE.—Section 254(h)(5)(D) of such Act is amended—

(1) by inserting ''OR EDUCATIONAL'' after ''DURING ADULT'' in the heading; and

(2) by inserting before the period at the end the following: ''or during use by an adult or by minors with adult supervision to enable access for educational purposes pursuant to subparagraph (B)(i)(II)'' .

SEC. 4. FTC CONSUMER ALERT ON INTERNET DANGERS TO CHILDREN.

(a) INFORMATION REGARDING CHILD PREDATORS AND THE INTERNET.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall—

(1) issue a consumer alert regarding the potential dangers to children of Internet child predators, including the potential danger of commercial social networking websites and chat rooms through which personal information about child users of such websites may be accessed by child predators; and

(2) establish a website to serve as a resource for information for parents, teachers and school administrators, and others regarding the potential dangers posed by the

use of the Internet by children, including information about commercial social networking websites and chat rooms through which personal information about child users of such websites may be accessed by child predators.

(b) COMMERCIAL SOCIAL NETWORKING WEBSITES.—For purposes of the requirements under subsection (a), the terms ''commercial social networking website'' and ''chat room'' have the meanings given such terms pursuant to section 254(h)(7)(J) of the Communications Act of 1934 (47 U.S.C. 254(h)(7)(J)), as amended by this Act.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

Mr. UPTON. Mr. Speaker, I would yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 5319, the Deleting Online Predators Act of 2006, which was introduced by Representatives Fitzpatrick and Kirk, along with Representatives Miller of Michigan, Weldon of Pennsylvania, English of Pennsylvania, Davis of Kentucky, and Castle.

I would note that under the leadership of Chairman WHITFIELD and Chairman BARTON, the Oversight and Investigation Subcommittee has held multiple hearings exposing the appalling sexual exploitation of children on the Internet. This includes the dark underside of social networking Web sites, which have been stalking grounds for sexual predators who are preying on children all across the Nation; and we have had many and such cases in my home State of Michigan, way too many.

Federal law enforcement officials have described the sexual abuse and exploitation of our Nation's youth as an epidemic propagated by the unlimited access of the Internet. The statistics are alarming. The FBI has seen better than a 2,000 percent increase in its caseload of online sexual predators the last 10 years. And of the estimated 24 million child Internet users, one in five kids has received unwanted sexual solicitations. It is estimated that, at any given moment, 50,000 predators are prowling for children online, many of whom are lurking within social networks.

At a minimum, what our hearings have taught us is that both kids and parents need to be better educated about the dangers of social networking Web sites, and parents need to police their children's online use at home to guard against sexual predators.

However, to the extent that children are using the Internet outside the home, particularly at school or at a public library, parents have not been able to monitor their child's online use, and that is the situation that H.R. 5319 is designed to address.

Earlier this month, the Telecommunications and Internet Subcommittee held a legislative hearing on this bill; and as a result of many constructive suggestions that we heard from our witnesses and Members alike, particularly those representing schools and libraries, the legislation before us today I think reflects much improvement.

At its heart, the bill before us today would require schools which receive e-rate funding, and I would note that I am a strong supporter of e-rate funding, to enforce a policy of Internet safety for minors that includes monitoring their online activities and the protection measures to protect against access to commercial social networking Web sites or chat rooms, unless used for an educational purpose with adult supervision.

Additionally, this bill would require libraries which receive e-rate funding to enforce a policy of Internet safety that includes the operation of a technology protection measure that protects against access by minors to commercial social networking Web sites or chat rooms unless they have parental authorization and the library informs parents that sexual predators can use those Web sites and chat rooms to prey on kids.

The approach taken by this legislation is not dissimilar to the approach taken by the Children's Internet Protection Act through which Congress requires schools and libraries that receive e-rate funding to impose filtering technology to protect kids from online visual depictions of an inappropriate sexual nature.

Mr. Speaker, I support the e-rate. I continue to do so. I often visit a school, virtually every week. I have seen the tremendous educational value which the Internet has brought to students throughout our district, and I recognize the importance of the e-rate in making that a reality.

However, as with all technologies, the Internet is a double-edged sword, and Congress does have the responsibility to ensure that, to the extent that a Federal program is involved, like the e-rate, it is doing all that it can to ensure that children are protected from online dangers. This bill represents another step in making sure that online experiences at school and the library are safe.

I want to congratulate Mr. KIRK, Mr. FITZPATRICK, and Ms. BEAN for their leadership on this issue. I urge all of my colleagues to support this bill.

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

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume; and I rise in support of this legislation. I do so simply to move this process along and to indicate to families across the country that protecting children from online exploitation and from child predators is a serious issue that warrants attention.

This is an issue upon which Democrats and Republicans agree, because these issues affect families regardless of party affiliation. I do not, however, believe that this legislation will actually adequately address these issues, nor do I support the way in which this bill was brought to the floor today.

The hearing that we had on this bill highlighted several serious deficiencies and won't be effective in combating online predators. The Attorney General from Texas, for example, testified that just going after schools and libraries wouldn't achieve a whole lot. The initial bill would have had the Federal Government create a blacklist of forbidden Web sites. A law enforcement official and an Internet security expert testified that the bill would do little to protect children.

So how did the majority react to problems highlighted in the hearing? They decided to skip a subcommittee and a full committee markup. They opted to rewrite this bill without public input or consultation with the Democratic side, and they decided to rush it to the floor today.

Not surprisingly, the bill continues to have several flaws. It remains overbroad and ambiguous. I continue to have reservations about utilizing the e-rate funding mechanism as the legislative hook for Federal involvement in this area. That is because the e-rate program was not designed to be a cop on the beat in the front lines battling child predators. Rather, it was designed to enhance Internet access and bridge the digital divide.

□ 1445

As a result, it is a program which may not help us assist all K–12 schools at any time or individual schools in every funding cycle. In other words, if the goal is protecting children and combating child exploitation, why should these requirements only apply in schools receiving e-rate funding?

And this bill does nothing for families when the kids online are at home. If the goal is to address the issue of online predators, this bill proposes an ineffectual remedy.

Moreover, the whole process by which this bill was brought to the floor today puts in jeopardy the prospects of legislating successfully on a serious issue.

Mr. Speaker, I believe that parents need and deserve better education and tools to protect their children, and the Democrats stand ready to work with our colleagues when they feel they are ready to truly address this issue with proposals that are meaningful and enforceable.

In that spirit, I intend to vote for this bill in order to move the process forward, but ultimately, I think that

we will need to explore other additional solutions and further revisions.

Mr. DINGELL, the ranking member of the full Energy and Commerce Committee, will be here in a few moments in order to speak to these issues of concern as well. I thank you for your attention.

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

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from the good State of Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank Mr. UPTON for his work on this bill.

As co-founder of the Victims Rights Caucus, I strongly support this bill. Our Attorney General Gonzales says that one out of every five children in America is approached sexually on the Internet. In recent months, Congress and the national news media have put intense focus on the problem of Internet predators. Parents obviously have a responsibility to monitor what their kids see at home, but they leave home. They go to school, they go to libraries, and this bill helps parents parent better.

Social networking sites such as MySpace and chat rooms have allowed sexual predators to sneak into homes and solicit kids, and this bill requires schools and libraries to establish those protections to prevent children from accessing MySpace and chat rooms while in school and libraries unless parents are there or unless there is supervision.

The bill also requires the Federal Trade Commission to issue consumer alerts and establish a Web site alerting and educating parents and teachers about Internet sexual predators. Those people live among us. They prey on our youngest, our children, and they will do anything in their power to solicit those children.

So this raises the awareness and the protection of our children, and I strongly support this bill.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK), a member of the committee.

Mr. STUPAK. Mr. Speaker, for the second straight day I come to the floor objecting strongly to the process by which bills are being brought to the floor on suspension without proper consideration.

Today, the House is considering two bills that were not properly considered by the Energy and Commerce Committee. Both the U.S.-Israel Energy Cooperation Act and the Deleting Online Predators Act were rewritten behind closed doors by the majority and were not marked up before going to the floor.

On the other hand, our committee marked up a bill today, and this is not a joke, but to protect consumers from misleading thread counts for wool suits. We mark up a bill to protect people from wool suits but not from online child predators.

Mr. Speaker, I take a back seat to no one when it comes to my dedication to tracking down, prosecuting and locking up child predators. I have helped lead the child predator investigation in the House, and I have participated in six hearings on this issue.

Unfortunately, child predators are not the target of today's bill. This bill will not delete online predators. Rather, it will delete legitimate Web content from schools and libraries. Schools and libraries that serve students are the target of this legislation.

The bill is an attempt to protect children in schools and libraries from online predators. It is important to note that during the six oversight hearings we had, hearing from 38 witnesses on the issue, there was not one mention of online child exploitation being a problem at schools or libraries. Perhaps this is because there is already a law on the books that requires schools and libraries who receive e-rate funding to monitor children's Internet use and to employ technology blocking children or preventing children from viewing obscene and harmful content.

Many schools and libraries already block Web sites such as MySpace. This legislation is largely redundant and raises many constitutional concerns.

The National School Boards Association opposes this bill saying, ''NSBA is concerned that the bill would not substantially improve safety of students, and would place an added and unnecessary burden on schools. Furthermore, the legislation does not address the real issue of educating children about the dangers of the Internet and how to use it responsibly and wisely.''

The American Library Association also opposes this bill, saying the bill ''denies access to constitutionally protected speech.''

This bill will not tackle the real threat to our children. Our committee learned from teens, experts and law enforcement that the real threat lies in children using these sites in their rooms without adult supervision.

This legislation will actually drive children to go to unsupervised places, unsupervised sites to go online, where they will become more vulnerable to child predators.

Finally, and importantly, legislation before us today does nothing to hold Internet service providers accountable. We learned from our hearings that ISPs vary widely in what they do to empower children and parents, how they report online predators to authorities, and actively seek and block illegal content from their networks.

The bottom line is that Members can vote for this bill, but we should not give parents the false hope that this bill will keep their children safe. This bill will increase the risk to children as we drive children away from supervised sites to unsupervised sites.

Finally, Mr. Speaker, I am profoundly disappointed that this issue that should not be a partisan issue is becoming one.

I will enter into the RECORD at this point the letter of opposition from the American Library Association.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, July 26, 2006.

To: United States House of Representatives.
Re opposition to H.R. 5319, the Deleting Online Predators Act (DOPA).

DEAR REPRESENTATIVE: On behalf of the American Library Association (ALA), I write to indicate our continued opposition to H.R. 5319, the Deleting Online Predators Act (DOPA). We understand this bill may come to the House floor this afternoon and ask that you oppose this bill as it presently reads.

No profession or community is more concerned about the safety of children than our Nation's librarians. Librarians in public libraries and school library media centers work continuously to assure that children have appropriate and safe access to the materials and information services they need so that each young person can become literate and educated with the skills and knowledge to succeed in the digital and online world.

ALA had hoped following the July 11th hearing on H.R. 5319 before the Commerce Committee's Subcommittee on Telecommunications and the Internet, that an amended version would seek to resolve some of the problems we expressed in ALA's testimony. Unfortunately, the revised language we received only last night does not make the necessary changes that we believe would better serve the public interest and contribute to true online safety for young people. We urge opposition to H.R. 5319 for several reasons:

1. The terminology used in DOPA is still overly broad and unclear. As written, this legislation would block access to many valuable websites that utilize this type of communication, websites whose benefits outweigh their detriments.

2. DOPA still ignores the value of Interactive Web applications. New Internet-based applications for collaboration, business and learning are becoming increasingly important, and young people must be prepared to thrive in a work atmosphere where meetings take place online, where online networks are essential communication tools.

3. Education, not laws blocking access, is the key to safe use of the Internet. Libraries and schools are where kids learn essential information literacy skills that go far beyond computer instruction and web searching. Indeed, DOPA would block usage of these sites in the very environments where librarians and teachers can instruct students about how to use all kinds of applications safely and effectively and where kids can learn how to report and avoid unsafe sites.

4. Local decision-making—not federal law—is the way to solve the problems addressed by DOPA. Such decisions are already being made locally, in part due to the requirements of the Children's Online Protection Act (CIPA) for E-rate recipients. This additional requirement is not necessary.

5. DOPA would restrict access to technology in the communities that need public access most. H.R. 5319 still, as presently drafted, would require libraries and schools receiving E-rate discounts through the Universal Service Program to block computer users from accessing Interactive Web applications of all kinds, thereby limiting opportunities for those who do not have Internet access at home. This unfairly denies the students and library users in schools and libraries in the poorest communities from accessing appropriate content and from learning how best to safely manage their own Internet access in consultation with librarians and teachers.

It should also be noted that key witnesses at the July 11th hearing testified that limiting access to social networking sites in E-rate schools and libraries will have little impact on the overall problem since young people access these collaborative sites from many locations and over a period of time.

If you have any questions, please call our office at 202–628–8410. Thank you for your consideration.

Sincerely,

LYNNE E. BRADLEY,
Director, Office of Government Relations, American Library Association—WO.

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the sponsor of the legislation.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I want to thank Chairman JOE BARTON and Subcommittee Chairman FRED UPTON for their leadership in shepherding this legislation, the Deleting Online Predators Act, from the Energy and Commerce Committee to the floor today. I want to especially thank Congressman MARK KIRK and all of the members of the Suburban Caucus for the commitment they have shown in addressing the needs of American families in the suburbs.

Monitoring our children's use of emerging technologies is a huge task for parents across the Nation, and the Internet remains the focus of many parents' concerns. The growth of the Internet has opened the door to many new applications that tear down the walls that once prevented communication across vast distances. One set of applications in particular has created a huge following online, but have also created an equal amount of danger, and they are social networking sites.

Social networking sites, best known by the popular examples of MySpace, Friendster and Facebook, have literally exploded in popularity in just a few short years. MySpace alone has over 90 million users and it is growing every day. While these sites were designed to allow their users to share virtual profiles of themselves to friends and like-minded users, the sites at most have become a haven for online sexual predators who have made these corners of the Web their own virtual hunting ground.

The dangers our children are exposed to by these sites is clear and compelling. According to a study conducted by the National Center for Missing and Exploited Children, in 1998, there were 3,267 tips reporting child pornography. Since then, the number has risen by over 3,000 percent to an outstanding 106,119 tips in 2004.

The Department of Justice recognizes child pornography as a precursor for pedophiles and is often linked to online predators. According to Attorney General Gonzales, one in five children has been approached sexually on the Internet. Mr. Speaker, one in five. Worse still, a survey conducted by the Crimes Against Children Research Center found that less than one in four children told their parents about the sexual solicitation they received.

On their face, these numbers are startling. Even more startling, however, has been the visual evidence offered to millions of Americans through the news outlets like NBS Dateline's ''To Catch a Predator'' series. Throughout his investigations, Chris Hansen proved time and again with disturbing regularity that child predators are ready and willing and able to approach the prey they stalk online.

What would have happened in these circumstances if the children these predators were to meet were not decoys and Chris Hansen was not there? How many assaults, rapes and ruined lives would have resulted in these encounters?

Mr. Speaker, the fact, however disturbing it may be, is that child predators have harnessed the power and anonymity that social networking sites provide to hunt their prey.

I want to make the intention very clear about my legislation. This legislation is directed at limiting the access of minors to chat rooms and social networking sites in public schools and libraries receiving Federal universal service funding. My legislation is not designed to limit speech or infringe on the rights of law-abiding adults.

Under H.R. 5319, schools may disable protection measures in order to allow use by students with adult supervision for educational purposes. In addition, libraries may disable protection measures to allow use by children with parental authorization. Nothing will ever prevent adults from using these sites in schools and libraries. Most importantly, children would remain able to use these sites at home under the supervision of their parents.

This legislation is not a substitute for parental supervision, which remains the first line of defense for our children's safety. That is why H.R. 5319 would require the Federal Trade Commission to create a Web site and issue consumer alerts to inform parents, teachers and school officials about the potential dangers on the Internet, specifically online sexual predators and their ability to contact children through social networking sites and chat rooms.

Mr. Speaker, this bill is only part of the solution. I fear that no one law can stop the threat from sexual predators. Instead, it will take the combined commitment of the Congress, the Department of Justice, as well as State and local law enforcement to track, investigate and prosecute these offenders. Congress must stand with law enforcement to provide them with the tools that they need to accomplish this goal.

Finally, I stood with Representative NANCY JOHNSON to add $3.3 million for the FBI's Innocent Images Program, the FBI's anchor program for its effort to stop online sexual predators. I wrote to Chairman WOLF to increase funding for the Internet Crimes Against Children Task Force and for the addition of 26 new U.S. Attorney positions to increase the rate of child exploitation prosecutions. I am committed to combating this growing threat, and I call on my colleagues to help me in this fight, and to do so now before the start of a new school year.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in opposition to H.R. 5319, the Deleting Online Predators Act, because it sends the wrong message to our children, our parents, teachers and librarians. The bill would curb Internet usage as a means to protect children, a counterproductive method to achieving such an important goal.

Rather than restricting Internet usage, parents, teachers and librarians need to teach children how to use our ever changing technology. The information age in which we live offers so much potential to our children, if they know how to use it.

Last month, I met with Sister Elizabeth Thoman, one of my constituents, who founded the Center for Media Literacy. It is an organization that creates and implements innovative tools to educate children on the art of media literacy. Just like students need to know how to differentiate between good research and bad research on Web sites, they need to know how to utilize chat rooms and other media so they will not become victims of online predators. Her ''Media Lit Kit/A Framework for Learning and Teaching in a Media Age'' is offered in the Los Angeles Unified School District with much success. It is also available on her Web site free of charge.

Rather than adding an extra administrative task to already overworked teachers and librarians, we should be providing grant moneys to implement programs like Sister Thoman's so our children can learn right from wrong and good information from bad information.

Yes, safeguards for our children need to be in place.

□ 1500

MySpace.com is working to create tougher controls for adults to e-mail children. Yes, we need to fully fund police departments across the Nation to monitor online predators; and, yes, consumer alerts and learning tools need to be offered to parents and teachers alike to inform students of the dangers of the Internet; and, yes, parents and teachers and librarians need to take an active role in monitoring students; but a law aimed at universal service-run schools is not the answer. It is parents and teachers and librarians who should decide where children in their care should be able to access.

As another constituent in my district pointed out in a recent e-mail, school districts and libraries already have the power to block access to social networking sites and chat rooms, and many of them have done so already. I worry that a bill of this magnitude will send us down the slippery slope of legislating even more Web sites and infringing on our right to information.

We live in busy times, and I know many homes in my district and across the Nation are single-parent households, with some parents working two or even three jobs. I understand parents can't be with their children all the time, but it is the responsibility of parents and teachers and librarians to impose rules in their own homes and schools. Just like teaching children how to cross the street to avoid hazards, parents need to be able to teach their children how to cross an Internet Web site without getting hit.

Mr. UPTON. Mr. Speaker, I yield myself 30 seconds.

I just want to say that as I learn more and more about this legislation, part of it was because of the gentleman from Illinois (Mr. KIRK) and the gentlewoman from Illinois (Ms. BEAN). We share a media market together, me in southwest Michigan, they, of course, in Chicago, and the concern by so many in talk radio and the news is really something else.

I have to say that just a couple years no one knew about the online predators like we do today, and that is why we have had a number of hearings in the Oversight Subcommittee chaired by Mr. WHITFIELD.

Mr. Speaker, I yield 5 minutes to one of the coauthors of the bill, along with Mr. FITZPATRICK of Pennsylvania, Mr. KIRK of Illinois.

Mr. KIRK. Mr. Speaker, to respond to my Democratic colleague, I agree with her that parents cannot be with their children all of the time, but sexual predators should not be with the children at any time, and that is the principle by which this legislation stands. Americans have a right to send their children to safe schools and libraries.

In Lake County, Illinois, we have seen what can happen when Internet predators make contact with children. Last October, Joseph Caprigno molested a 14-year-old boy that he met on the Internet. Caprigno, a 40-year-old man, arranged to meet the boy in a 7–11 parking lot through an Internet chat room.

In January, a 20-year-old man, Michael Zbonski, molested a 16-year-old he met on MySpace.com. Frighteningly, he not only communicated with this girl for 2 years via MySpace, he also admitted to sexual relationships with one of the victim's underage friends.

The Deleting Online Predators Act is a commonsense piece of legislation that empowers parents to play a more active role in their children's activities online. This bill calls on the Federal Trade Commission to issue consumer alerts and to establish a unique Web site to better educate parents as to the dangers posed from Internet predators. Parents are the first and most important line of defense against these predators, but it is imperative to arm them with timely and accurate information to protect their children.

This bill also requires schools to prevent children from accessing social networking sites and chat rooms unless they are doing so for legitimate educational purposes under adult supervision. We have invested hundreds of millions of dollars across America in locking school doors and controlling the access to children. This bill takes the commonsense step to make sure that predators cannot sneak in through the library computer.

Our legislation also requires public libraries to provide the same levels of protection to children. I believe this is an entirely appropriate action to help parents determine where their children go and what they do online. It seems foolish for the taxpayer to subsidize what amounts to a loophole that sexual predators can exploit.

Mr. Speaker, Lake County offers one other case that plainly demonstrates the need for this legislation. The Lake County State's Attorney recently filed aggravated criminal sexual abuse charges against two teachers who were accused of soliciting and arranging to molest underage students at a school where they were taught. Jason Glick and James Lobitz didn't just molest two underage students, they arranged to do so using school-owned computer equipment and resources during school hours. The cases against Jason Glick and James Lobitz are still pending, but by passing this bill today we send a message to parents that we will close every loophole sexual predators will use to roam the virtual halls at school.

Mr. Speaker, this is the second suburban agenda bill to pass the House. Tomorrow, Representative JON PORTER's bill will become law, allowing schools to check national felon databases before hiring a coach or a teacher. Tomorrow, we will take up a third suburban agenda item, accelerating the deployment of fully electronic medical records for all Americans.

Mr. Speaker, by tomorrow night, half of the suburban agenda legislation will have passed the House of Representatives. But today I want to thank Chairman BARTON, Chairman UPTON, and Congresswoman MELISSA BEAN for their help on a bipartisan basis in supporting this legislation. I also want to thank Howard Waltzman of the committee staff for his invaluable assistance. But, most importantly, I want to thank the gentleman from Pennsylvania (Mr. FITZPATRICK) for becoming an outstanding leader of protecting American children from online predators.

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the gentleman from Michigan (Mr. DINGELL) will control the time of the gentleman from Massachusetts (Mr. MARKEY).

There was no objection.

Mr. DINGELL. Mr. Speaker, how much time remains on the two sides?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) has 9½ minutes remaining, and the gentleman from Michigan (Mr. UPTON) has 5 minutes remaining.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to my distinguished friend from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I hate to spoil this garden party, but this is not, in truth, suburban legislation, it is substandard legislation. And the reason for that is that it is, in effect, a good press release, but it is not effective legislation addressing a huge problem threatening our children.

The reason I say that is, after sitting through many hearings in the Commerce Committee about this enormous problem, I reached one conclusion. After listening to those thousands of children who are being abused on these horrendous occasions across this country, I concluded that this legislation would not save one single child one single time.

What we learned is that the problem is not in our schools. These kids are not hanging in the library with these sexual predators. They are hanging around in their dens, in their basements, in their living rooms, and in their upstairs bedrooms. That is where we have to get to the problem.

If you look at the problem here on this chart, only 10 percent of the abused kids are online and hardly any of them from schools. A tiny, tiny, infinitesimal portion. This will not solve the problem.

Now, there are things we can do, but, unfortunately, this legislation doesn't do a single one of them. I used to prosecute cases, so I know a little bit about law enforcement. I raised three kids, so I know a little bit about the terror of worrying about your children. But what this legislation does not do is the three things we need to do.

Number one, we have to give resources to law enforcement to prosecute these horrendous monsters. We had detective after detective come to our hearings and say, give us some money; we can prosecute these people. This doesn't give them a penny.

Number two, we need to protect the data. What the detectives told us is that this data, once it disappears, they can't find the culprits. Now we could require the data to be maintained for a year or two, like we are trying to do. This bill doesn't do that.

Third, what this bill could do is provide some real meaningful tools for our schools to educate our children on how to avoid these monsters on the Internet. This doesn't do that.

The three effective things that we could do to really save our kids is not done in this legislation.

Now, why is this such a pathetic wave at trying to do something? Why has Congress failed so miserably here? There is a reason for that. The reason is we want press releases, without having to do the hard work to do legislation. That is why we didn't go through the Commerce Committee to have a markup on this bill so they could rush

this thing to the floor and have their suburban agenda.

Well, speaking as a parent who represents 650,000 people, and probably 200,000 parents in suburbia, I think suburban parents, urban parents, rural parents, big-city parents and little-city parents deserve real legislation to stomp out the monstrosity that is going on on the Internet and not these little press releases. We can't go home and just say that we are heroes without having really done something.

When I go home, I am going to tell my constituents that, yes, maybe there are some headlines, but there wasn't real relief. And I look forward to the day when this Congress gets down to the nitty-gritty and really does something about this terrible problem.

Mr. DINGELL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I oppose these Internet predators. My good friend, for whom I have great respect, the chairman of this subcommittee from Michigan, opposes them. Everybody else in the Chamber opposes them. Every right-thinking and decent American opposes this practice. What we need, however, is good legislation which will address the problem. What we need is legislation which will be effective.

The Committee on Energy and Commerce had a number of hearings on these matters. It is interesting to note that, in the process of that, you can't find anything about there being a problem at schools and libraries. Now, this legislation has attracted both the strong opposition of the schools and the libraries and the Chamber of Commerce, which points out to us that this bill needs more work. In other words, Mr. Speaker, this bill is not ready for prime time.

The unfortunate thing about this legislation is that, rather than dealing with the real problem, which is kids and young people who are making these communications with sexual predators from their own home or their own den or from their own basement or from their own room, it deals with schools and libraries. Now, that is very fine if we had some record which would show that this is a real problem or that there is not a better cure somewhere else, which in fact there is.

The regrettable thing about this legislation is its rush to the floor. I can't tell whether it is a bunch of Republicans who are panicky about the next election or whether it is a situation in which everybody is trying to rush to get out of town to go on an August vacation. But the simple fact of the matter is this legislation is not going to do anything to stop the abuses about which there is a very legitimate complaint.

So here we are passing legislation, I suspect, to help some of my panicky Republican colleagues save themselves in a difficult election, or which will let people go home and say, oh, look what we did. But this process has not only been flawed, it has guaranteed that the matters that we discuss now do not really address the situation which confronts us.

□ 1515

And worse than that, we are going to be right back here at some future time, after the folks at home tell us what a sorry job we did in dealing with this matter. Because the problem of sexual predators continuing to work the young people is going to continue under this legislation, unabated; and we are going to come back here with red faces and say how we have made a mistake and we have to do more.

The simple fact of the matter is this legislation was sprung on us. I am told that it was written last night. We barely saw it before the process on the floor started. And the committee process, which enables us to look at legislation in a sound and responsible way, and the committee process, which enables us to work together to put good legislation on the floor, legislation which is carefully thought out and which the wisdom of all of the Members is brought to bear on the question, is not something which we find in the process in which we are now engaged.

So now we are on the floor with a piece of legislation poorly thought out, with an abundance of surprises, which carries with it that curious smell of partisanship and panic, but which is not going to address the problems.

We have a piece of legislation on which we have less than an hour to talk, and we have no opportunity whatsoever to amend the proposal. We can vote ''yes'' or we can vote ''no.'' Well, most Members, I suspect, will do the politically wise thing, and I will join them in it, and that is, I am going to hold my nose and vote for this legislation in the full awareness that it is not going to address the problem at all and that it is a political placebo for a very, very, serious problem.

This is, essentially, a shin plaster on a cancer. This is a piece of legislation which is going to be notorious for its ineffectiveness and, of course, for its political benefits to some of the Members hereabout.

It is, in a nutshell, Mr. Speaker, going to be as useful as side pockets on a cow in addressing the problem about which we are all deeply concerned, where we have a duty to our constituents to legislate strongly and well and where we have a duty to have an open process to hear the comments of our people, those that we serve, about what the legislation does to find out how we do the best job of serving the American people. Those events are absolutely not to be found in the history of this legislation.

I really regret that my colleagues on the other side have chosen to behave this way, but it seems to be a characteristic of this House under the leadership with which we are afflicted. Good legislation is withheld, poor legislation is written, and the opportunity for the people to be heard or for the legislation to be protected is totally unavailable.

The process stinks. The legislation is weak. The legislation will be ineffective, it will accomplish nothing, and we will all share red faces about this bumbling endeavor.

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

Mr. UPTON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would just like to say to the gentleman from the great State of Michigan, and my good friend, Mr. MARKEY, as well, that I know that both Chairman BARTON and myself look forward to working with both gentlemen on strengthening this legislation down the road and looking to close as many loopholes as we can to protect our children. Because the bottom line is this, better than a 2,000 percent increase in the FBI caseload of online predators.

This is not the end-all. We know that. But we know that sexual predators should not have the ability to use our schools or our libraries; and we should take away that avenue, if we can, for their evil deeds. And that is precisely what this legislation is intended to do.

And I would note that even though this was introduced some 2 months or so ago, we have nearly 40 cosponsors of the legislation. MELISSA BEAN has been a great leader from the Democratic side of the aisle, as well as the Republicans that have been mentioned earlier during the debate and that have participated. And I know that in the oversight and investigation hearings that we have had, not only as well as in New Jersey but the legislative hearing that we had with many witnesses, including the Attorney General from Texas, who did a marvelous job of explaining what was going on in Texas, they all strongly endorsed the intent and the legislation as it was introduced.

I think we have a better bill today than perhaps was introduced by taking into consideration the many constructive comments that were made by my friend, Mr. MARKEY, Mr. DINGELL, and others on the committee.

With school starting for many as early as next month, August, knowing that the Congress, at least the House, is likely to adjourn this week, the Senate still has another week, I would like to think that with a strong vote this afternoon the Senate may take up this legislation perhaps next week, perhaps, and we actually may get the bill to the President's desk so that it will be in place for kids as they start school.

So that is one of the reasons, I think, why this legislation was, indeed, rushed to the floor. But, again, I know that we took in many good comments by those at the legislative hearing that we had, and I think that the proof will be in the pudding.

Mr. Speaker, I yield, for a brief minute, to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I will just say, also, this legislation responds to a

rapidly growing phenomenon in America. Over 25 million American children have their personal data on these sites. These sites are now the number one sites on the Internet, and we are applying a tried and true principle of our jurisprudence, now 800 years old, that when you make money off of children, as these sites do, we have always recognized a higher duty of care in the protection of children, and that is the principle that this legislation stands for.

Mr. UPTON. Mr. Speaker, I would say, too, I believe it was over the Fourth of July week break that ''Dateline'' had the big expose; and I know our office was flooded with calls and letters, as I was home in Michigan. There were a good number of parents and others that expressed their concern about some of these different online services that were there; and if we can close the loophole on schools and libraries, I think that it is a good thing.

I think that, because of that, I would hope that most Members, when we vote on this later this afternoon, in all likelihood would vote ''yes'' on the bill. Again, it is bipartisan, and that is why it is here before us this afternoon.

Mrs. BIGGERT. Mr. Speaker, I rise today as a cosponsor of H.R. 5319, the Deleting Online Predators Act.

As a mother of four and a grandmother of six, the safety of our children is a priority of mine. When most of us were children, our parents told us to never talk to strangers. Now as parents and grandparents, our message must change with technology to include strangers on the Internet.

We all were horrified by the story of the teenage girl from Michigan who traveled across the world to the West Bank town of Jericho to meet a man she had been communicating with on the networking Web site, MySpace.com. Even worse are stories that involve internet pedophiles preying on children from all over the Nation, including my district.

Naperville, a city that has twice been voted by Money Magazine as the Top City in the Nation to Raise Children, has witnessed two high profile cases in the last three months involving young teenagers and men they have met on MySpace.com.

It is easy to see why networking Web sites are popular among teens. A recent poll by the Pew Internet & American Life Project shows that 87 percent of those aged 12 to 17 use the Internet on a regular basis. Of this 87 percent, approximately 61 percent report having personal profiles on networking Web sites like MySpace, Facebook or Xanga. These profiles contain photographs, e-mail addresses, hobbies as well as other personal information that would be easy for a child predator to manipulate.

With more than 90 million users, MySpace.com and other networking Web sites have become new hunting grounds for child predators. Something clearly has to be done. This bill is a good start. At least let's give parents some comfort that their children won't fall prey while using the Internet at schools and libraries that receive Federal funding for Internet services. That is why I urge all Members to support H.R. 5319, the Deleting Online Predators Act.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 5319, the Deleting Online Predators Act.

I am a cosponsor of this legislation, which requires schools and libraries to monitor the internet activities and implement technology to protect children from accessing commercial social networking sites like MySpace.com and chat rooms that provide an avenue for dangerous individuals to make personal contact with unsuspecting underage children.

The popularity of social network sites have soared, especially among our children, in recent years. These sites allow users to post photos, chat and interact with other users online.

However, the popularity of these sites have also become a haven for child predators. A recent Department of Justice study found that one in five children received an unwanted solicitation online.

This legislation takes an important step towards protecting our children from these online predators. The bill will still allow teens to access social networking sites under their parent's supervision, and yet protects them when they are online alone. The rise in online solicitations by child predators must be countered by a strong response, and H.R. 5319 takes such action.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5319, a bill that would amend the Communications Act of 1934 to require schools and libraries that receive universal service support to prohibit and block access to social networking websites and chat rooms. In doing so, H.R. 5319 will protect adolescents from communicating with potentially harmful strangers. The bill will prevent adolescents from accessing obscene or indecent material and also from illegal, online sexual advances from strangers. Thus, the bill will help to safeguard our children, and put simply, will prevent them from accessing any material that is potentially harmful.

As many of you may know from watching ''Dateline'' NBC's ''To Catch a Predator,'' the United States has a countless number of sexual predators. It is very hard to profile a sexual predator, and it is also very hard to cure one. This is why H.R. 5319 is a necessity; it will tackle this mammoth issue by preventing any kind of potentially harmful communication with strangers in school networking sites and chat rooms. I believe that it is hard to keep sexual predators away from our children, but with this bill, it will be easy to keep our children away from sexual predators.

I strongly support H.R. 5319, and I urge my colleagues to join me in supporting it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5319, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT A NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK SHOULD BE ESTABLISHED

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 928) expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established, as amended.

The Clerk read as follows:

H. RES. 928

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education;

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition; and

Whereas the Senate, in S. Res. 528 passed on July 13, 2006, designated the week beginning September 10, 2006, as ''National Historically Black Colleges and Universities Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and goals of historically Black colleges and universities in the United States;

(2) supports the designation of an appropriate week as ''National Historically Black Colleges and Universities Week''; and

(3) requests the President to issue a proclamation designating such a week, and calling on the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 928.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 928, recognizing the contributions

of Historically Black Colleges and Universities; and I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), my colleague, for introducing this resolution. Ms. JOHNSON certainly recognizes the important role that Historically Black Colleges and Universities play in the postsecondary education environment.

The HBCU community is extremely diverse. The community of Historically Black Colleges and Universities includes 2- and 4-year institutions, public and private institutions, as well as single sex and co-ed institutions. Even with this diversity of student body, geographical location and population served, the principal mission of all these institutions is unified, and that is to provide a quality education for African Americans. It is also important to remember that these institutions, in many instances, serve some of our most disadvantaged students.

The contributions made by Historically Black Colleges and Universities deserve recognition. While comprising less than 3 percent of the Nation's 2- and 4-year institutions, Historically Black Colleges and Universities are responsible for producing a significant number of all bachelor's, master's and professional degrees earned by African Americans. In many instances, Historically Black Colleges and Universities do not have access to the resources or endowment income that other institutions can draw upon. Yet they are still able to provide quality education to an underserved population.

Since 1995, we have worked to improve the Nation's support for Historically Black Colleges and Universities. The Higher Education Amendments of 1998 made improvements to the programs designed to aid Historically Black Colleges and Universities in strengthening their institutions and graduate and professional programs. These changes included allowing institutions to use Federal money to build their endowments and to provide scholarships and fellowships for needy graduate and professional students.

Between 1995 and 2006, congressional funding for the strengthening Historically Black Colleges and Universities program rose from $109 million to $238 million, a 118 percent increase. And what is more, funding for Historically Black Colleges and Universities graduate programs increased from $19.6 million to $57.9 million, an increase of 195 percent.

It is important that we pause to recognize the contributions of Historically Black Colleges and Universities and their graduates by celebrating Historically Black Colleges and Universities Week. My State of Louisiana is home to five of such institutions: Grambling State University, Southern University A&M College, Southern University at New Orleans, Dillard University, and Xavier University. These institutions have dramatically improved the quality of life and economic opportunities on the gulf coast. These institutions provide valuable leadership and excellence in education, and they certainly should be commended.

I was pleased to see that the White House Initiative on Historically Black Colleges and Universities is coordinating a 3-day national conference in September where they will continue to discuss the progress of gulf coast recovery efforts.

I urge my colleagues to recognize the important contributions made by Historically Black Colleges and Universities and their graduates and to vote ''yes'' on this worthy resolution.

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

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

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

Mr. OWENS. Mr. Speaker, I want to congratulate the distinguished Member from Texas, EDDIE BERNICE JOHNSON, and all the cosponsors of this important legislation.

I am quite pleased to be able to state, at this point, after my 23 years in Congress, I will be retiring at the end of this year, that my association with Historically Black Colleges and Universities is one of the most uplifting experiences of my career.

I came in 1986, early, and I am proud of the fact that it was as a result of bipartisan support that the Historically Black Colleges and Universities were funded for the first time by the Federal Government. So this designation today is not empty ceremonial action.

I am pleased to support the congressional acknowledgement of the importance of Historically Black Colleges and Universities, but Congress has already done something to help these institutions. There is great substance behind this designation.

Historically, Black Colleges and Universities will have the benefit of, have the designation of September 10, 2006, as National Historically Black Colleges and Universities Week as a result of this legislation. But I just want to highlight some of the things that Congress has already done before I yield to the sponsor of the bill.

HBCUs continue to serve, as you said before, a critical role in our Nation; and HBCUs have had the support of Congress over the last 20 years, since 1986.

□ 1530

In 1986, Black Colleges and Universities faced a time of significant, almost desperate, financial turmoil. Several old schools had been shut down by 1986. Of the approximately 4,000 such institutions of higher learning in America, all the institutions of higher learning, only 135 both historic and predominantly black are black founded and administered, and at that time, only about 107 Historically Black Colleges existed.

After conducting a hearing at Atlanta University, where 13 of these college presidents testified, the Owens title IIIB amendment received both authorization and appropriation in 1986. Since 1986, with the support of both parties, the Congress has provided $3.9 billion. I want to repeat: 3.9 billion has flowed as direct aid to black colleges. This is a wise investment for a small but vital sector of our much-needed accelerated mobilization for education.

Later on, I will indicate some of the kinds of money that has been received by these colleges, one or two which would not still be in existence had they not had the Federal funding.

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

Mr. BOUSTANY. Mr. Speaker, I thank the gentleman for the passion he brings to this debate and for the hard work he has done to help Historically Black Colleges and Universities.

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

Mr. OWENS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas, the sponsor of the bill (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased to be able to offer this resolution recognizing National Historically Black Colleges and Universities Week, and I want to thank Mr. OWENS for all of his efforts over the years and thanks to all the cosponsors.

For over 170 years, our Historically Black Colleges and Universities have been on the forefront of preparing our Nation's youth for a bright path and successful future. Many struggling, almost closing, and some did close, but determined to finish their mission.

Originally founded for the purpose of providing educational opportunities for African Americans, HBCUs have profoundly changed the American economic and social climate. The fact is that until 1964, HBCUs represented one of the only opportunities African American students had to obtain a degree in higher education. HBCUs have changed the face of this Nation and have opened the doors for many generations of African American students.

Today America's HBCUs continue to provide excellent educational opportunities for all Americans. Over 200,000 diverse students across the United States attend HBCUs today.

I am proud to represent Paul Quinn College, the oldest historical black college west of the Mississippi River. For over 130 years, Paul Quinn has provided their student with the tools to become successful leaders. Because of their unique resources, HBCUs continue to be extremely effective in graduating African American students and preparing them to compete in the global economy. While they may start behind going into the college, they have always been able to compete equally and competitively on the graduate level. HBCU graduates over half of all American professionals, and 50 percent of all African American school teachers graduate from HBCUs. Additionally, the

Historically Black Colleges and Universities remain extremely successful in graduating African American Ph.D.s and scientists.

The fact is that we cannot move forward as a country until all of our children have the opportunity to succeed academically. Each day, HBCUs help us bridge that achievement gap. Celebrated the week of September 10, National Historically Black Colleges and Universities Week allows us to reflect upon the impact these institutions have had on our history and to celebrate their continued commitment for outstanding education.

I would like to thank the House leadership and the Education and the Workforce Committee for allowing me to bring this important resolution to the floor, and I request the support of all my colleagues of Resolution 928.

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

I commend the gentlewoman again for bringing this resolution to the floor.

Let me just say that as we recover on the gulf coast, and I mentioned the Historically Black Colleges and Universities in my home State of Louisiana, they played a vital role in the leadership in helping us recover.

So, again, I thank the gentlewoman from Texas for bringing this valuable resolution to the floor.

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

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

I want to just note the fact that as Congresswoman JOHNSON mentioned, the Paul Quinn College is one of the oldest HBCUs in the country. Since 1996, they have received $15.753 million from title IIIB of the Higher Education Assistance Act, title IIIB, which funds HBCUs.

Texas, in general, has received money for several colleges: Huston-Tillotson, which is relatively small; Prairie View A&M University received $38 million since 1986; St. Phillip's College has received $42 million since 1986. The largest of all rewards, I think, has been to the big Texas Southern University, which has received $47 million since 1986.

This is not an empty resolution, as I said before. Congress can be proud of the fact that it has been involved in maintaining these colleges, which were financially strapped in 1986 and still struggle financially.

I think Alabama receives the most aid of the colleges. They have a long list. Alabama State University, $37 million; Alabama A&M University, $35 million. Miles College, I would like to note, is one of the colleges that was almost about to go under. Because my office in 1986 and 1987 had many conversations with the administration of Miles College, and if there had not been a title IIIB funding, Miles College may not be here. They have received $21 million over the last 20 years. In Alabama, also, we have the smallest university that has received aid. I do not think they exist anymore. That is Selma University. They had received $3 million over the course of the funding period.

Also, I think significant, in Florida the largest amount of money has been received by Florida A&M University; $59.268 million has been received. Georgia does very well with Albany State College, $31 million; Clark Atlanta University, $33 million. These are relatively small colleges that are known throughout the whole country. Morehouse College, $25 million; and Spelman College, $26 million.

In Louisiana, as mentioned before, most of these colleges receiving aid from title IIIB were colleges affected by Katrina and the subsequent flood: Dillard University, over the years, has received $25.846 million; Grambling State University, $47.179 million; Southern University, $24 million; Southern University A&M College, $57 million; Southern University at New Orleans, $34 million; and Xavier University, $31 million.

So I think we have certainly supported those colleges up to date, and they need extra help, as everybody knows, now.

We also have Virginia, which has done very well: Hampton University, which had one of the largest private endowments, has still received $33 million; Norfolk State University, $44 million; and Virginia State University, $30 million.

So we have an impressive record over the 20-year period of title IIIB funding for Historically Black Colleges and Universities. And I will submit this list for the RECORD.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me just, first of all, thank the gentleman from New York for yielding. And I also want to thank and commend the gentlewoman from Texas for her introduction of this resolution. I want to commend the gentleman from New York because for as long as I have been a Member of Congress, he has been the chief spokesperson for the Congressional Black Caucus on issues of higher education.

Mr. OWENS, you have represented us well and done an outstanding job, and I commend you.

This is one of the most delightful moments that I have had since I have been a Member of Congress because had it not been for a Historically Black College, I would not be here. There is no doubt in my mind. I left home on my 16th birthday to attend what was then Arkansas A&M College at Pine Bluff, which is now the University of Arkansas at Pine Bluff. Following me were six of my brothers and sisters who also attended the University of Arkansas at Pine Bluff. Three nephews, one niece, and a half dozen first cousins.

We lived in the southeast corner of the State, which was a rural area in Arkansas. The money that Representative OWENS talked about is so important because when I got there, I had $20 in my pocket and a $50 scholarship. The scholarship, of course, was good as long as you maintained a B average, and if you ever fell below, then you no longer had the $50 scholarship.

It was not uncommon for friends of mine and myself to actually skip classes on light days and go out and pick cotton so that we would have money to purchase our books.

So the Historically Black Colleges and Universities, as all black colleges and universities, have played a significant role. They provide a rich heritage and lay the foundation for men and women of color. W.E.B. Du Bois, who is considered the father of sociology due to his thesis called the ''Study of the Philadelphia Negro,'' is a product of Fisk University in Nashville, Tennessee, a Historically Black College. Dr. Martin Luther King, Jr., all of his eloquence and analysis of social problems came from his experiences not only in the black church, but also came from the education that he received at Morehouse, located in Atlanta, Georgia, a Historically Black College.

Thurgood Marshall, the first black Chief Justice of the United States Supreme Court, is the product of Lincoln University in Chester, Pennsylvania, which is historically known as the first Historically Black College founded in 1854.

These institutions are not only necessary for individuals who come from certain economic backgrounds, but they contain a great deal of the history and culture. So when Representative OWENS talks about how important the money is that we have been able to provide for them, many of them provide the kind of nurturing environment that students often cannot get from a big university. So they get the special help.

This, Mr. OWENS, and the work that you have done and the introduction of this resolution by Representative EDDIE BERNICE JOHNSON make all of the work that we do to try to keep these institutions alive and vibrant.

And I also want to thank my CBCF intern, who is currently attending Fisk University, Dante Pope, and is a singer with the renowned Fisk Jubilee Singers, who traveled all over the world to raise money so that Fisk could continue to exist.

I thank all of those who will support this resolution.

□ 1545

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

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

Mr. Speaker, I will comment on Mr. DAVIS' comments about going to the University of Arkansas at Pine Bluff. Since 1986, the University of Arkansas at Pine Bluff has received $31 million from the title IIIB congressional funding, and I think that his story is a story of many of my generation.

I was a child in a family of eight. Our father worked in a furniture factory as a laborer. He never made more than minimum wage, and I think the minimum wage at that time was less than $3. He was often laid off. We were very poor, and I had determined that I would never go to college.

I was a lucky one. The Ford Foundation had an experiment at that time going where they would allow youngsters who had talent to take a test, and they could come out of college even from the 10th or 11th grade and get 2 years of college before they were eligible for the Korean War draft. The Korean War draft was under way at that time, and they were going to give bright youngsters a chance to get at least 2 years of college.

I took the test, and I had all of my expenses paid to Morehouse College in Atlanta, Georgia. For the first 2 years, all of my expenses were paid, and I was on a partial scholarship for the second 2 years.

But that was a pattern which was not experienced by most of my colleagues at college. They had to struggle much harder to maintain themselves. Tuition was kept very low. The entire regimen of the college understood the students were poor and was geared to many of the problems that we had financially at home and the problems we had coming from schools that often had not prepared us for college work. So it is just personal experience that is certainly very relevant here.

I would like to note that at the time of the funding for the Historically Black Colleges title IIIB, I said that these few jewels in the crown all deserve to be preserved. The fact that there are only 135 Historically Black Colleges of 170 total black colleges in the United States right now, in a constellation of 4,000, they deserve to be preserved, and they serve a great purpose.

Such schools before 1986 were welcome to apply for competitive higher education grants, but they had to compete with Harvard, Yale and 4,000 other institutions. There was no direct channel for Federal funding to this special category. The historic and unique struggle for the creation and maintenance of such schools was accorded no official recognition.

Fortunately, we went to Atlanta and had a hearing. As a result of that hearing, 13 college presidents testified; and we won the support of the Education and Labor Committee members and later on the support of members of the Appropriations Committee. In that very same year, 1986, we authorized and had an appropriation which started the process of funding the Historically Black Colleges.

I will submit for the RECORD a statement prepared for the National Association of Equal Opportunity in Higher Education along with my list of actual funding for each college.

[Statement from National Association for Equal Opportunity In Higher Education]

OUR CHAMPION: CONGRESSMAN MAJOR OWENS

Congressman Major Owens has been a tremendous champion for blacks in higher education and has served a distinguished 24-year congressional tenure. Elected to the United States House of Representatives in 1982 from New York's 11th Congressional District. Representative Owens is a member of the vitally necessary Education and the Workforce Committee, which guides all Federal involvement in education, job training, labor law, employee safety and pensions, programs for the aging and people with disabilities, and equal employment opportunities. As Chairman of the Subcommittee on Select Education and Civil Rights for six years, Representative Owens' record for passing legislation was second only in New York to Adam Clayton Powell.

In 1986, Historically Black Colleges and Universities (HBCUs) faced a time of significant financial turmoil. Several old schools had been forced to shut down. Of the approximately 4 thousand U.S. institutions of higher learning only 107 had been established specifically to educate Blacks and most were located in the South.

''These few jewels in the crown all deserve to be preserved,'' counseled Congressman Major Owens, the only graduate of an HBCU (Morehouse College, '56) on the Education and Labor Committee. While such schools were welcomed to apply for competitive higher education grants along with Harvard, Yale and the four thousand other institutions, there was no direct channel for Federal funding to this special category. The historic and unique struggle for the creation and maintenance of such schools was accorded no official recognition. When Congressman Owens offered Title IIIB as a modest but vital possible funding stream, the first obstacle encountered was a gross lack of familiarity in Washington.

Fortunately, then Chairman of the Education and Labor Committee, Augustus Hawkins, was curious and supportive and agreed to allow Owens to hold a hearing in Atlanta, Georgia, at Atlanta University's Robert W. Woodruff Library. The first witness was then mayor of Atlanta, Andy Young. The presidents of thirteen other Southern Black colleges followed Mr. Young in testifying. Chairman Hawkins and other Education and Labor Committee members became enthusiastic converts following that historic session. Beyond the expectations of Congressman Owens there was a smooth passage of the authorizing legislation with five graduate schools added to the original list. As a major force on the Appropriations Committee, Congressman Lou Stokes obtained an immediate appropriation. Funds are disbursed on the basis of a formula and every HBCU is guaranteed an annual allocation.

Since the passage of the legislation in 1986, HBCUs went from zero dollars in Federal funding to receiving a total of $3,988,099,314.00 billion dollars. In his year of retirement, Congressman Owens has worked diligently to introduce legislation that would afford Predominately Black Institutions similar support to other Title IIIA schools.

Congressman Owens has been a stalwart guardian and advocate of predominately and historically black colleges and universities throughout his congressional tenure. He is the leader of the CBC's Braintrust on Education and in this regard has been and continues to be the opinion shaper on higher education issues impacting Black America. The entire Nation owes him a great deal of gratitude for keeping important issues regarding black colleges and blacks in higher education at the center of the national education policy debate. As Congressman Owens completes his final term, we commend and honor him for his tremendous contributions to the black higher education community. Thank you, Mr. Owens!

HBCU GRANT AWARDS—ALL YEARS (PROVIDED BY THE U.S. DEPARTMENT OF EDUCATION)

Name and total award:

AL

Alabama A&M University, $35,025,655.
Alabama State University, $37,542,317.
Bishop State Community College—Carver, $8,735,616.
Bishop State Community College—Main, $26,169,993.
Concordia College, $11,346,530.
Drake State Technical College, $10,042,970.
Gadsden State Community College, $4,000,000.
Lawson State Community College, $21,071,295.
Miles College, $21,329,445.
Oakwood College, $22,003,819.
Selma University, $3,812,613.
Shelton State Community College—Fredd, $10,796,218.
Stillman College, $21,147,196.
Talladega College, $22,110,197.
Trenholm State Technical College, $15,591,117.
Tuskegee Institute, $27,846,409.
Tuskegee Institute/School of Veterinary Medicine, $27,846,409.

AR

Arkansas Baptist College, $12,014,978.
Philander Smith College, $20,686,358.
Shorter College, $4,600,000.
University of Arkansas—Pine Bluff, $31,215,415.

CA

Charles R. Drew Postgraduate Medical School, $31,215,415.

DC

University of the District of Columbia, $14,154,703.

DE

Delaware State College, $22,548,466.

FL

Bethune-Cookman College, $28,805,940.
Edward Waters College, $17,018,109.
Florida A & M University, $59,268,976.
Florida Memorial College, $27,232,176.

GA

Albany State College, $31,594,007.
Clark Atlanta University, $33,405,088.
Clark College, $1,910,402.
Fort Valley State College, $27,642,764.
Morehouse College, $25,258,383.
Morehouse School of Medicine, $25,258,383
Morris Brown College, $18,302,808.
Paine College, $17,802,444.
Savannah State College, $30,008,363.
Spelman College, $26,518,676.

KY

Kentucky State University, $24,646,607

LA

Dillard University, $25,846,205.
Grambling State University, $47,179,192.
Southern University—Shreveport, $24,513,595.
Southern University A&M College, $57,825,446.
Southern University at New Orleans, $34,052,351.
Xavier University (LA), $31,083,299.

MD

Bowie State College, $27,868,586.
Coppin State College, $26,592,478.
Morgan State University, $39,864,381.
U. of Maryland at Eastern Shore, $24,913,973.

MI

Lewis College of Business, $8,600,000.

MO

Harris Stowe State University, $16,561,308.
Lincoln University (MO), $22,686,379.

MS

Alcorn State University, $31,713,845.
Coahoma Junior College, $20,371,062.
Hinds Community College—Utica, $17,332,613.
Jackson State University, $49,271,302.
Mary Holmes College, $7,373,526.
Mississippi Valley State University, $29,887,936.
Rust College, $18,899,685.
Tougaloo College, $27,068,054.

NC

Barber-Scotia College, $10,257,592.
Bennett College, $21,724,937.
Elizabeth City State University, $23,121,455.
Fayetteville State University, $30,642,331.
Johnson C. Smith University, $21,726,429.
Livingstone College, $17,552,027.
North Carolina A&T State University, $41,453,835.
North Carolina Central University, $33,105,047.
Saint Augustine's College, $20,257,510.
Shaw University, $25,273,249.
Winston-Salem State University, $30,923,188.

OH

Central State University, $23,180,576.
Wilberforce University, $17,022,616.

OK

Langston University, $33,625,920.

PA

Cheyney University of Pennsylvania, $18,145,471.
Lincoln University (PA), $20,185,526.

SC

Allen University, $11,285,912.
Benedict College, $26,898,694.
Claflin College, $21,109,208.
Clinton Junior College, $2,500,000.
Denmark Technical College, $18,814,336.
Morris College, $19,589,202.
South Carolina State College, $34,425,031.
Voorhees College, $18,607,148.

TN

Fisk University, $21,687,270.
Knoxville College, $6,060,849.
Knoxville College/Morristown Campus, $2,200,000.
Lane College, $19,874,712.
Lemoyne Owens College, $17,950,926.
Meharry Medical School, $17,950,926.
Tennessee State University, $44,357,510.

TX

Huston-Tillotson College, $20,628,663.
Jarvis Christian College, $12,074,442.
Paul Quinn College, $15,753,746.
Prairie View A&M University, $38,062,884.
Southwestern Christian College, $8,600,000.
St. Phillip's College, $42,621,299.
Texas College, $12,617,407.
Texas Southern University, $47,668,765.
Wiley College, $12,716,011.

VA

Hampton University, $33,604,102.
Norfolk State University, $44,940,874.
St. Paul's College, $12,022,412.
Virginia State University, $30,584,815.
Virginia Union University, $21,436,802.
Virginia University of Lynchburg, $1,000,000.

VI

University of Virgin Islands, $18,468,085.

WV

Bluefield State College, $25,888,689.
West Virginia State College, $27,965,546.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in strong support of Ms. JOHNSON's bill, House Resolution 928. This bill, which expresses the sense of the House of Representatives that our Nation adopt a week each year to honor our Nation's Historically Black Colleges and Universities, is a measure that would serve as an outstanding tribute to Historically Black Colleges and Universities.

There are four HBCUs in the State of Florida: Florida Memorial in Miami; Florida Agriculture and Mechanical University in Tallahassee, of which I am a graduate; Edward College, which is in the heart of my district; and Bethune Cookman College, a great institution in Daytona Beach, a school I work very closely with.

The importance and the outstanding work HBCUs do around the country is most noteworthy. In addition to educating African American students nationwide, they provide resources for our communities, such as mentoring and tutoring programs for our youth.

Nationwide, HBCUs enroll 14 percent of all African American students in higher education, even though they make up just 3 percent of our Nation's 4,000 institutions of higher education. HBCUs have awarded master's degrees and first professional degrees to about one in every six African American men and women, and awarded 24 percent of all baccalaureate degrees earned by African Americans nationwide.

I commend Ms. JOHNSON in her efforts on behalf of the Historically Black Colleges and Universities, and I strongly support House passage of this bill.

I also want to commend you, Mr. Ranking Member and Mr. Education, for all the work that you have done to help black colleges throughout the years. I do know that we have representatives on the Hill today, and they have been so important working with black colleges. I want to welcome them to their Capitol.

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

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

Mr. Speaker, I just wanted to comment that I have a statement here called ''Black Colleges: Tiny But Still Jewels in the Crown,'' which I would like to submit also for the RECORD, which talks about the role that black colleges play in the larger need for an overall national mobilization for education.

I again want to thank the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, and the other sponsors and cosponsors of this important bill, which in recognizing Historically Black Colleges and Universities will recognize the contribution that black colleges can make in general to higher education throughout America.

[From the Congressional Black Caucus Foundation Newsletter]

BLACK COLLEGES: TINY BUT STILL JEWELS IN THE CROWN

(By Major R. Owens)

In 1986 Black colleges and universities faced a time of significant, almost desperate, financial turmoil. Several old schools had been shut down. Of the approximately four thousand such U.S. institutions of higher learning only abut 135 are Black founded and administered. After conducting a hearing in Atlanta University, where thirteen college presidents testified, the Owens' title IIIB amendment received support for both authorization and appropriation. Since 1986, with the support of both parties, the Congress has provided 3.9 billion dollars in direct aid to Black colleges. This is a wise investment for a small but vital sector in our much needed accelerated mobilization for education.

Our nation must more fervently embrace its duty to the mission of indispensable leadership for our earth civilization. Education must be at the core of the comprehensive plan, strategy, mobilization which accomplishes this vital goal. Economic competitiveness, cultural creativity, governance genius, freedom of outlook, the determination to pursue happiness, stubbornness in philosophy and ideology, and the continuing commitment to the spiritual and moral belief that we are born to serve a purpose beyond day-to-day individual survival; these are objectives which cannot be achieved without a massive and ongoing dynamic emphasizing education.

Military shock and awe can defend us from fanatics and guarantee that we never lose a violent war. Winning, prevailing in the effort to keep humankind moving more rapidly away from our savage animal roots toward a paradise on earth can be achieved only if we accept education as the heart and blood of our political and social body. Aspiring toward such a healthy national physique must make use of every organ and resource we possess. The brainpower in our inner cities and poor rural areas we can no longer allow to be wasted. Like the small veins in the heart or the tiny hormone producing glands in the throat, Black colleges have an unseen but critical role to play.

The brainpower deposited among the uneducated poor and minorities is the great untapped human resource of America. To better recognize the need for this resource consider the following: A generally accepted barometer of degrees of global competitiveness is the size of a nation's ''middle class.'' Beyond mere income, ''middle class'' should be defined as the segment of society able to earn a decent living for themselves and also capable of contributing something of value to society. Those who are not in this class would be persons lacking the capacity to support themselves and even in extreme cases becoming dysfunctional threats to society. Of its 1.2 billion populace China is predicted to have one fourth or 300 million people in its middle class by the end of this decade. India will have the same number or more—and they speak English. Add the very potent middle classes of Russia, Japan and Europe and you will see an overwhelming imbalance against the potential middle class of the United States. These are the workers who will be our well-prepared competitors in the global market-place. These ''middle class'' citizens will challenge our present lead in hi-tech products and services.

Consider the following:

Our total population is only 300 million. To maintain a position of global competitiveness our entire populace must become ''middle class.'' Japan and Ireland have achieved

this level. It is not an impossibility but a massive education mobilization must be mounted for the U.S. to catch up. And one great untapped brainpower resource is in the Black community. Black colleges and universities can be the catalysts for saving and developing this diamond mine.

Republican and Democratic bi-partisan support for Black colleges over the last twenty years has paid off and this investment could yield far more profitable results if we expand it.

Mr. BOUSTANY. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend from Louisiana. I appreciate it very much.

I just rise to thank MAJOR OWENS for his steadfastness, not only in this particular area but in the area of education generally. The time is coming when MAJOR will not shepherd any longer any of these measures, but certainly all of us are grateful to him.

Also, I am grateful to my classmate and colleague for bringing this legislation to the floor. Quite frankly, Mr. Speaker, I can join the list. I heard DANNY DAVIS, my good friend from Illinois, speak of his experiences.

In 1953, I left Sanford, Florida, on a train for Nashville to attend Fisk University, one of the Historically Black Colleges that has been recognized. I left there and came here to Howard University and left there and went to Florida A&M University, where I achieved my JD degree.

Ms. BROWN, my colleague and classmate, spoke momentarily about Florida's schools. I have taught at Florida Memorial, been a Board of Trustee member at Bethune, and I am a graduate of Florida A&M University.

If it were not for those Historically Black Colleges, I would not be here. That may be something that a lot of people wish didn't happen, but it happened, and I am proud of it, and I thank my colleagues.

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

Mr. Speaker, I want to thank all my colleagues on the other side of the aisle for the hard work that they are doing to ensure that all Americans have access to education. I urge my colleagues to recognize the important contributions made by Historically Black Colleges and Universities and their graduates and to vote ''yes'' on this worthy resolution.

Mr. JEFFERSON. Mr. Speaker, I am here today to speak in support of establishing a National Historically Black Colleges and Universities Week. I am not only the product of an HBCU—Southern A&M College in Baton Rouge—but I represent three of these colleges in my district, Xavier, Dillard and Southern University in New Orleans.

These universities are the leaders in Louisiana in graduating African-Americans. Xavier graduates more black pharmacists than any university in the country and has a near 100 percent bar passage rate. The university also sends more African-Americans than any other university to medical school. Dillard University is nationally known for its nursing program and Southern University educates nearly 100 percent New Orleans residents who may not have received a college degree if SUNO was not open. These universities, as well as the other schools in the Southern University system and Grambling State University, have been vital in producing the best and brightest African-Americans in the American workforce. For their work in educating African-American students for over 100 years and their continued need for those who may not have the opportunity to go to college otherwise, they certainly should be recognized.

The Historically black institutions in my district were the hardest hit of our university system in New Orleans after Hurricane Katrina. SUNO is operating out of a trailer campus and Dillard will reopen this spring in the Hilton Hotel again. And all of the universities are struggling to recruit and retain students. We need the continued support of Congress to recognize the importance of these institutions in our community. Graduates of these universities often stay in New Orleans to work as teachers, doctors, or nurses in underserved communities because they want to give back to the community in which they have fostered an education. We need this to continue. Furthermore, these universities are critical to the recovery of our professional workforce in New Orleans. We could not rebuild our community without the support of the students who come to learn in our city or the professors who commit to stay in our city.

This resolution is important to me personally because without Southern A&M College, I might not be here today. But beyond that, the continued need for the opportunity that HBCU's provide and the local need for these universities to be involved in the recovery of the Gulf Coast region makes this resolution even more timely and necessary and I encourage all of my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 928, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 947 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 947

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 947 provides for a structured rule, with 1 hour of general debate equally divided and controlled between the chairman and ranking minority member of the Committee on International Relations, and waives all points of order against consideration of this bill, and provides for a motion to recommit with or without instructions.

This rule also makes in order several amendments brought forward to the Rules Committee, two of which are Democrat amendments, two are Republican, and two are bipartisan amendments, so the rule is fair in allowing a wide range of debate on issues that will be affecting nuclear technology, U.S. foreign policy and our strategic partnership between the world's two largest democracies, India and the United States.

Mr. Speaker, there was a time when I acted in a great many plays, one of which was the children's theater ''Willy Wonka and the Chocolate Factory.'' And Willy Wonka has a song

that he sings in there called ''Pure Imagination,'' with the wonderful lyrics like ''there is no life I know that compares with pure imagination,'' which may work well for the stage or for a children's book after which it was based but not in the reality of our partnership between India and the United States.

There we must face reality, and the reality is India has had nuclear technology for four decades, they are a nuclear power, they have been in the possession of that technology since 1974 when they conducted their first nuclear test, they have never signed the nuclear nonproliferation treaty, nor do they have the international Atomic Energy Agency safeguards, and since that time they have sought to increase the development of nuclear energy to support the needs of their large population.

In June of last year, President Bush announced an agreement with Prime Minister Singh of India on increasing cooperation on various fronts, including civilian energy production, which will hopefully ensure that India will join with the rest of the world and with us in the nonproliferation mainstream.

This underlying bill, H.R. 5682, builds upon those principles outlined in the President's agreement with India and grants the President certain prerogatives to waive restrictions of the Atomic Energy Act of 1954 to facilitate transfers of civilian nuclear technology and materials, while specifically preserving the right of the Congress to ultimately approve or disapprove those waivers by requiring an unamendable joint resolution of approval by Congress in order for any of the formal detailed agreements to be entered into force.

□ 1600

In that regard, the Committee did well in protecting the rights and prerogatives of Congress. The bill also increases congressional oversight of nuclear cooperation with India by requiring detailed annual reports on India's activities.

Finally, the legislation requires the President, prior to requesting a waiver of the Atomic Energy Act prohibitions to certify to Congress very specific conditions that have been met by India, which would include: A credible plan for a separation of India's civilian and military facilities, increased safeguards and inspection of India's nuclear facilities, strengthened controls on India's export of nuclear technology, and an agreement that India will work with the United States towards the FMC treaty, which will also certify that the NSG has consensus agreement on the guideline modifications that will be enacted.

Mr. Speaker, as the ranking member on the International Relations Committee said at the Rules Committee hearing yesterday on this bill, it is perhaps the single most important bill in this area of international relations that this Congress will have acted upon.

Our country has much to gain by working cooperatively with India in exchange for tighter controls than by not engaging them on these matters at all.

Without this agreement, India could move unilaterally into a nuclear realm without our Nation's consent or cooperation. Since September 11, 2001, India has demonstrated that it is an important partner with the United States in combating the war on terror. It is a nation of strategic and economic interests, and it is one in which we need to further our cooperation with India.

One of the most concise yet persuasive concepts for us to consider as well is that by facilitating civilian nuclear energy in India through cooperative agreements with our country, we will also have a significant influence on the international impact of oil, of emissions and jobs.

This is one of those bills, unlike some of the others we do, that does not expand the scope of government, it does not impose a mandate, has congressional authority, and if you are watching or reading one of the newspapers passed around this Hill today was supported by eight different veterans groups today.

Mr. Speaker, H.R. 5682 is a bipartisan bill. It enjoys a broad range of support. I urge the adoption of the rule and the underlying legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I thank my friend from Utah (Mr. BISHOP) for the time.

Mr. Speaker, I rise today in strong support of the U.S.-India Nuclear Cooperation Promotion Act. As our colleague, Chairman HYDE, said yesterday in the House Rules Committee, this is the single most important piece of legislation that has come through the International Relations Committee this year.

We must do everything in our power to pass it today. India, the world's largest democracy, and the United States, the world's oldest democracy, must come together and strengthen their friendship. After centuries of an unsteady relationship, there has been dramatic improvement starting with the Clinton administration and continuing today.

This bill tells India that we believe in them, and that we want to support them just like they have consistently supported us. The civilian nuclear initiative will deepen the U.S.-India strategic partnership. The initiative reflects U.S. trust in India as a global tactical partner, and indicates our admiration for India's democratic traditions, her commitment to tolerance and her commitment to freedom.

I, as well as many of our colleagues, have had the great pleasure of traveling to the country of India on several different occasions. Any person who goes to India recognizes the crucial necessity of clean energy.

This legislation will provide productions of clean energy, and can potentially reduce further pollution on the environment through decreasing the dependency on fossil fuels.

Civil nuclear cooperation is vital to the development of a clean and safe environment for our Indian friends. As our distinguished colleague, the ranking member of International Relations, Tom Lantos, said in the Rules Committee yesterday, India is a nuclear nonproliferator.

India has pledged to identify and separate her civil and military nuclear facilities and programs and place the civil portions under IAEA safeguards. I would urge my colleagues who have some hesitancy about this legislation to pay particular attention to that particular part of the legislation.

This bill will bring India closer to the international nonproliferation mainstream. India has ensured that 65 percent of her current and planned power reactors will come under IAEA safeguards. This, in the legislation, would rise to as high as 90 percent in future years as India constructs new reactors.

Without this initiative, 81 percent of India's current power reactors and all future power programs would remain unclear. Energy power and clean air are necessities for the Republic of India, especially because the excessive harm of global warming that is affecting India and indeed the world every day.

The amount of carbon dioxide emitted through the combustion of fossil fuels, otherwise known as the carbon footprint, is constantly upsetting this region.

Their need for alternative sources of energy is staggering, and we must pass this legislation to make a change in this region possible. India, America's strongest ally in the Southeast Asia region, is on the verge of an energy crisis. India is the sixth largest energy consumer in the world.

But in order to maintain their strong economic growth, India's energy consumption will need to increase substantially. The facts are astounding, and civilian nuclear cooperation is the only way India's energy can remain secure.

On a note of personal privilege, Mr. Speaker, I would like to thank Sonal Patel, a young woman who is interning in my office this summer. She worked hard on this issue, and she and other young Indian nationals who are interning here on the Hill this summer worked very actively, along with my friends, Mr. CROWLEY, Mr. PALLONE and others, to bring to the floor the legislation dealing with the condemnation of the horrible bombing incidents that took place in India.

This is a year where many of our interns are demonstrating staff-like work, and certainly, she qualifies in that category. The facts are astounding, and civilian nuclear cooperation is the only way India's energy can remain secure.

Mr. Speaker, I urge my colleagues to vote for the rule and the underlying bill.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 7 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the subcommittee, and one of the experts we have here in the House on international relations.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, as an original cosponsor of this legislation, as well as the co-chair of the Congressional Caucus on India and Indian Americans, I rise in strong support of House Resolution 5682, the United States and India Nuclear Cooperation Promotion Act.

I would like to thank Chairman HYDE and Ranking Member LANTOS for their dedicated work on this important issue, and for their willingness to work with me as well as other Members of the House International Relations Committee to ensure that the bill before us today achieves that delicate balance between strengthening our democratic ally, India, and expanding our bilateral strategic efforts, while promoting U.S. nonproliferation priorities.

Given the overwhelming positive committee vote on this measure, I am confident that we have achieved this balance, Mr. Speaker. By providing the legal foundation for full civilian nuclear cooperation, this bill supports the strategic objectives for our global partnership with India, and that was signed a year ago by President Bush and Prime Minister Singh.

As India stands firm with the United States and our efforts to confront and eliminate the scourge of global terrorism, and to prevent the spread of dangerous nuclear technology, this bill seeks to reward and recognize India's commitment, while building upon our bilateral cooperation and strategic relationship to address broader U.S. national security priorities.

Mr. Speaker, this is not a proposal that we would offer to just any nation. It is a venture we would only enter with our most trusted and proven democratic allies. As such, the bill we will be considering today clearly notes that India is a special case. It outlines the record of achievement that distinguishes India from the pack, and that has earned India this special treatment.

Notably, I am referring to section 2 of the bill, Mr. Speaker, which defines certain criteria that are crucial to the U.S. and which India has met. Section 2 recognizes that India is a country that has demonstrated responsible behavior with respect to the nonproliferation of technology related to weapons of mass destruction programs, and the means to deliver them; that India is working with the United States in key foreign policy initiatives related to nonproliferation.

India's commitment to cooperate with us on such major issues as the spread of nuclear weapons material and technology to groups and countries of concern, such as Iran, advances the strategic security interests of us in the United States.

However, to reiterate, Mr. Speaker, this bill seeks to go beyond the status quo, and it builds upon existing commitments and cooperation. Section 3 of the bill focuses our policy on securing India's full and active involvement in dissuading, isolating, and if necessary, sanctioning and containing Iran for its efforts to acquire chemical, biological and nuclear weapons capability, and the means to deliver those deadly unconventional weapons.

This section also establishes, as U.S. official policy, the need to secure India's participation in the Proliferation Security Initiative, including a formal commitment to the statement of interdiction principles.

It also calls for the achievement of a moratorium by India, by Pakistan, and by China, of fissile materials for nuclear explosives purposes. Furthermore, Mr. Speaker, this bill ensures that Congress can exercise its congressional oversight, and it outlines a number of steps that the President must determine and report to the Congress that have taken place before we consider the final agreement.

Among other conditions, the certification under section 4 requires that India provide the U.S. and the International Atomic Energy Agency with a credible plan to separate its nuclear facilities, and that India file a declaration with the IAEA regarding the civilian sites.

It calls for India and the International Atomic Energy Agency to have concluded an agreement that subjects these nuclear facilities to perpetual safeguards. The President must also certify that India is taking concrete steps to prevent the spread of dangerous nuclear-related technology, such as by enacting and enforcing comprehensive export controls and regulations that are in keeping with the highest regional and international standards, such as those of the Nuclear Suppliers Club.

More importantly, Mr. Speaker, Congress will be able to review and approve the final framework agreement for U.S.-India nuclear agreements. Lastly, H.R. 5682 calls on the U.S. Government to provide Congress with detailed annual reports on implementation of this deal and on U.S. nonproliferation policy throughout South Asia.

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In short, nuclear cooperation under this proposed legislation could enhance not just U.S. security but actually international security as a whole.

In light of the vital implications of this legislation, Mr. Speaker, I urge my colleagues in joining me and voting ''yes'' on the U.S. and India Nuclear Cooperation Promotion Act. I thank my good friend for the time.

The SPEAKER pro tempore (Mr. KLINE). Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will control the time of the gentleman from Florida (Mr. HASTINGS).

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), a member of the International Relations Committee, one of the distinguished former co-chairs of the House India Caucus.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the rule for the India Nuclear Cooperation Promotion Act, and I thank the gentleman from Massachusetts for yielding me this time.

This rule provides debate for relevant amendments to the proposed civilian nuclear cooperation deal between the United States and India. I strongly support the passage of this bill, as do many former Clinton administration officials.

Former Defense Secretary Richard Cohen said, and I quote, ''The most important strategic agreement that we will have reached in recent times has been that of the United States and India on this non-nuclear agreement.''

Former Assistant Secretary of State for South Asia Rick Inderfurth said, and I quote, ''It is the right call for us in the world, really. This is a way to bring India into a global nonproliferation regime, rather than leaving it on the outside.''

Former Ambassador and career Foreign Service Officer Terestia Schaffer said, and I quote, ''The nuclear system will be much more robust and potentially more effective with India on the inside than on the outside.''

And today former Ambassadors to India Tom Pickering and Frank Wisner wrote an op/ed supporting the deal, which I would like to ask unanimous consent to have added to the RECORD.

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

There was no objection.

[From the Washington Times, July 26, 2006]

TRIUMPHANT INDIA POLICY

(By Tom Pickering/Frank Wisner)

When the House of Representatives votes today on civil nuclear cooperation with India, President Bush, marching hand-in-hand with Congress, will be a step closer to a foreign policy trophy commensurable with Nixon's opening to China: a flourishing strategic partnership with India. Cementing this partnership would overcome decades of unrealistic and futile attempts to force India to abandon its nuclear arsenal while sandwiched between two nuclear-armed rivals.

The House International Relations Committee earlier voted by an overwhelming bipartisan majority of 37–5 to approve the civil nuclear cooperation bill (H.R. 5682), and the Senate Foreign Relations Committee has approved a companion bill by 16–2. The terms of the legislation have been scrupulously crafted in a collaborative endeavor between the executive and legislative branches to answer nonproliferation concerns, among other issues.

Civil nuclear cooperation with India would catalyze alignment of the two great democracies for the 21st century. Prospects for enactment are sanguine during the 106th Congress. It demonstrates how much a president can accomplish in foreign and national security affairs if Congress gets a ticket for the take-off as well as for the landing, to borrow from former Sen. Arthur Vandenberg, Michigan Republican.

Virtually every member of Congress understands the centrality of India to U.S. national security interests. India appreciates the horror of international terrorism because it has suffered on a scale reminiscent of September 11, 2001: hundreds of casualties recently in Mumbai from bombs planted on six commuter trains; an attack on India's parliament; and recurrent horrors in Kashmir.

When India's prime minister addressed the U.S. Congress last year, he vowed: ''We must fight terrorism wherever it exists, because terrorism anywhere threatens democracy everywhere.'' During a return trip to India, President Bush responded: ''He is right. And so America and India are allies in the war against terror.''

India generally supports the U.S. over Iran's nuclear ambitions, peace in the Middle East, reconstruction of Afghanistan, and spread of democracy in Nepal and elsewhere. The two countries are co-founders of the Global Democracy Initiative.

India is a secular democracy, featuring religious pluralism. It is a majority Hindu nation with a Muslim president, a Sikh prime minister, and a Christian leader of its largest political party. Its permanent interests on energy, free enterprise, the environment and nonproliferation, and a balance of power in Asia converge with those of the United States.

The U.S-India strategic partnership has been frustrated more than 30 years by a rigid statutory prohibition on sharing civil nuclear technology with India, whereas sharing is permitted with China and other less friendly or responsible nations. India has felt estranged and demeaned. The pending legislation would pluck the ''cinder in the eye'' of the U.S.-India relationship on terms eminently fair to both.

India would join the international nonproliferation framework. It would place all of its civilian reactors under International Atomic Energy Agency (IAEA) inspections to prevent diversion of nuclear assistance to military use. It would upgrade its export controls on missile and nuclear technology to the standards of the Missile Technology Control Regime and the Nuclear Suppliers Group. It would continue its moratorium on nuclear testing, and negotiate in tandem with the United States a multilateral Fissile Material Cut-Off Treaty.

The legislation has elicited the enthusiastic support of two directors general of the IAEA, the G–8, and Great Britain, France and Russia. IAEA Director General and Nobel Prize winner Mohamed ElBaradei has effused: ''The agreement . . . would bring India closer as an important partner in the nonproliferation regime. It would be a milestone, timely for ongoing efforts to consolidate the nonproliferation regime, combat nuclear terrorism and strengthen nuclear safety.''

Contrary to detractors, the prospective U.S.-India civil nuclear cooperation has not diminished international opposition to the nuclear adventurism of Iran or North Korea. It has not provoked any nation to consider withdrawal from the Nuclear Nonproliferation Treaty, because the legislation harmonizes with its terms and objectives. It has not ignited an arms race in South Asia.

By any sensible nonproliferation measure, the legislation for civil nuclear cooperation with India will make the world safer. India's already commendable export control record would further improve. It has not proliferated to third countries, unlike the A.Q. Khan network. Its indigenous development of nuclear weapons was consistent with its international obligations and an understandable response to the NPT's tilt in favor of five defined nuclear-weapons states: China, Russia, the United States, Great Britain and France. And nuclear assistance to India's civilian sector will not ''free up'' indigenous uranium to boost its military arsenal because India's uranium reserves are enough for both programs, as Secretary of State Condoleezza Rice has told Congress.

In sum, to vote for civil nuclear cooperation with India is to vote on the right side of history, for nonproliferation, and in the U.S. supreme national interests.

Mr. CROWLEY. Mr. Speaker, NPT, the Nonproliferation Treaty, is something that we all hold in great respect. But I believe, as do many of my colleagues, the ''T'' needs to stand for tent. We need to find a way to bring India into the tent of nonproliferators, as she has always been a nonproliferating country. She has never once proliferated beyond her borders, unlike some of her neighbors.

If you want to have a similar deal as has been struck between the United States and India, you need to act as GARY ACKERMAN says, like India.

I urge all my colleagues to support the rule and final passage of a clean bill.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise in strong support of H.R. 5682 and the rule for this legislation, the U.S. and India Nuclear Cooperation Promotion Act of 2006.

I want to also compliment the distinguished chairman of the House International Relations Committee, Mr. HYDE, and ranking member, Mr. LANTOS, for their leadership in bringing forward this important implementing legislation.

I also want to commend the administration for recognizing that we can learn from our mistakes, a mistake whereby we have failed in the past to link our foreign policy with our energy policy, and this is a very good first step to correcting such mistakes.

This is a very far-reaching agreement whereby the world's oldest democracy will join with the world's largest democracy to work together on foreign policy and energy policy. This is a model for the future where we can work on energy, cooperative agreements, and also fit within our strategic framework.

India for the past 32 years has been a nonproliferator, and we should reward India for that historic effort. In recent years, India has certainly been a critically important ally in the global war on terror. It has proven to be a reliable and secure state when it comes to nonproliferation. We need to build on this relationship and this new-found trust, and this implementing legislation that will allow us to do this is a critical first step in deepening this cooperation.

India, in working with the IAEA to increase inspections of existing and future reactors and maintaining India's moratorium on weapons testing, and given their assurances to work with us to prevent proliferation throughout the region, will prove to be a great example for other countries in the region to follow.

This is not only just a good bill for India. It is also good for American business. It allows us to increase energy trade, which really has not happened in the past three decades with India.

This is great for the environment. It helps us reduce carbon emissions by some 300 million tons, more than half the total Kyoto protocols; and it is going to reduce India's dependence on foreign sources of energy such as natural gas, which it is heavily dependent upon.

This is a very important piece of foreign policy and energy policy. I urge its passage. I urge passage of the rule so that we can move forward.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and colleague on the Rules Committee, the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. Speaker, I am not going to talk about the underlying bill. We will do that a little later on today. But, instead, I want to take a couple of minutes to speak about the rule and about what I believe is a flawed process that Members of this House are forced to operate within.

It is easy in this Congress to get as much time as you want to debate trivial issues. We spend hours and hours honoring sports teams, we name post offices, we do all kinds of things like that. But when it comes to serious issues, all of a sudden there never seems to be the time.

There were a number of amendments that were proposed in the Rules Committee last night. Some of them were not made in order, and I regret the fact that those amendments were not made in order. But a number of those that were made in order have been limited to 10 minutes, 10 minutes, to talk about issues dealing with nuclear proliferation and arms control, 10 minutes to talk about issues that impact U.S. treaty obligations, 10 minutes to talk about how we prevent this world from being extinguished in one terrible nuclear flash.

That is what the leadership of this House thinks about issues of arms control and nuclear nonproliferation, 10 minutes; 5 minutes pro, 5 minutes against.

My colleagues, Congressman BERMAN and Congresswoman TAUSCHER, have an amendment that restricts exports of

nuclear reactor fuel to India until the President determines that India has halted the production of fissile material for the use in nuclear weapons. It is a serious issue. Regardless of whether you believe it should be part of this underlying bill or not, it is an issue that deserves debate and that the more debate that it gets on the floor the more of an indication we are going to send to our negotiators and to the Government of India that these issues are important to those of us in this Congress.

Congressman MARKEY and Congressman UPTON had an amendment that essentially would require the President to determine that the U.S. has received India's support in preventing Iran from acquiring weapons of mass destruction before the U.S. engages in nuclear cooperation with India.

The President and Members of this Congress take to this well constantly to talk about how we are concerned about Iran possibly acquiring weapons of mass destruction. This seems like a reasonable amendment. It was not made in order, so now we are forced to use it as a motion to recommit. We get 10 minutes to debate that, 5 minutes in favor, 5 minutes against.

We need to get our priorities straight in this House. We give resolutions honoring sports teams 40 minutes, 40 minutes; and we can only give 10 minutes to deal with amendments that are dealing with issues of whether or not we are going to see this arms race proliferate throughout this world? We need to get our priorities straight.

For that reason, Mr. Speaker, I am going to vote against this rule. Regardless of how you want to vote on the final passage of this bill, we should demand, all of us, Republicans and Democrats, that serious issues that get debated, get debated with enough time on this floor, at least as much as we give to these trivial issues like honoring sports teams.

Mr. BISHOP of Utah. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2½ minutes to my good friend, the distinguished gentleman from Ohio (Mr. KUCINICH) and former mayor of Cleveland.

Mr. KUCINICH. I rise in opposition to the rule and the underlying bill. This proposal would threaten global security and unilaterally modify the Nuclear Nonproliferation Treaty.

This administration has pursued contradictory policies with respect to the NPT, both misusing and disregarding the NPT to suit its stumbling interests. Regarding Iran, for example, the administration cited Iran for minor breaches of the NPT and are trying to rally support based on that for a military attack. At the same time, the administration itself undermines the NPT by this proposal which would help develop nuclear weapons.

The NPT requires that nuclear weapons states keep their weapons to themselves and allows nonweapons states to receive civilian nuclear technology only in exchange for their refusal to produce nuclear weapons. Yet this deal, in this deal the U.S. will provide India with civilian nuclear technology even though India is not a signatory to the NPT, is known to possess nuclear weapons and has no intention of limiting its nuclear weapons cache or production capability.

Moreover, since the U.S. will supply India with uranium fuel, India will be able to use more of its own limited uranium reserves to produce nuclear weapons. It is estimated India will be able to produce dozens more nuclear weapons per year under this deal.

We are going in the wrong direction here. At this time of great crisis in the world, we should be looking towards nuclear disarmament, nuclear abolition, saving the world, not ramping up for Armageddon by nuclear proliferation.

Mr. BISHOP of Utah. Mr. Speaker, on the rule for the bill that was passed out by a bipartisan vote of 37–5, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield to my good friend from New Jersey, the distinguished gentleman, Mr. PALLONE, 1 minute.

Mr. PALLONE. Mr. Speaker, I rise in support of the rule and in support of the bill.

India has been a strong U.S. ally and should be viewed as a credible and worthy nation of our help and support. India is ready to accept all the responsibilities of the world's leading states with respect to advanced nuclear technology.

India has no record of proliferating dual-use nuclear technology to other countries. It understands the danger of the proliferation of weapons of mass destruction and has agreed to key international nonproliferation requirements. India has committed to separate its military and peaceful programs and adhere to international nuclear and missile control restrictions. It is actively working with the Nuclear Suppliers Group and the International Atomic Energy Agency to place all of its nuclear facilities under international safeguards.

This nuclear agreement strengthens energy security for the U.S. and India and promotes the development of stable and efficient energy markets in India. Development and expansion of U.S.-India civil nuclear cooperation should over time lessen India's dependence on imported hydrocarbons, including those from Iran.

Today, the world's two largest democracies have established a remarkable strategic partnership. A civil nuclear cooperation would be a great accomplishment. Its implementation is important for national security and for U.S.-India relations. I urge my colleagues to vote an ''aye'' on this bill.

I want to commend the chairman and the ranking member for their hard work in constructing a bill that both the administration and the House could support. Their version will set the process by which Congress will in the future review and vote on the final framework agreement to implement the nuclear cooperation deal.

Based on their shared values of diversity, democracy and prosperity, the United States and India have a natural connection. Recently, we fostered a transformed relationship that is central to the future success of the international community; and this important legislation would solidify this relationship.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am going to yield myself such time as I may consume; and I am going to take just a small amount of time hoping that colleagues who have demonstrated an interest would have time to get to the floor.

Mr. Speaker, one of the things that has not been mentioned by anyone that I believe that this legislation will assist in is providing safe reactors.

I had the misfortune and at the same time distinguished privilege to serve as the lead election monitor of the elections in Belarus, and while there I had an opportunity to see the horrible effects of a nuclear disaster. Some folks who remember Chernobyl think of it as Ukrainian and Russian in terms of the damage that was done, but the downwind aspects of that disaster fell on Belarusians, and it was devastating, and the effects of that are still showing.

□ 1630

We have had, with the exception of the Three Mile Island incident in Pennsylvania, extremely safe nuclear reactors in the United States, and our technology, indeed, some of technology in the world, may very well provide for even safer reactors. Thus, bringing India under the aegis of the IAEA can only assist in providing safe reactors.

Additionally, as we well know, Indian scientists are extremely resourceful. The residual from nuclear technology has produced the waste that the world needs to determine how best to handle. I believe, without knowing, nor do I think this legislation standing alone will cause that to occur, but I believe that Indian scientists, working with others throughout the world, may very well assist in developing the technology that will handle the nuclear waste that is such a tremendous problem, not only for this country, but indeed the world.

So there are other benefits that may be derived from this legislation, in addition to civilian pursuits that will help to reduce the carbon footprint.

Mr. Speaker, I did take enough time to let one of my colleagues arrive, and that said, I am very pleased to yield 2 minutes to my classmate and good friend, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, there seems to be something missing from the debate today. It is like the elephant in the room, no one wants to talk about it. Whatever happens to the United States' own commitment to nonproliferation?

Yesterday, I went before the Rules Committee, and I had an amendment that was quite simple. It stated that until the President has implemented and observed all of our NPT obligations and revised its own policies relating to them, no item may be transferred to India, including exports of nuclear and nuclear-related material, equipment or technology. Unfortunately, my amendment was not included in this restrictive rule.

As many of my colleagues have stated, this objection is not about the deal or our alliance with India. This is about how the Bush administration has made a mockery of the NPT and encouraged other countries to go around the treaty. Basically, the bill says that if a country ignores the NPT, the United States will cut a deal down the road.

If anything, the U.S. is contributing to global nuclear proliferation with this agreement.

Vote against the rule because in a world that is becoming more, not less, violent by the day we must face the facts. Until the United States lives up to its nonproliferation obligations, how can we possibly ask others to do so?

Today, I will vote against this misguided bill. I will vote against the rule. I urge my colleagues to do the same.

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

Just to illustrate what the Rules Committee actually did do, there were 10 amendments that were proposed to the Rules Committee, one withdrawn, two not germane. The one recently referred to was ruled not germane because it referred to all NPTs, not specifically this particular one. Of the seven that were remaining, six were actually made in order.

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

Mr. HASTINGS of Florida. Mr. Speaker, without further closing, in light of the fact that I have already, I yield back the balance of our time.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend, the gentleman from Florida (Mr. HASTINGS), and his presentation. I am very proud that I was able to go through this entire discussion and I hope to say ''nuclear'' correctly. It was the biggest fear I had.

I support the rule; I urge all those to support this rule and the consideration for H.R. 5682.

Mr. Speaker, I yield back my time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KLINE). The question is on the resolution.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: Suspending the rules on H.R. 5337, by the yeas and nays; suspending the rules on H.R. 5319, by the yeas and nays; agreeing to H. Res. 947, by the yeas and nays.

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

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5337, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 5337, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 404]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns

Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Capito
Davis, Jo Ann
Deal (GA)
Evans
Istook
Lewis (GA)
McKinney
Wexler

□ 1704

Mr. FRANKS of Arizona changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DELETING ONLINE PREDATORS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5319, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5319, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 15, not voting 7, as follows:

[Roll No. 405]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—15

Conyers
Grijalva
Hinchey
Honda
Kucinich
Lee
Lofgren, Zoe
McDermott
Payne
Schakowsky
Scott (VA)
Serrano
Stark
Watson
Woolsey

NOT VOTING—7

Capito
Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1715

Mr. PAYNE changed his vote from ''yea'' to ''nay.''

Mr. WAXMAN changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of H. Res. 947, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 311, nays 112, not voting 9, as follows:

[Roll No. 406]

YEAS—311

Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—112

Abercrombie
Allen
Andrews
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Case
Cleaver
Clyburn
Conyers
Cooper
Costello
Cummings
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Etheridge
Farr
Fattah
Ford
Frank (MA)
Green, Al
Grijalva
Harman
Hastings (FL)
Hinchey
Holt
Honda
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kucinich
Langevin
Larson (CT)
Lee
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matsui
McDermott
McGovern
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Peterson (MN)
Price (NC)
Rahall
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schwartz (PA)
Serrano
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—9

Capito
Davis, Jo Ann
Deal (GA)
Evans
Green, Gene
Istook
McKinney
Saxton
Wexler

□ 1723

Mrs. MALONEY and Ms. SCHAKOWSKY changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 406, had I been present, I would have voted "yea."

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 406, had I been present, I would have voted "yea."

CORRECTING THE ENROLLMENT OF S. 203

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 456) providing for a correction to the enrollment of the bill, S. 203.

The Clerk read as follows:

H. CON. RES. 456

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill, S. 203, the Secretary of the Senate shall make the following correction: After section 702 insert the following new section (and amend the table of contents accordingly):

SEC. 703. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Public Law 100–515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

''SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

''(A) technical assistance; and

''(B) the design and fabrication of interpretative materials, devices, and signs.

''(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

''(A) operation, repair, or construction costs, except for the costs of constructing interpretative exhibits; or

''(B) operation, maintenance, or repair costs for any road or related structure.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—

''(i) may not exceed 50 percent of the total project costs; and

''(ii) shall be provided on a matching basis.

''(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.

''(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.''.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Speaker, this concurrent resolution directs the Clerk of the Senate to make a simple enrollment correction to S. 203, passed by the House of Representatives on Monday by an overwhelming vote of 323–39.

I urge adoption of the resolution.

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

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

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

Mr. PALLONE. Mr. Speaker, the majority has already explained the purpose of H. Con. Res. 456, which would correct an inadvertent error in the House-passed version of S. 203 involving the New Jersey Coastal Heritage Trail Route.

Correcting this error would ensure the proper inclusion of language from H.R. 472, introduced by my colleague from New Jersey, Mr. LOBIONDO. I was proud to join the rest of the New Jersey congressional delegation in being an original cosponsor of this bill, which would reauthorize appropriations for the route and requires the Secretary of the Interior to develop a strategic plan.

The Coastal Heritage Trail extends for nearly 300 miles from Perth Amboy south to Cape May, then along the Delaware Bay to the Delaware Memorial Bridge. It is a partnership between the National Park Service and the State of New Jersey, with the help of other organizations working to preserve the natural and cultural heritage of the New Jersey coastline.

The Coastal Heritage Trail program has done a great deal to help New Jersey residents and tourists better understand the Shore area, and it is critical that it be reauthorized.

Mr. Speaker, we support H. Con. Res. 456. I urge its adoption by the House today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 456.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 86. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3549. An act to amend the Defense Production Act of 1950, to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional oversight with respect thereto, and for other purposes.

RETURNED AMERICANS PROTECTION ACT OF 2006

Mr. HERGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5865) to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. PAYMENTS FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

(a) INCREASE IN AGGREGATE PAYMENTS LIMIT FOR FISCAL YEAR 2006.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by inserting '', except that, in the case of fiscal year 2006, the total amount of such assistance provided during that fiscal year shall not exceed $6,000,000'' after ''2003''.

SEC. 2. DISCLOSURE OF INFORMATION IN THE DIRECTORY OF NEW HIRES TO ASSIST ADMINISTRATION OF FOOD STAMP PROGRAMS.

Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended—

(1) by redesignating the second paragraph (7) as paragraph (9); and

(2) by adding at the end the following new paragraph

''(10) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF FOOD STAMP PROGRAMS.—

''(A) IN GENERAL.—If, for purposes of administering a food stamp program under the Food Stamp Act of 1977, a State agency responsible for the administration of the program transmits to the Secretary the names and social security account numbers of individuals, the Secretary shall disclose to the State agency information on the individuals and their employers maintained in the National Directory of New Hires, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE BY THE SECRETARY.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE AND DISCLOSURE OF INFORMATION BY STATE AGENCIES.—

''(i) IN GENERAL.—A State agency may not use or disclose information provided under this paragraph except for purposes of administering a program referred to in subparagraph (A).

''(ii) INFORMATION SECURITY.—The State agency shall have in effect data security and control policies that the Secretary finds adequate to ensure the security of information obtained under this paragraph and to ensure that access to such information is restricted to authorized persons for purposes of authorized uses and disclosures.

''(iii) PENALTY FOR MISUSE OF INFORMATION.—An officer or employee of the State agency who fails to comply with this subparagraph shall be subject to the sanctions under subsection (l)(2) to the same extent as if the officer or employee were an officer or employee of the United States.

''(D) PROCEDURAL REQUIREMENTS.—State agencies requesting information under this paragraph shall adhere to uniform procedures established by the Secretary governing information requests and data matching under this paragraph.

''(E) REIMBURSEMENT OF COSTS.—The State agency shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.''.

Mr. HERGER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5865. The purpose of the bill is to increase the funds in the program aiding Americans currently fleeing the crisis in the Middle East from $1 million to $6 million. It is important to help these Americans get out of harm's way and to provide them with the assistance they need to return to their homes in the United States.

However, when we considered this bill on the House floor, we learned that provisions within it allowed it to pass only on the condition that the program, established under the Social Security Act, is terminated. I thank my colleague Mr. MCDERMOTT for his comments on this matter and his criticism of this condition.

I am pleased that the Senate added an amendment to allow this valuable program to continue after this year. This is absolutely essential to the well-being of all Americans who may find themselves in such a situation in the future and look to their government for help. The United States received enough criticism already for mobilizing less quickly to assist our citizens in leaving war-ravaged areas of Lebanon. It is our job to protect them and help them return home, and I am pleased to give my support to this new version of the bill.

I urge my colleagues to vote in favor of H.R. 5685 to let the American people know that their representatives in Congress are concerned about their safety. Let us send a clear message that we will do all we can to help them get out of harm's way should they find themselves in such a crisis situation overseas.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the bill, H.R. 5865.

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

There was no objection.

□ 1730

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 5682.

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

There was no objection.

UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 947 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5682.

□ 1731

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

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

The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

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

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

Mr. HYDE. Mr. Chairman, I rise in support of H.R. 5682, the U.S.-India Nuclear Cooperation Promotion Act of 2006, which the Committee on International Relations ordered reported by a vote of 37–5 on June 28. This, therefore, is truly a bipartisan effort.

This bill is based on the administration's original proposal, H.R. 4974, which Mr. LANTOS and I introduced last fall at the request of Secretary Rice. Current law does not permit civil nuclear trade with India. That legislation would have authorized the President to waive a number of provisions of the Atomic Energy Act of 1954, as amended, to allow him to negotiate an agreement establishing civil nuclear cooperation with India.

This agreement will permit the U.S. to sell technology to India for nuclear power development. In return, India will open up for inspection its civilian nuclear program to international inspections and also agree not to test nuclear weapons and abide by nuclear export controls.

H.R. 5682 takes the President's bill as a starting point and amends it in several key ways. The most important of these is that the process of congressional consideration has been reversed, meaning that the agreement cannot go into effect unless Congress approves it. This seemingly small change actually has great ramifications for the role of Congress as it ensures that we will retain a substantive role in the negotiation and implementation of this historic and far-reaching agreement.

Other major improvements in this bill include strengthening the conditions which the President must certify. The original, vague generalities have been made more specific and require a number of conditions to have already been met instead of being open-ended. The most important of these include:

That India has provided the United States and the International Atomic Energy Agency with a credible plan to separate its civilian and military facilities;

India has concluded a safeguards agreement with the IAEA regarding its civilian nuclear facilities;

India and the IAEA are making ''substantial progress'' toward concluding an Additional Protocol, which is a set of enhanced safeguards and inspection measures that the United States is urging all countries to negotiate for themselves;

India and the United States are working toward a multilateral Fissile Material Cutoff Treaty;

India is working with the United States to prevent the spread of enrichment and reprocessing technology;

India is taking steps to secure its nuclear and other sensitive materials and technology through enhanced export control legislation and harmonizing its export control laws, regulations and procedures with international standards; and the Nuclear Suppliers Group, also known as the NSG, has voted to change its guidelines to allow civil nuclear trade with India.

As many of you know, the NSG is a voluntary group of countries that export nuclear materials and technology and that coordinate their export policies regarding other countries. Currently, those guidelines do not permit nuclear trade with India.

In addition, the legislation requires detailed annual reports on the implementation of the U.S.-India agreement and on U.S. nonproliferation policy with respect to South Asia. There are also sections on Sense of Congress and Statements of Policy that, although containing many useful provisions, I will not take the time to describe in detail now.

Taken together, the committee believes that this bill represents a judicious balancing of competing priorities and will help lay the foundation for an historic rapprochement between the United States and India, while also protecting the global nonproliferation regime.

Having described the major components of the bill, let me take a brief moment to address some of the arguments made by supporters and opponents.

I have yet to hear any objection raised by any Member regarding the desirability of improving U.S.-India relations in general. She is the largest democracy in the world, with 1.1 billion people.

The announcement on July 18 of last year by President Bush and Indian Prime Minister Singh of a new global partnership between our two countries has been almost universally praised in this country and is rightly regarded as an historic achievement and one that is long overdue.

That partnership embraces many elements, from combating the AIDS epidemic to collaboration on scientific research to closer cooperation and ensuring stability in South Asia and other regions. Among other benefits, the agreement on nuclear cooperation that this bill will make possible will help India address its pressing energy needs by allowing it to build several nuclear reactors to supply electricity and lessening the need for petroleum.

A major argument in favor, however, is that a closer relationship with India is needed to offset the rising power of China. There is much to this view, and it is clear that the U.S. will need to draw upon new resources to handle the challenges of this new century.

In the end, this is a good deal for both the U.S. and India. While the world has known that India possesses nuclear weapons, India has not had a seat at the table of nuclear stakeholders. The agreement calls for the U.S. to sell technology to India for nuclear power development. In return, India will open its 14 civilian nuclear reactors to international inspections, agree not to test nuclear weapons and abide by nuclear export controls. This brings India into the mainstream with other accountable countries, giving rise to the same benefits and responsibilities as such other countries.

It is important to note that this deal would improve international nuclear security and at the same time expand relations between the U.S. and one of the most important emerging nations in the world. It will enable India to make energy cheaper, cleaner and more accountable. It would create more customers for U.S. firms and, in the end, both countries will benefit.

I urge support of this important legislation.

I want to acknowledge the indispensable collaboration of Mr. LANTOS and his marvelous staff, matched only in talent and zeal by my marvelous staff. This is truly a product of very desirable bipartisanship, and I thank them and salute them for their contribution.

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

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

Mr. Chairman, I rise in support of the legislation. This is no ordinary vote. Historians will regard what we do today as a tidal shift in relations between India and the United States. This will be known as the day when Congress signaled definitively the end of the Cold War paradigm governing interactions between New Delhi and Washington.

A few weeks ago, by a vote of 37–5, the International Relations Committee resoundingly approved this legislation backing the civilian nuclear accord with India. This was nothing short of a vote of confidence in the long-term future of relations between India and the United States.

President Clinton laid the foundation for this process with his historic trip to India 6 years ago. He demonstrated that the United States was launching a new era of mutual respect and cooperation.

A year ago, this vision was brought to full realization as the President and Prime Minister Singh issued a joint statement on an array of new initiatives spanning the fields of high technology, space exploration, counterterrorism, defense cooperation and energy security.

Today, Mr. Chairman, the House of Representatives steps forth into the spotlight to offer its judgment on one critical element of this new relationship, the United States and India Nuclear Cooperation Promotion Act of 2006, the first key step to create the statutory authority to expand nuclear research, civilian nuclear power and nonproliferation cooperation New Delhi.

Our legislation represents a nonproliferation victory for the United States. As part of the agreement, India has committed to continue its moratorium on its own nuclear tests. It will also adhere to international nuclear and missile control restrictions, and India has agreed to place its civil nuclear facilities for the first time under international safeguards.

Mr. Chairman, this, of course, is not a perfect agreement. No agreement between two sovereign nations can ever

be perfect, because the agreements arise from hard negotiations. Compromise was necessary on all sides. But we must not let the siren song of perfection deafen us to this chance for dramatically strengthening an important and valued ally.

□ 1745

Mr. Chairman, I understand the criticisms of this agreement on nonproliferation grounds. But I would like to assure the House that the International Relations Committee has thoroughly examined these issues during our five extensive hearings since last September on this initiative.

And, Mr. Chairman, our bill addresses those concerns thoroughly. It requires the President to make several determinations to Congress. Among these, the President must determine that India has concluded a credible plan to separate civilian and military nuclear facilities; that India has concluded a safeguards agreement with the International Atomic Energy Agency that will apply safeguards in perpetuity to India's civil nuclear facilities, materials, and programs; that India is harmonizing its export control laws and regulations to match those of the so-called Nuclear Suppliers Group, and that India is actively supporting U.S. efforts to conclude a fissile material cut-off treaty.

It is worth repeating, Mr. Chairman, that the International Relations Committee came to the determination that this agreement advances our Nation's nonproliferation goals, and our committee approved the bill by an overwhelming, bipartisan vote of 37–5.

Mr. Chairman, this legislation has been carefully crafted to protect our nonproliferation interests, and to ensure direct congressional oversight. Members will recall that the administration wanted Congress to approve the India deal in advance, without seeing the details of a still-to-be-negotiated nuclear cooperation agreement.

There would have been no effective subsequent review by the Congress. We rejected that approach. Our agreement ensures that Congress will have the final word on whether or not the agreement for cooperation with India can become law. Under our approach, Congress must vote a second time before there can be any civilian nuclear cooperation with India.

Congress must approve the completed cooperation agreement. But congressional oversight does not end there, Mr. Chairman. Our legislation also requires that the President make detailed annual reports on U.S. nonproliferation policy with respect to South Asia and the implementation of the U.S.-India agreement. And it includes certain guarantees that India will adhere to international standards for maintaining a safe civilian nuclear program.

Mr. Chairman, it is my deep pleasure to see the United States and India finally emerging from decades of distrust and aloofness. Today, we are at the hinge of history, as we seek to build a fundamentally new relationship based on our common values and our common interests.

Our legislation, which is before this House, is a concrete and meaningful element of this new and dynamic relationship. I urge my colleagues to give their full support to this legislation and to help usher in a new day in U.S.-India relations.

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

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank Mr. HYDE and Mr. LANTOS for their hard work on this bill. I think they have covered the details of the bill rather well.

The reason I wanted to take 1 minute was to say that I met with Prime Minister Singh in Delhi, India, along with some of his cabinet members, oh, a couple of months ago.

And although I have not always been in accord with some of things India has done, I am sure that they want to work with us on this nuclear agreement. They have assured me, and I am confident they will keep their word, that there will be a clear demarcation between civil use of nuclear energy, nuclear technology we might sell to them and their nuclear weapons program.

And there is about 800 million people in India that are living on less than $2 a day. And when you go through Delhi and you see how they are living, under horrible, horrible conditions, little children running around with no place to go, burning cow chips for the heat that they need to stay warm at night, you realize the need for energy that they have and they need it so badly.

So this nuclear technology we are going to sell them for civil use will be very helpful, not only for job creation over there, but for making the quality of life better for all the people in India.

Mr. LANTOS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. DAVIS) for the purpose of making a unanimous consent request.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006.

Mr. Chairman, "India," Mark Twain wrote, "is the cradle of the human race, the birthplace of human speech, the mother of history, the grandmother of legend, and the great grandmother of tradition." Now, this remarkable country is asking for our assistance as it develops its civilian nuclear program.

The possibilities for nuclear technological innovation in India are limitless. Domestic infrastructure improvements in water supply, power generation, and other industries will substantially improve the quality of life for over one billion Indian people.

Cooperating with India as it develops stable nuclear technology will strengthen the bond between India and the United States. Offering our expertise will increase the environmental protections in production and promote the responsible discard of nuclear waste. Bringing India's nuclear program under international guidelines will ensure a safer nuclear program.

The security and stability of India's nuclear program security is of the utmost importance. The International Atomic Energy Agency and the Indian Government have been working together to apply safeguards in accordance with International Atomic Energy Agency practices as well as formulating a plan to ensure the separation of civil and military facilities, materials, and programs. Furthermore, India is supporting international efforts to prevent the spread of enrichment and reprocessing technology. India is ensuring that the necessary steps are being taken to secure nuclear materials and technology through the application of comprehensive export control legislation and regulations through harmonization and adherence to Missile Technology Control Regime and Nuclear Suppliers Group guidelines.

India is a flourishing democracy that seeks to develop its nuclear program for purely peaceful reasons. It should be congratulated for that. Cooperating with India as it develops a civilian nuclear program will help India fulfill its civilian energy needs while creating a strategic partner for the United States in a volatile region.

Mr. LANTOS. Mr. Chairman, I yield 2¼ minutes to the gentleman from California (Mr. BERMAN) our distinguished colleague who has made invaluable contributions to the development of this legislation.

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

Mr. BERMAN. Mr. Chairman, I want to commend the chairman and the ranking member of the committee, both Mr. HYDE and Mr. LANTOS, and their staffs for their hard work on this legislation.

There is no question that this bill is a major improvement over the administration's legislative proposal, as Mr. LANTOS mentioned. Because of the changes they have made, we will have an opportunity to decide whether or not to approve the nuclear cooperation agreement by a majority vote after the agreement is negotiated, after we see the IAEA safeguards agreement with India, and after the Nuclear Suppliers Group has reached a consensus.

Notwithstanding that, I do remain deeply concerned about this nuclear deal, because I fear that it will complicate our efforts to prevent the spread of weapons of mass destruction. Not because I think India is going to be a major proliferator, but because once you change the long-established nonproliferation rules for the benefit of one country, even a friendly democracy like India, then it becomes much easier for the other countries to justify carveouts for their special friends.

I would not be so concerned about setting a bad precedent if there was some compelling nonproliferation gain, but I just do not see it here. Later today, Representative TAUSCHER and I will offer an amendment to provide

that missing piece of the proposal. Our amendment, based on a proposal by former Senator Sam Nunn, would allow exports of nuclear reactors and other technology to India after a nuclear cooperation agreement has been approved by the Congress.

But it would restrict exports of uranium and other nuclear reactor fuel, until the President determines that India has halted the production of fissile material for use in nuclear weapons. Otherwise, we incentivize this.

Mr. Chairman, I come at this as someone who is unabashedly pro-India. I strongly support efforts to strengthen the U.S.-India strategic partnership. I also accept the fact that India has nuclear weapons, will never give up those weapons, and will probably never sign the Nuclear Nonproliferation Treaty.

Mr. Chairman, I welcome civilian nuclear cooperation with India, as long as it is done in a responsible way that does not undermine our credibility as a leader in the fight against proliferation. I believe the Tauscher-Berman amendment will help to achieve that goal.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I rise in strong support of this legislation, allowing for a nuclear cooperation agreement with India. The last two administrations have forged closer ties with India. And India is a nation now of over 1 billion people. The last two administrations frankly have overcome the chilly relations of the Cold War with India.

And last July's joint statement committed each country to a global partnership which has accelerated our cooperation on many issues, including on counterterrorism. As we saw 2 weeks ago, when a series of commuter train bombings hit Mumbai, killing over 200 Indian people, India is a frontline state in the struggle against Islamist terrorism.

Congress has played a leading role promoting U.S.-India relations. There is an India Caucus which I cochaired in the 107th Congress. In 2001, I led a congressional delegation to India's earthquake-shattered Gujarat region. Other Members have focused on India. But nothing we have done is as significant as the civilian nuclear cooperation agreement that we are debating today.

As our distinguished chairman has noted, the International Relations Committee has given this agreement close and extensive review. We held five hearings, which is certainly warranted given the high stakes.

Supporters and detractors alike recognize the great significance of this policy shift that the Bush administration has engineered. I would like to commend Chairman HYDE. He took a weak administration legislative proposal, one dismissive of congressional prerogative and turned it around. I want to commend Ranking Member LANTOS, too, for his detailed work on this challenging issue.

While nuclear energy is controversial in the United States, it is not in India. Like in several other countries, nuclear energy is widely viewed as a critical technology, one central to uplifting hundreds of millions of impoverished Indians. So India will develop its nuclear energy sector, not as easily or as quickly without this deal, but it will nonetheless. And India will not relinquish its nuclear weapons at this point in time, which is understandable, given its security situation.

So right now, many Indians view the United States as blocking India's technological and developmental aspirations by our opposition to their acquiring nuclear material and technology. With its growing economy, India is consuming more and more oil. It is competing on the world market, competing with American consumers for limited hydrocarbon resources.

This gives Americans an interest in helping India expand its nuclear power industry, which this legislation does. It also encourages India to move away from burning its abundance of highly polluting coal. By passing this legislation, we also take a step toward internationalizing India's nuclear industry, which I believe would make it safer.

Young Indian scientists and engineers in the nuclear field are interested in collaborating with their American counterparts. Today they are isolated. I would rather know more rather than less about India's nuclear work. Some have raised legitimate concerns about the impact of this agreement upon the Nuclear Nonproliferation Treaty and the Indian nuclear weapons arsenal. I am not prepared, at this point, to call this agreement a nonproliferation plus, as some do, but neither is it the clear setback some opponents describe.

For one, this agreement forces a separation between India's civilian and military nuclear programs. This is a good step. The agreement also is likely to increase India's cooperation with us in confronting countries seeking to break their NPT commitment by developing nuclear weapons.

In my view, this agreement is more likely a wash in the nonproliferation category, while its broad benefits, primarily cultivating a more influential relationship with India, are big pluses.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to distinguished Democratic whip, my good friend from Maryland (Mr. HOYER).

□ 1800

Mr. HOYER. I thank Mr. LANTOS for yielding the time, Mr. Chairman. I support this important bipartisan legislation, and I urge my colleagues to do the same.

It is critical to note that this bill creates a two-vote process for Congress to approve this Civil Nuclear Cooperation Agreement with India. While the bill allows the necessary waivers to the Atomic Energy Act for this pact, it also requires that the President submit a final agreement to Congress for a second up or down vote. I want to congratulate the gentleman from California for getting us a process that gives us that opportunity.

In short, I believe a Civil Nuclear Cooperation Agreement with India will serve America's strategic interests and strengthen global nonproliferation regimes by bringing the majority of India's nuclear reactors under International Atomic Energy Agency oversight for the first time.

In addition, this bill will strengthen the relationship between our two great democracies. A civilian nuclear agreement will help India's burgeoning economy continue to grow, and it will provide India with a clean source of energy.

Now, it is true that India is not a signatory to the Nuclear Nonproliferation Treaty, an international accord that I strongly support. But it is also true that India has honored the spirit of that treaty and has been a responsible nuclear nation for the past 32 years, unlike Pakistan, North Korea and Iran, I might observe.

Under this bill, the President is allowed to waive provisions of the Atomic Energy Act only after he sends Congress a determination that India has a credible plan to separate civil and military nuclear facilities. The President must also send to Congress a determination of an agreement between India and the IAEA requiring that agency to safeguard in perpetuity India's civil nuclear facilities, materials, and programs. In addition, the legislation requires detailed annual reports on the implementation of this agreement.

Mr. Chairman, I believe the House bill represents a policy that recognizes our Indian allies' responsible actions over more than three decades and our two nations' strong and deepening relationship. I thank the gentleman from California and Mr. ROYCE for their work on this bill and rise, as I said at the outset, in support of it.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this legislation which will further the cause of civilian nuclear cooperation with India, and I would like to thank Mr. LANTOS and Chairman HYDE for the work that they put into this, again demonstrating the bipartisan cooperation that is possible even in the arena of international affairs which sometimes gets rather testy.

Let me note that the United States-India relations got off to a very bad start shortly after India became independent of Great Britain. India basically sided with Russia in the Cold War. Well, the Cold War is over, and we should be making up for lost time, which is exactly what this bill is all about.

This is dramatically in the interests of both of our countries. Economically,

a prosperous, democratic India with an expanding middle class is a dream market for American entrepreneurs, manufacturers and, yes, technologists. This agreement is designed to provide India the energy it needs to achieve its economic goals but in a way that will not damage America or other western democracies' economy by fencing off and consuming limited energy resources or using high-pollution energy resources of their own.

The high-temperature gas reactor, my subcommittee had a hearing on this, noting that there are new nuclear alternatives like the high-temperature gas reactor and other type of nuclear power systems that offer a safe method of providing India the energy it needs to uplift the standard of living of its people. This legislation is pro-prosperity, pro-energy; and, if we are vigilant, it will not be contrary to the interests of the nonproliferation movement. But it is up to us to work with India to make sure that nonproliferation remains a high priority for our countries, both of us together.

Finally, let me note, Mr. Chairman, that we need to have a strong relationship for it with India, yes, with Japan and, yes, with the former Soviet Union, if we are to have peace in this world. There is a danger looming in the future. Hopefully, China will some day democratize. Until then, we must have alliances with the world's democracies like India in order to preserve the peace of the world.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 3 minutes to my good friend from New York (Mr. ACKERMAN), a distinguished colleague and valued member of the International Relations Committee.

Mr. ACKERMAN. Mr. Chairman, today the House has an opportunity to make an historic choice of great proportions. For 30 years, Mr. Chairman, U.S. policy toward India has been defined and constrained by our insistence on punishing India for its sovereign decision not to sign the Nuclear Nonproliferation Treaty.

The truth be told, had India conducted its nuclear tests earlier, it would have been treated the way we treat France and Britain and Russia and China and ourselves. In short, it would have been grandfathered in as a member of the nuclear weapons club. But they did not test earlier, and they have been treated differently. And nothing that we have tried over the last three decades has convinced them to give up their nuclear status, and nothing that we would say over the next three decades would convince them, either.

The time has come for the United States to deal with the reality of South Asia as it is and not as a fanciful wish. India lives in a difficult neighborhood, next to Pakistan, which continues to produce nuclear weapons unchecked, and China, whose commitment to a fissile material cutoff is suspect, at best. If India didn't exist in that neighborhood, we would have to invent them.

India has been a responsible nuclear power and deserves to be treated that way. The bill before us does just that.

Critics have expressed concerns regarding the bill's impact on our nonproliferation policy; and, clearly Iran, Pakistan and North Korea are looking for clues as to what it means for them and their nuclear programs.

What do you tell Pakistan and Iran and North Korea? Well, you tell them this: If you want to be treated like India, be like India. Be a responsible international actor with regard to weapons of mass destruction technologies. Don't sell your nuclear technologies to the highest bidder. Don't provide it to terrorists. Be a democracy, a real democracy like India, and work with us on important foreign policy objectives and not against us.

Iran and North Korea signed the NPT and are now running away from their freely entered into obligation and away from IAEA inspections. India did not sign the NPT, and yet is embracing the IAEA and embracing global nonproliferation. India's attitude should be recognized and commended and congratulated.

There are two options before us today: One, don't pass the bill. We do that, and we allow India to pursue its national interests unimpeded, as it has been doing outside of the nonproliferation mainstream.

The other is to make a deal with India and give to the United States and the international community a window in perpetuity into two-thirds of India's nuclear facilities and all of its future nuclear facilities, under safeguards, in compliance, transparent.

I think the choice is clear: If you want the IAEA to inspect India's civilian nuclear facilities, then you are for the bill. If you want India to be obligated to adhere to the missile technologies control regime for the first time, then you are for the bill. If you want them to comply for the first time with the nuclear suppliers' groups guidelines for the first time, then you are for the bill. If you want to send a clear message to nuclear rogue states about how to behave, then you are for the bill. And, if you want a broad, deep, and enduring strategic relationship with India, then you are for the bill.

Mr. Chairman, it is time for a 21st century policy towards India, one that supports and encourages India's emergence as a global, responsible power and solidifies U.S.-India bilateral relations for decades to come. The bill before us today is that new policy. I urge our colleagues to vote ''yes'' on H.R. 5682.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I rise today as an original cosponsor of the civilian nuclear agreement. As a member of the International Relations Committee and past cochair of the Congressional Caucus on India and Indian Americans, this is an issue I have enthusiastically supported. I want to thank Chairman Henry Hyde, Ranking Member Tom Lantos, Chairman Ed Royce, Caucus Cochairs Gary Ackerman and Joe Crowley, and all other members of the committee who have crafted well-balanced, bipartisan legislation.

Some incorrectly believe this agreement will have a negative impact on nonproliferation. In contrast, it will greatly strengthen our current nonproliferation system. India has long been outside of the international nonproliferation regimes. Under this agreement, India will place 14 of 22 existing and planned nuclear facilities under IAEA safeguards.

For 30 years, India has protected its nuclear programs. It has not allowed proliferation of its nuclear technology. India is the world's largest democracy, with the 11th largest economy. It is treated uniquely because of its history of maintaining a successful nuclear nonproliferation regime. I saw firsthand on a visit to India in December the vibrant future of India as America's partner in the codel led by Dan Burton.

Passage of this agreement promotes meaningful mutual economic benefits for India and America. Secretary Rice has noted that as many as 5,000 direct jobs and 15,000 indirect jobs could be created as a result of this agreement. In addition, India will be better positioned to compete in the global economy, and trade between our countries will continue to grow at a record pace, such as in 2005 when we recorded a 30 percent increase in exports to India.

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

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to my good friend from Nevada (Ms. BERKLEY) so she may engage in a colloquy.

Ms. BERKLEY. Mr. Chairman, I would like to thank Mr. LANTOS and Mr. ROYCE for engaging in this colloquy with me.

I fully appreciate the importance and significance of this historic piece of legislation. However, I rise today to discuss two amendments that were adopted by the committee.

I am sure that you are all aware that for over 20 years Nevada has fought to keep nuclear waste out of Yucca Mountain. This is a most compelling issue for the people of the State of Nevada. I am very pleased that the committee agreed with my arguments that, before we enter into any agreement to support a proliferation of nuclear power, we should know where the nuclear waste is going to be stored.

Nevada certainly doesn't want to store the nuclear waste that is generated in our own country, much less the nuclear waste that is generated in other countries, and that includes India.

I am pleased that an amendment that I sponsored ensuring that spent fuel

from India's civilian nuclear reactors cannot be transferred to the United States without congressional oversight, that was passed by the committee. Another amendment that requires the President to issue an annual report describing the disposal of nuclear waste from India's civilian nuclear program was also approved by the committee.

I believe these are critical provisions that the final bill simply must contain. Both of these provisions passed without objection during the committee markup of this legislation. I would ask the chairman whether he can assure me that he will work to maintain these provisions in the final bill as the legislative process goes forward.

I yield to the distinguished subcommittee chairman.

Mr. ROYCE. I thank the gentlewoman for yielding.

I supported the gentlewoman's amendment in committee. And while not necessarily concurring with all the views that she expressed in committee, I supported her amendment; and hers are helpful amendments which I will work to maintain in the final bill.

Ms. BERKLEY. I thank the chairman.

I yield to the ranking member of the committee.

Mr. LANTOS. I want to thank the gentlewoman for her excellent work on this legislation. I will do my utmost to work to keep this provision in the legislation.

Mr. ROYCE. Mr. Chairman, I reserve the balance of my time for closing.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2½ minutes to my good friend from South Carolina (Mr. SPRATT), the distinguished ranking member on our Budget Committee.

□ 1815

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

I would like to engage my colleagues and managers of this bill, Mr. ROYCE and Mr. LANTOS, in a colloquy on the issue of India's nuclear testing moratorium.

Section 129 of the Atomic Energy Act provides that, ''No nuclear materials and equipment or sensitive nuclear technology shall be exported to any non-nuclear weapon state that is found by the President to have detonated a nuclear device.'' It is my understanding that section 4(a)(3)(A) of H.R. 5682 waives this restriction for any nuclear test that occurred before July 18, 2005, effectively allowing nuclear cooperation in spite of India's past nuclear tests, but not for any detonation or tests after that day.

Therefore, if India were to do so, continued nuclear cooperation would be in jeopardy. Is that an accurate assessment?

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

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

Mr. ROYCE. Mr. Chairman, the gentleman from South Carolina is indeed correct. It is our intent that section 129 of the Atomic Energy Act should apply prospectively to India. Should India conduct a nuclear test in the future, one likely consequence would be the discontinuation of nuclear fuel and technology sharing by the United States with India.

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

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

Mr. LANTOS. Mr. Chairman, I agree with my friend, Congressman ROYCE. Nuclear tests by India would put the U.S.-India nuclear cooperation agreement in serious jeopardy.

Mr. SPRATT. I thank my colleagues for that clarification. As a further point of clarification, India's prime minister has reported to his parliament that, ''the United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactor.'' A sizeable fuel reserve could conceivably minimize the impact of a U.S. decision to cut off fuel supplies should India conduct a nuclear test.

Mr. ROYCE and Mr. LANTOS, is it your understanding that aiding in the development of a fuel reserve is not intended to facilitate a decision by the government of India to resume nuclear testing? I yield to the gentleman.

Mr. ROYCE. That is our understanding.

Mr. LANTOS. And I agree with that interpretation.

Mr. SPRATT. Finally, would the gentlemen then agree with me that any fuel reserve provided to the Indians for use in safeguarded, civilian nuclear facilities should be sized in a way that maintains continued fuel supply as a deterrent to Indian nuclear testing? I yield to the gentlemen.

Mr. ROYCE. Any fuel reserve should be intended to give India protections against short-term fluctuations in the supply of nuclear fuel.

Mr. LANTOS. I agree with Mr. ROYCE on this point.

Mr. SPRATT. I thank Mr. ROYCE and Mr. LANTOS for that clarification and commend you for your excellent work on this important legislation.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2¼ minutes to our distinguished colleague from American Samoa (Mr. FALEOMAVAEGA), my good friend.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act, and I want to certainly commend Chairman HENRY HYDE and Ranking Member TOM LANTOS for their leadership in moving this legislation forward. This proposed legislation is a classic example of what bipartisanship is all about, and I, again, commend our chairman and ranking member and their staffs for their statesmanship and initiative in bringing this bill to the floor for consideration.

I also want to compliment my colleague from New York (Mr. ACKERMAN) for giving our colleagues a little historical perspective about this whole question of non-proliferation, and I want to share with my colleagues a historical perspective of why India did not and could not sign the nuclear nonproliferation treaty.

Mr. Chairman, while some of our critics may argue that India has not signed the NPT, I submit that had it not been for our own country's indifference, I call it benign neglect, if you will, India may have been a member of the nuclear club and our discussion about the NPT would have been a moot point.

In the early 1960s, despite having a civilian nuclear program, India called for a global disarmament, but nations with nuclear weapons turned a deaf ear. In 1962, China attacked India claiming it was responding to border provocation. The United States responded by saying it might protect India against a future attack, but when China exploded its first nuclear bomb in 1964, the U.S. welcomed China as a member of the nuclear club, and we also supported China becoming a permanent member of the United Nations Security Council.

It may be of interest to our colleagues, Mr. Chairman, that India had a civilian nuclear program in place prior to the NPT being open for signatures in 1968, and at the time, India was only months away from possessing nuclear weapons. So while critics may argue that India has not signed the NPT, I agree with India's position that the NPT is, and has always been, flawed and discriminatory.

Therefore, it is little wonder that India exploded its first nuclear device in 1974. Recent U.S. State Department declassified documents on U.S. foreign policy show that India had little choice given the hostile attitude assumed by our country towards India during the Nixon-Kissinger years.

I commend President Bush and Prime Minister Singh for bringing this initiative to the table. I also applaud the effort of Under Secretary of State Nicholas Burns who was our chief negotiator in development of this agreement. He did an outstanding job and showed true statesmanship.

I also want to thank Mr. Sanjay Puri, a great leader in our Indian American community for all that he has done to rally support for this bill.

I urge my colleagues to support this legislation.

Mr. Chairman, I rise in support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act and I commend Chairman HENRY HYDE and Ranking Member TOM LANTOS for their leadership in moving this legislation forward. This proposed legislation is a classic example of what bipartisanship is all about and I again commend our chairman and ranking member and their staffs for their statesmanship and initiative in bringing this bill

to the floor for consideration. I want to share with my colleagues a historical perspective why India did not and could not sign the Nuclear Non-proliferation Treaty.

Mr. Chairman, while some of our critics may argue that India has not signed the Nuclear Non-Proliferation Treaty, NPS, I submit that had it not been for our country's indifference or, benign neglect, if you will, India may have been a member of the nuclear club and our discussion about the NPT would be a moot point. In the early 1960s, despite having a civilian nuclear program, India called for global disarmament but nations with nuclear weapons turned a deaf ear.

In 1962, China attacked India claiming it was responding to border provocation. The U.S. responded by saying it might protect India against a future attack. But when China exploded its first nuclear bomb in 1964, the U.S. welcomed China as a member of the nuclear club and we also supported China to become a permanent member of the United Nations Security Council. It may be of interest to our colleagues that India had a civilian nuclear program in place prior to the NPT being opened for signature in 1968 and, at the time, India was only months away from possessing nuclear weapons. So while critics may argue that India has not signed the Nuclear Non-Proliferation Treaty, NPS, I agree with India's position that the NPT is, and has always been, flawed and discriminatory. Therefore, it is little wonder that India exploded its first nuclear device in 1974. Recent U.S. State Department declassified documents on U.S. foreign policy show that India had little choice given the hostile attitude assumed by the United States towards India during the Nixon/Kissinger years.

In 1965, believing India was weakened from its war with China, Pakistan attacked India. In response, the U.S. remained neutral while China outspokenly supported Pakistan. Concerned for its own security and having little reason to rely on the U.S., India announced in 1966 that it would produce nuclear weapons within 18 months. But, in 1967, the U.S. joined with the Soviet Union in crafting a nuclear non-proliferation treaty which to this day states that only the United States, Russia, the United Kingdom, China, and France are permitted to own nuclear weapons because only these five nations possessed nuclear weapons at the time the treaty was open for signature in 1968.

As we all can agree, India then and India today lives in one of the world's toughest regions and it is a bit Eurocentric for the U.S. to treat India as if she is beholden to us for the safety, protection, and well-being of her people. It is no grand gesture on our part that we now offer India civil nuclear cooperation. Instead, U.S.-India civil nuclear cooperation is long overdue and, quite frankly, the deal is as good for us as it is for India.

Mr. Chairman, I commend President Bush and Prime Minister Singh for bringing this initiative to the table. I also applaud the efforts of Under Secretary of State Nicholas Burns who was our chief negotiator in the development of this agreement. As the lead negotiator, Secretary Burns has represented our Nation's interest with distinction and true statesmanship, and I am honored to have worked with him during these critical months leading up to today's historic deliberation of this important bill.

I also want to thank Mr. Sanjay Puri, a great leader in our Indian-American community for all that he has done to rally support for this bill.

I urge my colleagues to vote in favor of H.R. 5682.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of this legislation and of the growing strategic partnership between the United States, the world's oldest democracy, and India, the world's largest. The hard work by Members and the staff on the IR Committee under the leadership of the chairman and ranking member have produced a bill that better attempts to address legitimate nonproliferation concerns and respects congressional authority to approve agreements.

During the markup, the committee adopted an amendment I offered to minimize the risk that our nuclear exports would assist India's nuclear weapons programs.

Under this amendment, the President would be required to submit to Congress a report on the steps he is taking to ensure our exports do not contribute to India's nuclear weapons program. In addition, my amendment declared that it is U.S. policy to encourage India not to increase its production of fissile material in military facilities.

Taken together with the other statements by the administration, this amendment makes clear that it is U.S. policy to promote the prompt negotiation of a fissile material production cutoff treaty; that pending entry into force of such a treaty, to press for the earliest possible achievement of a multilateral moratorium to accomplish this purpose; and to urge India to refrain from increasing its rate of production of fissile materials for nuclear weapons.

Mr. Chairman, the final bill must contain these provisions, and I would ask my colleague and the manager of the bill, Mr. ROYCE, whether he can assure me that he will work to maintain these provisions and their stated intent in the final bill as the legislative process goes forward.

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

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

Mr. ROYCE. Mr. Chairman, yes. I supported the gentleman's amendment in committee, and I will work with him to maintain it in the final bill.

Mr. SCHIFF. I thank the gentleman.

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

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

Mr. LANTOS. Mr. Chairman, I want to thank the gentleman for his excellent work on this legislation, and I intend to work to keep this provision in the legislation.

Mr. SCHIFF. I thank both of you gentlemen. I intend to support the legislation.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), my very dear friend and our most distinguished colleague.

Mr. MARKEY. Mr. Chairman, this agreement pours nuclear fuel on the fire of an India-Pakistan nuclear arms race. This agreement will free up 40 to 50 bombs worth of nuclear fuel for Indian nuclear bombs, and the consequence of that will be that Pakistan will respond, and Pakistan will respond with A.Q. Khan under house arrest in Islamabad, the Johnny Appleseed of nuclear weapons spread from Iran to Libya to North Korea.

And how do we know that? We know that because in Monday's Washington Post we learned from an outside source that Pakistan is building a facility that can create 50 plutonium nuclear bombs a year. We should be debating that out here on the House floor tonight.

This House has 2 days to reject a sale of 36 F–16 bombers that can take the 50 nuclear bombs which Pakistan can make each year in a radius of 1,500 kilometers, but we are not going to debate that. We are not going to debate Pakistan's nuclear program, which Congress was not told about, the American public was not told about.

Who is in Pakistan? A.Q. Khan is in Pakistan. Osama bin Laden is in Pakistan. Al Qaeda is in Pakistan.

This agreement is going to fuel an arms race, a nuclear arms race in southeast Asia, and it is going to spread across the world, and instead of debating an F–16 bill, 36 of them to Pakistan, with this abomination of a nuclear program which they have, we are instead fueling it with this India program which Pakistan knows is cynical because it will free up 50 bombs worth of civilian domestic Indian nuclear fuel for their bomb program.

We must halt, we must stop this nuclear arms race in southeast Asia. We must vote ''no'' on this proposal. It is absurd. We should be debating Pakistan's nuclear program, Pakistan's F–16 program tonight, or else we will look back on this as an historic failure.

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

I think we are all very concerned about the reports on Pakistan's programs that appeared this week. I think it was Monday in the Washington Post, but I think it is important to also note that that report stated that the construction on this facility in Pakistan to make these bombs began sometime in the year 2000. So this is not something that I think can be characterized as a reaction to this new initiative with India.

I do have concerns about a nuclear arms buildup in Asia. Again, this is something that the administration should be doing more on, working towards a fissile material cutoff treaty.

However, I would just respond by pointing out that this agreement gives us a chance to be engaged with India on their program instead of being on the outside as we have been for decades.

Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Iowa (Mr. LEACH), the chairman of the Asia Subcommittee.

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

Mr. LEACH. Mr. Chairman, at the outset I would like to recognize Chairman HYDE and the distinguished Ranking Member, Mr. LANTOS, for their leadership in improving the Administration's draft proposal for facilitating civil nuclear cooperation between the United States and India.

In particular, I appreciate their efforts to lessen the nonproliferation risks inherent in this initiative and to ensure that Congress remains a full partner with the Executive Branch as we move forward with this endeavor.

Nonetheless, while the issue at hand is a close call, in my judgment this particular initiative does not strike the right balance between two competing American national security interests: the important goal of improving relations with a rising India and the critical priority of preventing the spread of nuclear weapons and fissile material in an era hallmarked by the global threat of terrorism. Let me explain why.

There is nothing more difficult than to attempt to put perspective on events of day because so many issues can only be understood clearly, if at all, with the passage of time. For example, if we ask what is new on the Asian landscape over the last several years there is a tendency to emphasize troubling developments: the scourge of terrorism, North Korea, tensions over Taiwan, and America's growing trade deficit with China. But on the positive side little is more consequential than America's deepening ties with India.

The growing warmth between our two countries has its roots in the common values and the increasingly congruent interests of democratic societies committed to the ideal of liberty, social tolerance, representative government and the fight against terrorism, as well as other transnational threats—such as the spread of weapons of mass destruction, illicit narcotics, and the scourge of HIV/AIDS. In this regard all Americans condemn the recent horrific bomb attacks in Kashmir and Mumbai, and we stand with the people and government of India in their opposition to anarchistic acts of terror.

Our deepening government-to-government relationship is complemented by a rich mosaic of expanding people-to-people ties. In many ways, the more than 2 million Indian-Americans have become a living bridge between our two great democracies, bringing together our two peoples, as well as greatly enlarging our understanding of one another.

From a Congressional perspective, it should be underscored that America's commitment to this robust and multi-faceted relationship is fully bipartisan. As underscored by the debate on this measure, there is virtually no dissent in Washington from the precept that India and the United States should become increasingly close strategic partners with compelling incentives over time to develop convergent perspectives on a host of regional and global policy concerns.

By any objective measure, U.S.-India relations have never been on more solid footing. From new agreements on defense cooperation to expanded high technology trade and space cooperation, the relationship has been moving forward in an impressive fashion. On the economic front, America is India's largest trading partner and largest foreign investor. In many ways, however, what is impressive is how marginal, not how significant, is our trade. Economic and commercial ties between the U.S. and India are at an incipient, not end stage, and arguably deserve priority emphasis at this point in our relationship.

In this context, many in Washington and elsewhere around the world were caught by surprise with the Administration's offer last July to extend full civilian nuclear cooperation to India; a proposal which presented Congress with a fait accompli, notwithstanding the fact that implementation would require legislative action.

By background, when Prime Minister Singh was set to visit Washington last summer, the Administration was weighing two policy options to help ensure maximum success for this important summit with the President.

One option would have been to announce unequivocal U.S. support for India's claim to a permanent seat on the United Nations Security Council; a stance clearly in the interest of India and also compatible with the interests of the United States. Bizarrely, however, the Administration position then and now has been that Washington is unprepared to take a firm position in support of Indian membership until the U.S. achieves certain goals related to UN administrative and management reform, none of which are as critical as the case for Security Council enlargement to reflect the new balance of power in world affairs.

Frankly, I am flabbergasted by the Administration's ideological rigidity, as well as its lack of preparation to support India on this issue. I regard the U.S. position as awkward philosophically, illogical, and incompatible with sound strategic judgment.

Instead of supporting India's aspirations for Security Council membership, the Administration instead chose to peremptorily re-write the rules of the global nonproliferation that have well-served U.S. interests for over three decades.

To be sure, I acknowledge that there are a number of credible rationales for this agreement: to earn trust and goodwill with policymakers in Delhi, and the Indian public; to help accelerate the development of a strategic partnership between our two countries; to promote the use of nuclear power as an environmentally-friendly alternative to the use of coal and other scarce fossil fuels; and to emulate an Eisenhower-style atoms-for-peace initiative.

Nevertheless, as strong as the case for this initiative may be, I remain deeply concerned that the agreement negotiated by the Administration fundamentally undermines the Nuclear Non-Proliferation Treaty (NPT), the linchpin of U.S.led international efforts to stem the spread of nuclear weapons.

Administration officials assert that the exceptional treatment being accorded to India is unique and un-replicable. Once an exception to treaty law is made, however, the door is opened for a whole spectrum of governments, including close friends and alliance partners, to come forward to make comparable claims for special treatment—whether they be Brazil, Egypt, Japan, Saudi Arabia, South Korea, Pakistan, and even Taiwan.

If India were the only consideration, it would be a no-brainer to support this agreement. Unfortunately, at issue is the rule of law as it applies to us and others as well.

In particular a number of other countries, with whom we currently do not have amicable relations, such as Iran and North Korea, can be expected to similarly press the international community to recognize their legitimacy as nuclear weapons states. And if we unilaterally declare the right to ignore international law, other countries, including nuclear weapon states, can not be expected to go along with an exclusive American right to take exception to treaties.

This agreement thus creates opportunity for countries to use commercial or geopolitical rationales to expand forms of nuclear cooperation otherwise prohibited by existing international norms (such as the NPT) or procedures (such as those developed by the multilateral Nuclear Suppliers Group).

For example, in the immediate wake of the President's announcement of a policy shift, before either the Congress or the multilateral NSG could consider the proposal, Moscow moved to preempt Washington by announcing it would provide New Delhi with uranium reactor fuel in contravention of NSG guidelines.

In other words, the mere announcement of an Executive Branch-initiated proposal has had the effect of undercutting the NPT and precipitated another nation-state to implement key aspects of Washington's initiative.

Similarly, the government of Pakistan announced it would be obligated to match any expansion in India's nuclear weapons program.

The reason we have an NPT is to restrain nuclear weapons development. Based on news reports this past week from Pakistan, it is clear that one of the consequences of breaking international law is the precipitation of an arms race on the Indian Subcontinent. But as unfortunate as this arms race is, the consequence of the U.S.-led unraveling of the NPT is the spiraling of nuclear weapons development elsewhere.

Mr. Chairman, in a philosophical context this agreement is a reflection of an Administration approach to foreign policy rooted in the so-called doctrine of American Exceptionalism, which neo-cons do not define as refining a shining city on a Hill but as the right of a superpower to place itself above the legal and institutional restraints applied to others.

In the neo-con world, values are synonymous with power. The implicit assumption in that American security can be bought and managed alone, in many cases without allies, and without consideration of contrasting international views or the effect of our policies on others. Treaties like a Comprehensive Test Ban, which every President since Eisenhower has propounded, have been rejected, as have negotiations to strengthen the verification provisions of the Biological Weapons Convention.

Now the Administration proposes to weaken the NPT, perhaps fatally, which despite its weaknesses has helped limit the number of nuclear weapon states to a relative handful instead of 20 or 30 or even more.

As much as I support the Administration's desire to more rapidly advance a warming of relations with India, I cannot in good conscience support a weakening of the global nonproliferation regime or the breaching of United States obligations under international law. I therefore cannot support the legislation in its current form.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader, my friend and neighbor.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from California for yielding, for his tremendous leadership in making our country strong and respected throughout the world.

I am pleased to join him in paying tribute to the chairman of the committee, HENRY HYDE. What a wonderful honor that this bill is named for him. He, too, has been a champion to promote a values-based diplomacy for our country. We have all fought many years with him in support of human rights throughout the world. This is probably one of the last bills that will be completed on issues that relate to national security and the respect with which we are held in the world. So appropriately, it is named for Mr. HYDE.

Both Mr. HYDE and Mr. LANTOS have presented the House with legislation that is a vast improvement, frankly, over the bill that the President requested earlier this year, and it is a tribute to their leadership that we can all come together on this legislation this evening.

The bill before us establishes a two-step process for the India nuclear agreement. It is a process and legislation, which I support, that allows Congress to reserve final judgment on the agreement until the specifics are known. It requires that before Congress votes on the agreement, India and the International Atomic Energy Agency will have had to establish a process through which IAEA safeguards will be applied forever to India's civilian nuclear facilities, programs and materials.

Therefore, if an agreement is ultimately approved, Congress will retain the ability to monitor it through the required annual reports on U.S. nonproliferation policies in South Asia and on the implementation of the U.S.-India nuclear deal.

□ 1830

This legislation is important because it recognizes that the prospect of greater nuclear cooperation with a nation that has not signed the Nuclear Nonproliferation Treaty raises serious concerns. As one who came to Congress intent on improving international nonproliferation regimes, I appreciate those concerns. One of the most significant, the issue of the production by India of fissile material, is addressed by an amendment to be offered by the gentleman from California (Mr. BERMAN).

The Berman amendment, which I support, conditions the provision of nuclear fuel by the U.S. on a presidential determination that India has halted fissile material production. But even if the Berman amendment is not adopted, I hope that the agreement that will be presented to Congress for approval when negotiations are concluded contains a promise by India to halt the production of fissile material. Such a promise would improve the agreement and go a long way to convincing those who cannot support today's legislation that their concerns have been heard and that the Bush administration and the government of India has sought to respond to them.

The legislation before us clearly endorses the philosophy behind India's nuclear initiative; a judgment that security would be promoted by bringing India into the nuclear nonproliferation mainstream. On balance, I believe that judgment to be correct, and I thank you, Mr. LANTOS and Mr. HYDE, for putting that balance here.

Although not bound by the NPT, India has a strong record of supporting nonproliferation goals. They have never ever violated the NPT. India has demonstrated by its actions a commitment to safeguarding nuclear technology. That commitment will be strengthened by India's adherence to the Nuclear Suppliers Group guidelines and the Missile Technology Control Regime guidelines as required by the nuclear initiative.

A close relationship with the democratic India is critical for the United States. There is a wide range of significant issues on which our shared values and shared interests will enable productive collaboration for the betterment of the world. This legislation reflects the strength of our current relationship with India and our hopes for its future. It is an expression of trust on matters relating to nuclear technology based on 3 decades of experience.

I urge my colleagues to support it. Even though there may be some questions and some amendments which may pass or not prevail today, on balance, I believe this legislation as presented here is worthy of our support.

I hope that the agreement that comes back to us is one that will be without controversy and will again be a reflection of the close bond between India and America. It was but a week ago when we were all gathered here to extend our sympathy to the people and the government of India because of the tragedy at Mumbai. Many of us expressed the love that we have for India and appreciation for the gifts that India has given to America, a vibrant dynamic Indo-American community which has contributed enormously to the economic success of our country and to our competitiveness in the world.

They have also contributed much to us in terms of our own social justice. We owe much to India as the source of nonviolence as a philosophy, espoused and practiced by Mahatma Gandhi. I said last week that when Reverend Martin Luther King, Jr. and Coretta Scott King went to India to study nonviolence, they received a gift from India that would serve our country well and be important and fundamental to our own civil rights movement; that nonviolence was a strength that again improved America, and for which we all should be indebted to India and we should never forget.

I also personally join Mr. LANTOS, because I know of his history on the subject in expressing appreciation to India for its hospitality to His Holiness the Dalai Lama, a great leader in the world. And I am enormously appreciative of the fact that his, I don't want to call it government in exile, but whatever the term of art is, in Darussalam in India.

The list goes on and on, we can name them over and over, again whether it is again the contributions of the Indo-American community, the philosophy that sprang from India that is so important to us, or the support for human rights. But on target for today is India's commitment, which it has never violated, to support the principles of the Nuclear Nonproliferation Treaty, which although it is not a party to that treaty, has been a supporter of its principles.

Again, for that reason, I hope that all of our colleagues will vote in support of this legislation so that we can go to the next step and that we can go into the future continuing a long and beneficial relationship with India for us all.

Mr. LANTOS. Mr. Chairman, before yielding time, I want to express my regret to all of my colleagues that the stringent requirements will enable me to yield no more than 1 minute to each of our speakers.

Mr. Chairman, I am very pleased to yield 1 minute to a distinguished member of the committee, my good friend from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, India is a democracy that understands the role of this Congress. They have negotiated a deal that dramatically loosens the controls on their nuclear weapons program, and they know that it is the role of this Congress to make that deal one step tighter.

Our job is to protect the nonproliferation interests of the United States. The job of India is to say that any amendment we offer is a ''killer amendment.'' Do not be fooled. They know and they expect that this Congress will do its job and make this deal one step better when it comes to controlling nuclear weapons.

India did not sign the Nuclear Nonproliferation Treaty. We should not punish India for becoming a nuclear power, but this deal in its present form facilitates building additional nuclear weapons by India. It will allow them to build twice as many nuclear weapons per year as they are doing now.

That is why I will be offering an amendment that will help India's civilian nuclear program, without helping their military program.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. LANTOS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, I rise in strong support of the India Nuclear Cooperation Promotion Act, and I want to commend Chairman HYDE and Ranking Member LANTOS for the work they put into crafting this bipartisan legislation that we have before us today. And I would like to thank the current chairs of the caucus on India and Indian Americans, Representative GARY ACKERMAN from Queens and my good friend ILEANA ROS-LEHTINEN from Florida for the support they have given to the passage of this agreement. I must also recognize the Indian-American community for the incredible advocacy work they have done to educate Members of Congress on the importance of this agreement.

I want it to be clear that this vote sets the stage for allowing the cooperation, but the actual exchange of civilian nuclear cooperation will not take place until Congress is provided with the details of the relevant negotiations and takes a second up-or-down vote.

We will be taking an historic step in our relations today by passing this agreement. This is about nuclear power access, not nuclear weapons enhancement. By passing this agreement, we will be bringing an India that has remained outside the nonproliferation regime for the past 32 years under the nonproliferation tent.

Some of my colleagues have argued we are destroying the Nuclear Nonproliferation Treaty, also known as the NPT, by passing this agreement. But while I have the deepest respect for the treaty and those who support it, we must be realistic in understanding why this deal needs to be done.

India cannot sign the NPT unless it were to give up its nuclear weapons, which is unrealistic to ask a nation who finds themselves surrounded by nuclear-armed nations they have fought wars against. India has been punished for the past 32 years for testing a nuclear weapon, and during these 32 years of NPT limbo they have not externally proliferated, while remaining a true democracy with a strong rule of law.

We need to use India as an example of what a nation should be doing to gain the respect and inclusion by the international community. I urge my colleagues to end India's nuclear isolation and allow them to be brought into the nonproliferation tent with the rest of the responsible states who seek safe and efficient civilian nuclear technology.

I support this legislation because I support the relationship that our two countries should and will be sharing. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what this cooperation will provide. I trust my colleagues will recognize what our future with India holds and vote for final passage of this legislation.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS), our distinguished colleague.

Mr. MEEKS of New York. Mr. Chairman, I too want to congratulate Chairman HYDE and Ranking Member LANTOS for the strong bipartisan bill.

This initiative really talks about and reflects confidence in India as a global strategic partner. You know, the world is flat, and we have to have these partners in the world. What this does is, it says to India, because it is one of the world's largest democracies, that we understand and we recognize that.

Also, we have to remember that this is about civil nuclear power. India has over a billion people and we have to figure out how we also make sure that we protect and preserve our environment. So what this does is recognize that the production of clean energy can reduce further pollution of the environment and decrease dependency on fossil fuels.

In fact, if you look at the Indian CO_2 emission, a threefold increase in India nuclear capacity by 2015 would result in a reduction of over 170 million tons annually, or approximately the total current CO_2 emissions of the Netherlands. So I strongly support this bill.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield the balance of my time to my good friend from California, Congresswoman BARBARA LEE.

The Acting CHAIRMAN (Mr. GUTKNECHT). The gentlewoman from California is recognized for 2½ minutes.

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding and for his leadership and for really crafting a bill that I think is much better than what it was prior to the hearing, but I must rise to oppose this bill.

I had the privilege to visit India a few years ago with Mr. CROWLEY, and I witnessed firsthand the brilliance, the spirit, and the commitment to democracy of the Indian people. And like many of my colleagues, I strongly believe that it is in our country's best interest to strengthen our relationship with India. But to suggest that we can only do so at the expense of the international nonproliferation standards, as this legislation before us would, I think that is both dishonest and it is dangerous.

Let us be clear. This is not about India. As far as I am concerned, there is no country, and I mean no country, for which it would be acceptable to sacrifice our international standards. The problem with the deal, as it is currently written, is that it will do lasting harm to more than 30 years of international efforts to stop the spread of nuclear weapons.

This deal creates a double standard that undermines our efforts with countries like Iran and North Korea from developing nuclear weapons. It creates incentives for withdrawing from the Nuclear Nonproliferation Treaty. Why have countries like Brazil and South Korea spent all these years playing by the rules and not building nuclear weapons in exchange for civilian technology when India gets both?

It sets a dangerous precedent. In explaining Beijing's rationale for potentially pursuing a deal with Pakistan, Professor Shen Dingli of China's Fudan University has already argued this. He said, ''If the United States can violate the nuclear rules, then we can violate them also.'' We should be fighting to save what is left of the international nonproliferation framework, not just throwing it away.

We should insist that India formally commit to the goals and restrictions on the international nonproliferation framework and sign the Nonproliferation Treaty. Short of that, we should at least insist on specific nonproliferation safeguards, as specified in an amendment that I offered, which of course was not ruled in order. It would have required, however, India to commit to the basic principles consistent with the NPT. Again, unfortunately, this amendment was not made in order.

We should not pass any type of a nuclear deal, a nuclear, quite frankly business deal, without these safeguards. I don't think we should throw them away. We need to go back to the drawing board and we need to make sure that international nonproliferation goals are adhered to.

□ 1845

Mr. ROYCE. Mr. Chairman, you know, while the United States is, in fact, leading the way on this agreement, it is a multilateral agreement in the sense that the NSG, 45 nations, must concur with this agreement; and Congress must approve a nuclear cooperation agreement that the administration is negotiating with India before technology is actually transferred.

So I also want to make the point here that Congress is going to have a second crack at this agreement when it comes back. But here is the choice that we face: Either we continue to try to box in India and hope for the best, or we make this move, we engage India, and we hope to use our influence to move this increasingly important country in our direction. And this will help make India a true partner, a true partner as we enter what will be a decades-long struggle, I fear, against Islamist terrorism.

This is not an ideal agreement, and the administration should be more aggressively pursuing an international fissile material cutoff. But this agreement is a good one which works through a difficult nonproliferation situation to strengthen an important relationship for us.

That is why I ask my colleagues to approve this legislation. Frankly, it is a chance to strengthen an important relationship for us at a time when we need more strong relationships, especially with regional powers such as India; and, I will remind my colleagues, it strengthens a relationship with a democracy, based on the rule of law, a democracy that has a good record on nonproliferation.

This deal is controversial in India. The coalition government of Prime Minister Singh has come under intense attack from the political extremes and from political opponents. He has been charged with selling out India, opening its nuclear facilities to international inspection, agreeing to check India's nuclear weapons production.

So far the center has held. Let's not deliver India's Marxist and xenophobic forces a victory. They would like us to kill this deal. Let's pass this legislation. As Chairman HYDE argued and as the ranking member explained, let's pass this legislation. Let the administration negotiate a nuclear sharing agreement with India, and then look again and decide whether or not to proceed.

I urge my colleagues to support this legislation.

Ms. HARMAN. Mr. Chairman, I oppose the India Nuclear Cooperation Promotion Act (H.R. 5682). The bill has substantially improved since it was first introduced in this body, but it still has a long way to go. I am particularly concerned about the failure of the bill to slow down a potentially catastrophic arms race in South Asia.

This bill would allow the President to enter into a nuclear cooperation agreement with India, the world's largest democracy and an important strategic ally of the United States. Under the proposed agreement, the United States would transfer fissile material and nuclear technology to India in exchange for India's promise to separate its civilian and military nuclear programs, subject its civilian programs to a host of international inspections and controls, and continue its moratorium on nuclear weapons testing.

As is an all too common habit of this administration, the key parameters of this agreement were negotiated with little or no congressional input. Congress was forced to add in protections against proliferation of nuclear technology and to ensure nuclear safety largely after the fact.

To this end, the House International Relations Committee has done an outstanding job in reasserting Congress' constitutional prerogatives. Thanks to the hard work of the Committee, the bill now requires that the President report to Congress on the progress that India has taken toward separating its civilian and military programs, toward placing its civilian programs under international supervision, otherwise living up to its end of the bargain. Congress then must vote to grant the President the authority to enter into this agreement. I welcome these improvements.

I also commend Congressman HOWARD BERMAN for his tireless efforts to give arms control protections in the agreement some teeth. Mr. BERMAN was instrumental in adding provisions that would automatically cease U.S. transfers of fissile material if India transferred missile or nuclear technology to third parties in violation of the Missile Technology Control Regime or the Nuclear Suppliers Group regulations. These provisions are vital to ensuring that U.S. nuclear technology and materials do not end up in the hands of terrorists or rogue nations.

But as far as this bill has come, it has not come far enough. The bill still allows the President to transfer fissile material to India without ensuring that India first cease its domestic production. It would therefore allow India to use U.S.-provided uranium for its civilian programs, while diverting all of its domestic production of uranium to the development of nuclear weapons. If India chose to divert its domestic material to its military programs, some commentators have estimated that it could build an additional 50 nuclear weapons every year.

This bill could thus fuel an already accelerating arms race in South Asia. India and Pakistan have engaged in intermittent hostilities for years, and both already have nuclear weapons. Adding hundreds of new nuclear weapons to this equation will unacceptably increase the risk of a nuclear exchange. Pakistan has already hinted that it would increase its production of nuclear weapons if this agreement is approved. We must do all in our power to stop this train while it is still in the station.

I am sympathetic to India's needs for clean, affordable power. I also recognize that India is a crucial ally of the United States. But we cannot allow an arms race to spiral out of control.

Both India and the administration have time to allay these concerns before Congress will hold its final vote on this agreement. I look forward to reviewing the President's report, and will withhold final judgment on this agreement until then.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 5682, the United States and India Nuclear Cooperation Promotion Act.

Were India to sign the Nuclear Nonproliferation Treaty (NPT), the primary international tool for limiting the proliferation of nuclear weapons, I would gladly support the agreement. My district is home to a large Indian-American population, whose opinions I value and whose support I have long enjoyed. I regret having to disagree with many of them today.

But I am—and have always been—an ardent proponent of nuclear nonproliferation. I believe that the fewer nuclear weapons that exist in the world, the better. Unfortunately, America's unilateral agreement will encourage an arms race on the Indian subcontinent, promote weak export controls around the world, and undermine the NPT.

This week, it was revealed that Pakistan is constructing a new plutonium-production reactor that will massively increase its bomb-making capacity. Rather than adding fuel to the fire by offering India a deal that will allow and encourage it to also increase weapons production, the United States should work to end the production of all fissile material in South Asia.

A unilateral agreement with India could also undermine the cohesiveness of the Nuclear Suppliers Group. If the United States exempts India from nuclear nonproliferation controls, China would likely feel it appropriate to make a similar agreement and export civilian nuclear technology to Iran or North Korea.

I am aware that as part of the agreement, India has opted to allow some of its reactors to be inspected. This concession, however, is largely symbolic. The reactors that will continue to be off limits could make more plutonium for weapons than India will ever need. Furthermore, the precedent of working outside the NPT is dangerous. If India can secure the benefits of NPT membership without adhering to the treaty's limitations, other countries will have little incentive to remain in the NPT.

I urge my colleagues to stand up for nonproliferation and join me in voting "no."

Mr. BLUMENAUER. Mr. Chairman, having visited India following the Southeast Asia tsunami, I am more convinced than ever of the benefits of a stronger U.S.-India partnership. There is no relationship more important than that between the world's largest democracy, India, and the world's oldest democracy, the United States. I believe that, as the world's largest democracy and a responsible regional power, India deserves a permanent seat on the UN Security Council. Support for such an arrangement would have been a sensible centerpiece to a new strategic partnership.

However, I am skeptical about elements of the proposed nuclear cooperation agreement between the U.S. and India. I am particularly concerned that this attempt to create an exception to international nonproliferation norms for India may make our efforts in Iran more difficult, or even encourage other countries to make their own exceptions to the rules for assistance to the supposedly civilian nuclear programs of less responsible countries.

I am pleased that the legislation crafted by the leadership of our House International Relations Committee minimizes the risks associated with this agreement and provides for close congressional oversight, though I support additional amendments to strengthen it. I do not wish to stand in the way of this legislation's progress and intend to follow developments closely for the up-or-down vote that this bill authorizes.

I believe that the more pressing issue is developing an effective strategy for cooperation to address India's growing energy needs. Increased reliance on nuclear energy will only have a marginal impact on India's consumption of fossil fuels and levels of global warming pollution emitted. To make an immediate impact, we should be helping India with conservation, renewable energy technologies, and strategies to reduce pollution such as coal gasification.

Mr. CARDIN. Mr. Chairman, I rise in support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act.

India is the largest democracy in the world today, and is rightly viewed as an emerging global power in the 21st century. I was pleased to listen to Indian Prime Minister Manmohan Singh address a Joint Session of Congress in July 2005 and describe his vision of future cooperation between India and the United States. I will continue to encourage our government to strengthen our ties to India, in areas such as high-technology, immigration, trade, space, and the military.

Today the United States and India can take an important step to lay the foundation for our countries to greatly expand nuclear research, nuclear power, and nonproliferation cooperation with each other. India is facing enormous challenges in providing sufficient energy to its growing population. India has more people living in abject poverty than do Latin America and Africa combined.

This legislation establishes a two-step process under which the United States may enter into a nuclear cooperation agreement with India. I am pleased that the Committee on International Relations has significantly amended this legislation, as compared to the version initially proposed by the Administration. The legislation today preserves the important oversight role of Congress. Under this

legislation, the President must make a number of determinations before India can be exempted from restrictions contained in the Atomic Energy Act of 1954 (AEA). Most notably, the President must determine that India has provided the International Atomic Energy Agency (IAEA) with a credible plan to separate civilian and military nuclear programs, and that India and the IAEA have concluded an agreement requiring the permanent application of IAEA safeguards to India's civil nuclear facilities.

Once the President has made the determinations required by this legislation, Congress must approve a joint resolution to ratify the final negotiated text of a nuclear cooperation agreement with India. I also support the provision in the bill that requires additional consultation between the Administration and Congress, including regular detailed reports on nonproliferation matters and the implementation of this agreement.

I look forward to working with the Administration to implement this nuclear cooperation program between the United States and India, consistent with this legislation and the intent of Congress.

Mr. HOLT. Mr. Chairman, I rise today to oppose H.R. 5682. I do this reluctantly, because I am a strong supporter of India. But I cannot turn my back on my life's work on nuclear non-proliferation.

Prior to coming to Congress, I worked at the U.S. Department of State as an arms control expert. I spent each day there trying to reduce the threat our nation faced from proliferation of nuclear weapons. I also learned first hand how effectively the international non-proliferation regime monitors existing nuclear states and prevents sensitive nuclear technology from falling into the wrong hands. I also worked for 10 years at the Princeton Plasma Physics Laboratory to research and develop fusion energy, because it would be an abundant source of energy that would not lead to the proliferation of nuclear weapons.

I am also a lifelong supporter of India. In fact, I first traveled to India more than 30 years ago. When I came to Congress, the first caucus I joined was the Congressional Caucus on India and Indian-Americans. Since then, my interest in India and my respect for its citizens have only grown. That is why I believe it is essential that our nation increase its cooperation with India.

India is our friend and a strong ally. The ties that bind our nations go to the core of our democratic values. India is the world's largest democracy, she possesses a vibrant economy, and she has an unwavering commitment to ending terrorism. America is fortunate to have an ally that shares our common vision and we need to grow our relationship by increasing cooperation on other economic, educational, and security concerns. But I have strong reservations about making individual exceptions in our nation's laws for nuclear export to India or any other state.

The non-proliferation regime we have is far from perfect, but it has proven to be remarkably successful in deterring the spread of nuclear material. The Nuclear Nonproliferation Treaty (NPT) of 1970 is the centerpiece of international nuclear nonproliferation structure. The NPT ensured that today we are dealing with only a handful of problematic states, such as Iran, rather than the dozens of nuclear states that might have existed otherwise. These historical successes highlight the essential role that the international non-proliferation regime has played and why it must not be undermined.

The United States was instrumental in creating the NPT, and now is not the time to stop our leadership on this important issue. The United States should not send the wrong message to the global community. We must continue to be a leader on nuclear non-proliferation if we hope to prevent Iran, North Korea, or others from acquiring nuclear weapons.

During the 2004 presidential campaign, both President Bush and Senator KERRY agreed on one thing: nuclear proliferation and nuclear terrorism are the gravest threat that our country faces. The threat of nuclear terrorism is underscored today because of the recent actions of Iran and the continued work by North Korea to develop nuclear technology.

That is why we need to be doing more to strengthen and support the international nuclear non-proliferation structure, not weaken it. Some non-proliferation experts have raised concerns that this bill would violate Article I of the NPT. Additionally this bill would create an exception to the rule, and thereby create a new rule.

I have been impressed by India and I do believe that she has been one of the most responsible nuclear states in the world. And unlike her neighbor, India has not engaged in wholesale proliferation of nuclear technology.

The bill before us today would make changes to the Atomic Energy Act which would allow for the transfer of U.S. nuclear technology and material to India. This would be the first time the conditions for nuclear cooperation in the Act were changed for an individual state. We should not make these changes lightly. We need to understand the implications of what we are doing for the international nuclear non-proliferation regime.

As well, we must also be clear. This is not the final vote the House will take on this important issue. Under the provisions contained in this bill, Congress will again have to review and vote to support nuclear cooperation once the final text of the cooperation agreement is finalized. For that reason, I remain unsure why Congress is considering or approving these significant changes to our nuclear non-proliferation structure. The Nuclear Suppliers Group still needs to give its approval to this proposed nuclear cooperation agreement. As well, India needs to complete its negotiations with the International Atomic Energy Agency on a new safeguards agreement. These are not just minor points, not just iotas in the agreement. They are central to the issue. What would be wrong with waiting for the final text to be negotiated and these important steps to be taken before we change our nation's laws to allow for nuclear material transfer?

That said, I remain troubled that providing nuclear technology to India would create a double standard. Historically, the United States has only provided nuclear technology to states that are parties to the NPT. This bill would allow for cooperation with India, despite the fact the India has not signed or ratified the NPT, and had previously developed a secret nuclear weapons program.

Additionally, I am worried that this legislation does not require India to cap or even limit its fissile material production. The United States, the United Kingdom, Russia, and France have all publicly announced that they are no longer producing fissile material for military use. Even China is believed to have stopped producing fissile material. Without a requirement to limit fissile material production, the United States is tacitly endorsing further production. We should not help any state in the world increase its stockpile of nuclear weapons, especially at a time when we are reducing our own stockpile.

I am also concerned that this legislation does not require that all of India's nuclear reactors be placed under international safeguards. That means that some of India's reactors will be used for military purposes and kept outside safeguards and the nonproliferation regime. The whole purpose of safeguards is to ensure that fissile material is not diverted to build nuclear weapons secretly. We need full scope safeguards on all of India's reactors to ensure that U.S. technology or nuclear material is not being diverted for military purposes. In effect, we would be giving approval to the existence of undeclared, uninspected production of fissile material.

Further, India is not required to classify her new reactors as civilian rather than military. Some have argued that nuclear cooperation is needed to help meet India's growing energy needs. If that is the case then every single new reactor should be civilian energy producing facilities. We should be doing more to discourage India from expanding her military nuclear program, rather than making it easier.

This bill makes some improvements on the legislation that the Administration submitted, and I am glad that some of my colleagues who share my concerns tried to improve it. Yet, even with these changes I do not think it wise to shred one of the few nonproliferation instruments we have. I am sorry that before they came to us the Administration did not negotiate a better agreement which would not jeopardize decades of nonproliferation work. I am also sorry we have not approached this matter to obtain the active partnership of such a respected and important country as India in the effort to prevent nuclear proliferation around the world. India teamed with us and other countries could be a most influential leader in reducing the threat of nuclear weapons around the world. I remain convinced that nuclear cooperation could be achieved with India, however this is not the proper way to do so.

For these reasons, I cannot support this bill which would undermine the NPT and our nation's long history of nuclear nonproliferation. I would oppose this deal if it was with any country outside of the NPT because I would have the same concerns. But I also know that despite my vote on this bill it will be approved by wide margins. I hope I am proven wrong, that this bill will not undermine our nation's nonproliferation efforts, but I regret that I cannot see how that can be.

Mr. JINDAL. Mr. Chairman, I rise to speak in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. The bill would facilitate the sharing of civilian nuclear technology in an attempt to decrease competition for scarce energy resources and strengthen relations between the two nations.

With the receding of the global divisions established during the Cold War era, there has been increasing recognition that significant benefits can be obtained from closer cooperation between the U.S. and India. H.R. 5682 reflects broad agreement that peaceful nuclear cooperation with India can serve U.S. foreign policy and national security objectives and also minimize potential risks to the nonproliferation regime. This ranges from shared

strategic interests, such as enhanced stability and security in South Asia and the international system as a whole, to more specific priorities, such as combating global terrorism.

Today, the chief threat to our security and the security of our allies worldwide is posed by violent acts of terrorism by extremists and rogue nations engaged in nuclear experimentation to the detriment of the principles of freedom worldwide. As we witnessed recently by the bombing of Mumbai's subway system earlier this month, global terrorism is a threat that India shares with the United States. We need India's ongoing partnership in the fight against terrorism. Furthermore, by engaging in this agreement with India, we are able to strengthen the international nonproliferation regime by placing a majority of India's nuclear plants under international inspection. This is a more practical and realistic shift in U.S. nuclear policy that should be viewed as a victory for nonproliferation advocates compared to our previous policy of forced abandonment which yielded little towards achieving greater international security.

For our own sake, if for no other reason, it is imperative that we help countries like India and China curb their increasing consumption of oil and natural gas for domestic and commercial use. This, in turn, will help us curtail the cost of oil and natural gas, while helping India develop its own nuclear power sources sufficient to meet their growing demand. The result is that prices worldwide will decrease as overall supply of oil and natural gas increase, thus helping our own economy by preserving many of the industries that have been forced to close their doors because of high production costs.

Our relationship with India is unique—the United States and India are the oldest and largest democracies in the world. While we cannot foresee that China will share common political principles in the near future, because India's history is rooted in Democracy they are an ideal partner for achieving our goals of creating international and economic security. Passing H.R. 5682 is an important step toward cementing the great strides we have made in the past year in establishing this strategic partnership.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act.

India is a strategic friend and ally of the United States. Indian Americans have made an indelible mark upon the culture and diversity of our nation and I was proud to sponsor H. Res. 227 that recognized the contributions of Indian Americans to our nation, which the House passed earlier this year.

India and the United States have a strong history of cooperation. Directly after the September 11, 2001 terrorist attacks, India was one of the first countries to offer immediate aid to the United States. As the two largest pluralistic, free-market democracies in the world, it is only natural for the United States and India to seek to strengthen our bilateral relationship.

Last July, President Bush and Prime Minister Sing issued a Joint Statement declaring a new era of respect, reciprocity and cooperation, spanning the fields of high technology, space exploration, counter-terrorism, defense cooperation and energy security.

This legislation lays the statutory foundation to expand nuclear research, nuclear power and nonproliferation cooperation with India that would allow full trade in civil nuclear energy. In exchange for such trade, India has agreed to separate its military and civilian nuclear programs over the next eight years, placing 14 of its 22 reactors under permanent international safeguards, as well as all future civilian thermal and breeder reactors. It has also agreed to maintain its unilateral moratorium on nuclear testing and to work with the United States toward a fissile material cutoff treaty.

Mr. Chairman, the United States should seize this opportunity to forge a strategic alliance with India to expand civil nuclear energy production in that country. In closing, I thank the leadership for allowing this legislation to come to the floor today and urge an aye vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the United States and India Nuclear Cooperation Promotion Act of 2006. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, for more than a decade there has been increasing recognition in both countries of the significant benefits to be obtained from closer cooperation across a broad spectrum. To that end, on July 15, 2005 President Bush and Prime Minister Manmohan Singh issued a joint statement announcing a ''global partnership'' between the two countries that embraces cooperation across a wide range of subjects.

I am in support of this bill because this legislation reflects broad agreement consensus among Members of Congress that peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives, but must be approached in a manner that minimizes potential risks to the nonproliferation regime. Among the most important considerations are ensuring that Nuclear Suppliers Group (NSG) guidelines and consensus decision-making are upheld and that a U.S. nuclear cooperation agreement and subsequent U.S. nuclear exports are consistent with decisions, policies, and guidelines of the NSG. Equally important is the need to ensure that U.S. cooperation does not assist the Indian nuclear weapons program directly, or indirectly, in order to avoid contributing to a nuclear arms race in South Asia and because of U.S. obligations under the Nonproliferation of Nuclear Weapons (NPT).

There are two other noteworthy provisions in this bill which I consider very crucial in the United States' relationship with India regarding nuclear weapons. The bill contains reporting requirements and a provision that calls for termination of exports in the event of violations of certain commitments and seeks to uphold existing statutory Congressional oversight of U.S. nuclear cooperation and exports. At a time when the world appears to be considering nuclear energy as a viable and desirable alternative to carbon-based energy sources, oversight of its expansion is crucial.

The President took a bold step by cutting a deal with India on nuclear cooperation and it is now up to Congress to make the necessary fixes without undermining the deal. India has proven itself deserving of an understanding of cooperation with the United States regarding nuclear weapons. India has been punished for the last thirty-two years, but over that time they have shown a responsible foreign policy, and a commitment to democracy and rule of law. This deal would also provide India with some of its energy needs to continue to grow her economy and lower the use of coal burning power plants.

We cannot forget about our Indian American citizens during our talks of a nuclear cooperation with India. There are about two million Indian Americans living in the United States and the majority of them support this nuclear deal. We must let the Indian American community know that we hear them, we stand with them, and are both working towards the mutual goals of democracy. This deal will strengthen our long term relationship with India in hopes that they will continue to be one of our strongest allies in the War on Terrorism. This agreement will benefit the United States as well as India in monitoring nuclear weapons in helping to stabilize our world's economy and safety and I urge my colleagues to support this bill.

I will be introducing an amendment that urges Congress to continue its policies of engagement, collaborations, and exchanges with India and Pakistan. My bipartisan amendment is consistent with many U.S. foreign policy objectives. It will also draw the United States closer to this vitally important and strategic democracy.

Mr. KNOLLENBERG. Mr. Chairman, I support the legislation before the House of Representatives today, H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. A civil nuclear cooperation agreement will make citizens of America and India more safe and secure, while providing increased stability around the world.

Since coming to Congress, I have felt that it is appropriate for the United States and India to have a close relationship. Last year, when President Bush and Indian Prime Minister Singh announced that the two countries would seek cooperation on its civil nuclear programs, I was immediately encouraged and supportive of their efforts. The improved relations stemming from this agreement will lead to untold benefits for the American and Indian people and enhance our mutual interests.

The U.S.-India relationship is strong and growing stronger because of our shared principles and goals. We remain the two largest democracies in the world, committed to political freedom protected by a representative government, and we share a commitment to free-market principles. These principles—bolstered by one of the world's largest consumer markets and a growing skilled labor force—have helped India in its development into a global economic power.

However, that growing economy depends on energy. Nuclear energy, unlike other energy sources, is truly a ''green'' energy source. It does not emit any carbon dioxide emissions or greenhouse gases. It also requires less geographic area to produce energy than other energy sources. Nuclear power is under-utilized and we should promote, not hamper, its growth.

Since the establishment of the Indian nuclear program in 1974, there has been no international oversight of India's nuclear program. A civilian nuclear cooperation agreement will provide India with much of the energy it needs while also bringing their civilian nuclear program under international review. With this agreement, the majority of India's civilian program will be under supervision of the International Atomic Energy Agency.

We always must be mindful of nuclear proliferation and nuclear materials falling into the

wrong hands. The Indian government remains committed to peace and stability in the region and the world and they realize the danger of allowing the proliferation of nuclear technology and material.

Sadly, this danger is all too real to the people of India because—like the U.S.—India has not been immune to terror attacks. The train bombing earlier this month and the attack on their parliament 5 years ago remains a constant reminder of terror and has forced them to reevaluate their civilian nuclear program and their status in the international community.

Mr. Chairman, H.R. 5682 will strengthen the U.S.-India relationship, promote a clean energy source, and make global nuclear materials more secure. For all these reasons, I strongly support the bill and encourage my colleagues to do so as well.

Mr. FOLEY. Mr. Chairman, I rise in strong support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act. At a time when world energy reserves and production are just barely keeping up with current capacity, I believe that this bill is the right policy for both our countries.

India is currently the sixth largest energy consumer in the world and continues to grow exponentially in its population. With only 3 percent of India's energy consumption being derived from nuclear energy, it is depending heavily on foreign energy sources. By helping India with its civilian nuclear power industry, and thereby reducing its dependency on other fuel sources, Americans ultimately should experience lower energy costs as available fuel sources increase.

This bill also will further strengthen India's commitment to nuclear nonproliferation. India has committed to following International Atomic Energy Agency safeguards, allowing for additional inspections, and has produced a plan to separate its civilian and military nuclear facilities.

In this uncertain world, and with India in the middle of a volatile region, it is imperative that the world's largest democracy have access to a constant and inexpensive source of energy. Mr. Chairman, I believe this legislation will help solidify our ongoing and deepening relationship with our friends in India and I urge all of my colleagues to support it.

Mr. HOLT. Mr. Chairman, there will be a time when the history of the spread of nuclear weapons of mass destruction is written and we will look back and see when the last thread of the nuclear non-proliferation regime was shredded. We can all talk at length about the details of this cooperative agreement. We can talk about what a good friend India is and how responsible they have been. We can talk about the so-called reality of an imperfect ability to control the militarization of nuclear reactions. But the history will say that with this agreement the world lost the last bit of an international tool to control the spread of nuclear weapons of mass destruction. The regime will have been killed. All we will have left is our ability to jawbone with our allies and threaten our enemies. Countries will work out whatever deals they can, two by two. This is a very dangerous moment.

If we really believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, then we should be holding on to every tool we can find to prevent that threat. We should also be working with India to strengthen the nuclear non-proliferation regime, not collaborating with India to destroy it.

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

The Acting CHAIRMAN (Mr. GUTKNECHT). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–599, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 5682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States and India Nuclear Cooperation Promotion Act of 2006''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;

(2) sustaining the NPT and strengthening its implementation, particularly its verification and compliance, is the keystone of United States nonproliferation policy;

(3) the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation;

(4) countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global nonproliferation, because those countries have not undertaken the NPT's international obligation to prohibit the spread of dangerous nuclear technologies;

(5) it is in the interest of the United States to the fullest extent possible to ensure that those countries that are not NPT members are responsible with any nuclear technology they develop;

(6) it may be in the interest of the United States to enter into an agreement for nuclear cooperation as set forth in section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) with a country that has never been an NPT member with respect to civilian nuclear technology if—

(A) the country has demonstrated responsible behavior with respect to the nonproliferation of technology related to weapons of mass destruction programs and the means to deliver them;

(B) the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States in key foreign policy initiatives related to non-proliferation;

(C) such cooperation induces the country to implement the highest possible protections against the proliferation of technology related to weapons of mass destruction programs and the means to deliver them, and to refrain from actions that would further the development of its nuclear weapons program; and

(D) such cooperation will induce the country to give greater political and material support to the achievement of United States global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups, that are seeking to acquire a nuclear weapons capability or other weapons of mass destruction capability and the means to deliver such weapons; and

(7)(A) India meets the criteria described in this subsection; and

(B) it is in the national security interest of the United States to deepen its relationship with India across a full range of issues, including peaceful nuclear cooperation.

SEC. 3. STATEMENTS OF POLICY.

(a) IN GENERAL.—The following shall be the policies of the United States:

(1) Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483; commonly referred to as the ''Nuclear Non-Proliferation Treaty'' or the ''NPT'').

(2) Encourage states party to the NPT to interpret the right to ''develop research, production and use of nuclear energy for peaceful purposes'', as described in Article IV of the NPT, as being a qualified right that is conditioned by the overall purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capability, including by refraining from all nuclear cooperation with any state party that has not demonstrated that it is in full compliance with its NPT obligations, as determined by the IAEA.

(3) Strengthen the Nuclear Suppliers Group guidelines concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG members to all such violations, including termination of nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved.

(b) WITH RESPECT TO SOUTH ASIA.—The following shall be the policies of the United States with respect to South Asia:

(1) Achieve a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China at the earliest possible date.

(2) Achieve, at the earliest possible date, the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties.

(3) Secure India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Control Lists of the Wassennaar Arrangement;

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C); and

(E) ratification of or accession to the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) Secure India's full and active participation in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich or process nuclear materials), and the means to deliver weapons of mass destruction.

(5) Seek to halt the increase of nuclear weapon arsenals in South Asia, and to promote their reduction and eventual elimination.

(6) To ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except pursuant to the Congressional review procedures required under section 131 f. of the Atomic Energy Act of 1954 (42 U.S.C. 2160 f.).

(7) Pending implementation of a multilateral moratorium, encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.

SEC. 4. WAIVER AUTHORITY AND CONGRESSIONAL APPROVAL.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the President makes the determination described in subsection (b), the President may—

(1) exempt a proposed agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153)) from the requirement in section 123 a.(2) of such Act, and such agreement for cooperation may only enter into force in accordance with subsection (f);

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to India, provided that such waiver shall cease to be effective if the President determines that India has engaged in any activity described section 129 of such Act (42 U.S.C. 2158), other than section 129 a.(1)(D) or section 129 a.(2)(C) of such Act, at any time after the date of the enactment of this Act; and

(3) with respect to India—

(A) waive the restrictions of section 129 a.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2158 a.(1)(A)) for any activity that occurred on or before July 18, 2005; and

(B) section 129 a.(1)(D) of such Act.

(b) DETERMINATION BY THE PRESIDENT.—The determination referred to in subsection (a) is a determination by the President that the following actions have occurred:

(1) India has provided the United States and the International Atomic Energy Agency with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities with the IAEA.

(2) India and the IAEA have concluded an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in the plan described in paragraph (1), including materials used in or produced through the use of India's civil nuclear facilities.

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program.

(4) India is working actively with the United States for the early conclusion of a multilateral Fissile Material Cutoff Treaty.

(5) India is working with and supporting United States and international efforts to prevent the spread of enrichment and reprocessing technology.

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through—

(A) the enactment and enforcement of comprehensive export control legislation and regulations;

(B) harmonization of its export control laws, regulations, policies, and practices with the policies and practices of the Missile Technology Control Regime and the Nuclear Suppliers Group; and

(C) adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence.

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG and such decision does not permit civil nuclear commerce with any other non-nuclear weapon state that does not have IAEA safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate information concerning any determination made pursuant to subsection (b), together with a report detailing the basis for the determination.

(2) INFORMATION TO BE INCLUDED.—To the fullest extent available to the United States, the information referred to in paragraph (1) shall include the following:

(A) A summary of the plan provided by India to the United States and the IAEA to separate India's civil and military nuclear facilities, materials, and programs, and the declaration made by India to the IAEA identifying India's civil facilities to be placed under IAEA safeguards, including an analysis of the credibility of such plan and declaration, together with copies of the plan and declaration.

(B) A summary of the agreement that has been entered into between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities as declared in the plan described in subparagraph (A), together with a copy of the agreement, and a description of the progress toward its full implementation.

(C) A summary of the progress made toward conclusion and implementation of an Additional Protocol between India and the IAEA, including a description of the scope of such Additional Protocol.

(D) A description of the steps that India is taking to work with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps that the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty.

(E) A description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire a nuclear weapons technology, as well as the support that India is providing to the United States to further United States objectives to restrict the spread of such technology.

(F) A description of the steps that India is taking to secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization and adherence to Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group, Wassennaar guidelines, and United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative.

(G) A description of the decision taken within the Nuclear Suppliers Group relating to nuclear cooperation with India, including whether nuclear cooperation by the United States under an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is consistent with the decision, practices, and policies of the NSG.

(H) A description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the Agreement for Nuclear Cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology.

(I) A description of the steps taken to ensure that proposed United States civil nuclear assistance to India will not directly, or in any other way, assist India's nuclear weapons program, including—

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex;

(ii) the replication and subsequent use of any United States technology in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production of highly-enriched uranium or plutonium in unsafeguarded nuclear facilities.

(d) RESTRICTIONS ON NUCLEAR TRANSFERS TO INDIA.—

(1) IN GENERAL.—Pursuant to the obligations of the United States under Article I of the NPT, nothing in this Act, or any agreement pursuant to this Act, shall be interpreted as permitting any civil nuclear cooperation between the United States and India that would in any way assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

(2) NSG TRANSFER GUIDELINES.—Notwithstanding the entry into force of an agreement for cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act, no item subject to such agreement or subject to the transfer guidelines of the NSG may be transferred to India if such transfer would violate the transfer guidelines of the NSG as in effect on the date of the transfer.

(3) TERMINATION OF NUCLEAR TRANSFERS TO INDIA.—Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153)), exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if India makes any materially significant transfer of—

(A) nuclear or nuclear-related material, equipment, or technology that does not conform to NSG guidelines, or

(B) ballistic missiles or missile-related equipment or technology that does not conform to MTCR guidelines,

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

(4) PROHIBITION ON NUCLEAR TRANSFERS TO INDIA.—If nuclear transfers to India are restricted pursuant to this Act, the Atomic Energy Act of 1954, or the Arms Export Control Act, the President should seek to prevent the transfer to India of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source.

(e) APPROVAL OF AGREEMENT FOR NUCLEAR COOPERATION REQUIRED.—

(1) IN GENERAL.—Subject to subsection (h), an agreement for nuclear cooperation between the United States and India submitted pursuant to this section may become effective only if—

(A) the President submits to Congress the agreement concluded between the United States and India, including a copy of the safeguards agreement entered into between the IAEA and India relating to India's declared civilian nuclear facilities, in accordance with the requirements and procedures of section 123 of the Atomic Energy Act of 1954 (other than section 123 a.(2) of such Act) that are otherwise not inconsistent with the provisions of this Act; and

(B) after the submission under subparagraph (A), the agreement is approved by a joint resolution that is enacted into law.

(2) CONSULTATION.—Beginning one month after the date of the enactment of this Act and every month thereafter until the President submits to Congress the agreement referred to in paragraph (1), the President should consult with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the status of the negotiations between the United States and India with respect to civilian nuclear cooperation and between the

IAEA and India with respect to the safeguards agreement described in subsection (b)(2).

(f) JOINT RESOLUTION OF APPROVAL.—For purposes of this section, a joint resolution referred to in subsection (e)(1)(B) is a joint resolution of the two Houses of Congress—

(1) the matter after the resolving clause of which is as follows: ''That the Congress hereby approves the Agreement for Nuclear Cooperation Between the United States of America and the Republic of India submitted by the President on _____.'', with the blank space being filled with the appropriate date;

(2) which does not have a preamble; and

(3) the title of which is as follows: ''Joint Resolution Approving an Agreement for Nuclear Cooperation Between the United States and India''.

(g) CONSIDERATION OF JOINT RESOLUTION OF APPROVAL.—The provisions of paragraphs (2) through (6) of section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 i.) shall apply to a joint resolution under subsection (f) of this section to the same extent as such provisions apply to a joint resolution under section 130 i. of such Act. No amendment to, or motion to recommit, a joint resolution under subsection (f) of this section is in order.

(h) SECTION 123 OF ATOMIC ENERGY ACT OF 1954 NOT AFFECTED.—Notwithstanding subsection (e)(1), this section does not preclude the approval, under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), of an agreement for cooperation in which India is the cooperating party.

(i) SUNSET.—The procedures under this section shall cease to be effective upon the enactment of a joint resolution under this section.

(j) REPORTS.—

(1) POLICY OBJECTIVES.—The President shall, not later than January 31, 2007, and not later than January 31 of each year thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on—

(A) the extent to which each policy objective in section 3(b) has been achieved;

(B) the steps taken by the United States and India in the preceding calendar year to accomplish those objectives;

(C) the extent of cooperation by other countries in achieving those objectives; and

(D) the steps the United States will take in the current calendar year to accomplish those objectives.

(2) NUCLEAR EXPORTS TO INDIA.—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing United States exports to India for the preceding year pursuant to such agreement and the anticipated exports to India for the next year pursuant to such agreement.

(B) NUCLEAR FUEL.—The report described in subparagraph (A) shall also include (in a classified form if necessary)—

(i) an estimate for the previous year of the amount of uranium mined in India;

(ii) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices;

(iii) the rate of production of—

(I) fissile material for nuclear explosive devices; and

(II) nuclear explosive devices; and

(iv) an analysis as to whether imported uranium has affected such rate of production of nuclear explosive devices.

(C) UNSAFEGUARDED NUCLEAR FACILITIES.—The report described in subparagraph (A) shall also include (in a classified form if necessary) a description of whether United States civil nuclear assistance to India is directly, or in any other way, assisting India's nuclear weapons program, including—

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex;

(ii) the replication and subsequent use of any United States technology in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production of highly-enriched uranium or plutonium in unsafeguarded nuclear facilities.

(3) NEW NUCLEAR REACTORS OR FACILITIES.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing any new nuclear reactors or nuclear facilities that the Government of India has designated as civilian and placed under inspections or has designated as military.

(4) DISPOSAL OF SPENT NUCLEAR FUEL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing the disposal of spent nuclear fuel from India's civilian nuclear program.

(k) DEFINITIONS.—In this Act:

(1) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(2) MTCR.—The term ''MTCR'' means the Missile Technology Control Regime.

(3) NPT.—The term ''NPT'' means the Treaty on the Non-Proliferation of Nuclear Weapons.

(4) NPT MEMBER.—The term ''NPT member'' means a country that is a party to the NPT.

(5) NSG.—The term ''NSG'' means the Nuclear Suppliers Group.

The Acting CHAIRMAN. No further amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

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

Mr. OBEY. Mr. Chairman, I regret very much that this legislation is before us this afternoon. In my view, this is a badly conceived and most especially a badly timed action which will weaken the nonproliferation regime over the long haul and, in the end, wind up encouraging the production of more nuclear weapons by Pakistan, China and India.

It also is, in my view, spectacularly badly timed because it will give Iran a greater excuse, as if they needed any, but it will give Iran a greater excuse than they now have to continue to proceed with their own nuclear program. I believe it is a profound mistake.

I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, we are being told that we shouldn't worry, that this won't lead to a nuclear arms race.

Now, India is not a signatory to the nuclear nonproliferation treaty. This agreement is in violation of the Nonproliferation Act of 1978 here in Congress. All of their facilities are not being put under full-scope safeguards.

Experts say that when we supply the nuclear fuel for their civilian program, it is going to free up nuclear fuel for their nuclear weapons program. It makes sense. But we are told, don't worry.

Now, right now, India makes about seven nuclear bombs a year, on average. That is the magnitude. That is the scope of their program. But experts say it will free up 40 to 50 bombs' worth of nuclear material if they wanted to build more nuclear bombs. We are told, don't worry.

But here is what else is going on. This week in the world, A.Q. Khan, under house arrest in Islamabad, this nuclear merchant that should be on trial in the world court for what he has done in spreading nuclear weapons materials around the world but yet the Bush administration has turned a blind eye to him and allowed Musharraf just to keep him under house arrest in a palace. Well, A.Q. Khan and his people now have a new program, it turns out, on the front page of the Washington Post this week, that will make it possible for them to build 40 to 50 plutonium nuclear bombs per year. Now they are going to do it. They are going to do it because they only have two to three nuclear bombs capacity per day right now, and they can scale up to 40 to 50.

Now what is interesting about these two charts about India and Pakistan, they are each now going to be capable of going from between two and seven up to 40 to 50.

We are told, don't worry. Well, I am worrying; and I think we should all worry. The Bush administration has not made public at all the fact that they have known for at least 2 years that Pakistan has this clandestine plutonium nuclear bomb program. It is the place where we should all be concerned that that al Qaeda operative buys a nuclear bomb and moves it into the Middle East, moves it to New York City, moves it to Washington, D.C. And instead we are told, don't worry.

Well, what kind of signal are we sending to the world when Iran, which is a signatory to the Nuclear Proliferation Treaty, is on trial at the Security Council to comply with the nonproliferation treaty because they are violating it, and we are turning a blind eye to what India and Pakistan, nonsignatories to the nonproliferation

treaty, are doing or will do if this deal goes through? We will make a mockery of the nonproliferation regime in the world.

And we know that President Bush doesn't care about it. Otherwise, we would know more about this Pakistani program which they have had satellite evidence of its existence for the last 2 years. We know that he doesn't care about it. Otherwise, he would be forcing India to put the full nuclear program in India under safeguards. He would be extracting a ban on the production of fissile material in India, in the same way that the United States and Russia and China and England and France now don't produce any more fissile material.

But, no, the President is allowing an exemption. This deal is like throwing a tinder onto an already raging fire in the most dangerous part of the world and pretending that there is no relationship between what we do here today and the response of Pakistan and Iran and other nations around the world.

Mr. ROYCE. Mr. Chairman, I rise in opposition to the motion.

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

Mr. ROYCE. Mr. Chairman, I would make several points.

One, in terms of the program that is being laid out in the Washington Post, I think it was this Monday, explaining Pakistan's ambitions with respect to its nuclear buildup, that is clearly not something that can be characterized as a reaction to this new initiative with India. The reason I say that is because a careful reading of that Washington Post report shows that the construction of this very facility site began in the year 2000. The construction of the facility began 6 years ago.

I will also point out that the supposition that it could be used for 40 to 50 nuclear bombs a year, the information we have is that is probably two or three. Yet the very existence of the facility itself shows why a fissile cutoff is, frankly, not practical to enforce, to attempt to enforce on India, except through negotiation.

And I think, lastly, in conclusion, the attempt to equate Pakistan's efforts, now 6 years old, and tie that and say that that is in response to a deal that we are negotiating with India of less than a year old is clearly not germane to the argument that we have before us today.

So I oppose the motion of the gentleman from Wisconsin.

The Acting CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The preferential motion was rejected.

AMENDMENT NO. 1 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 109–599.

Mr. ROYCE. Mr. Chairman, as the designee of Mr. HYDE, I offer the Hyde-Lantos amendment which is made in order by the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROYCE:

Page 3, line 12, strike ''may be'' and insert ''is''.

Page 4, beginning line 21, strike ''this subsection'' and insert ''paragraph (6)''.

Page 11, line 3, strike ''and'' and all that follows through line 8 and insert a period.

Page 15, line 22, insert ''nuclear'' before ''cooperation''.

Page 16, line 3, after ''violate'' insert ''or be inconsistent with''.

Page 16, beginning line 6, strike ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153))'' and insert ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act''.

Page 17, line 8, strike ''Subject to subsection (m), an'' and insert ''An''.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I ask unanimous consent that the Hyde-Lantos amendment made in order by the rule be modified in the form which I have caused to be placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. ROYCE:

Page 2, line 4, strike ''United States'' and insert ''Henry J. Hyde United States''.

Page 3, line 12, strike ''may be'' and insert ''is''.

Page 4, beginning line 21, strike ''this subsection'' and insert ''paragraph (6)''.

Page 11, line 3, strike ''and'' and all that follows through line 8 and insert a period.

Page 15, line 22, insert ''nuclear'' before ''cooperation''.

Page 16, line 3, after ''violate'' insert ''or be inconsistent with''.

Page 16, beginning line 6, strike ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153))'' and insert ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act''.

Page 17, line 8, strike ''Subject to subsection (m), an'' and insert ''An''.

Mr. ROYCE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

Mr. MARKEY. Mr. Chairman, I object.

The Acting CHAIRMAN. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to withdraw my objection.

The Acting CHAIRMAN. Without objection, the reading is dispensed with.

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Mr. Chairman, the only change in this amendment is to name this bill after our distinguished chairman, HENRY HYDE. The underlying amendment contains a series of technical and conforming changes which were needed to ensure the bill was properly drafted.

I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I strongly support naming this historic legislation after our distinguished chairman as a small token of our respect and appreciation for his enormous contributions to the national security of the United States and to the sound conduct of U.S. foreign policy.

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Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

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

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

If all that the manager's amendment included was the naming of this legislation after HENRY HYDE, then I would be at the front of the line to ensure that I would be praising him to the heavens. And I want the gentleman from Illinois to understand that because he does deserve all the accolades which he is receiving.

But there is just a little bit more in this manager's amendment than naming it after the distinguished gentleman from Illinois.

The reason that I am opposed to this amendment is that it would strike part of one of the seven conditions being placed on the India nuclear deal.

Here is the full language of the condition. It is No. 7: ''The Nuclear Suppliers Group has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG and such decision does not permit civil nuclear commerce with any other non-nuclear weapon state that does not have IAEA,'' International Atomic Energy Agency, ''safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.''

The manager's amendment would strike the words ''and such decision does not permit civil nuclear commerce with any other non-nuclear weapon state that does not have International Atomic Energy Agency safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.'' The impact of that change in the language is that it would free the

Nuclear Suppliers Group to also allow nuclear commerce with other nations that have not agreed to full-scope IAEA safeguards on their nuclear facilities, such as Pakistan.

I see absolutely no justification for opening the door to China to come into the Nuclear Suppliers Group with a proposal to give Pakistan the same deal that the administration is proposing to give India. That is a bad idea. It invites a further weakening of the international nuclear nonproliferation regime and an expansion of commerce with countries that do not allow full-scope international safeguards. We should be very careful here. We should be very cautious.

The ostensible justification for the initiation of the war in Iraq is that we did not want the next terrorist attack to come in the form of a mushroom cloud. As we make these changes, they seem slight. They are not. They are historic in terms of the safeguards that we have in place to ensure that we are securing these nuclear materials, that proper procedures are in place to make sure that countries and subnational groups that should not have them in their possession are denied them.

This is a weakening amendment, and I urge the Members to oppose it.

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

Mr. ROYCE. Mr. Chairman, I yield myself the balance of my time.

It is my understanding that a member of the committee, the gentleman from California (Mr. SHERMAN) offered an amendment in committee that was passed on voice vote. However, upon further reflection, I understand the Member has asked that the amendment language be removed. And what is happening here is that the committee is honoring that request. I would note, however, that the heart of the section 4(b)(7), and this is the section that the gentleman is concerned about, which states that the President must determine that the Nuclear Suppliers Group has decided by consensus, that remains intact, and that is the practice at the NSG.

And let me just quote from the bill: ''The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.''

So the heart of the determination remains intact. And, again, the removal of that particular language was at the request of a member of the committee, Mr. SHERMAN of California, who offered the original amendment that was accepted in committee.

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

The Acting CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California (Mr. ROYCE).

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 109–599.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STEARNS:

In section 2(6)(D), strike ''and'' after the semicolon.

In section 2(7)(B), strike the period at the end and insert ''; and''.

In section 2, add at the end the following new paragraph:

(8) the United States Government, pursuant to the restrictions in this Act, shall not participate in, or contribute to, the manufacture or acquisition of nuclear weapons or nuclear explosive devices.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

My amendment to this bill would clarify and reinforce the intent of Congress that nuclear cooperation into which the governments of the United States and India would enter is for peaceful and productive purposes and not military purposes. And I think a lot of us who view this bill have some concerns.

Now, the intent of this amendment is obviously woven throughout this legislation, but I thought an elevated position by a sense of Congress in what we are talking about perhaps would alleviate some of the colleagues, particularly the gentleman from Massachusetts. It bears reiterating that this country stands for peace and not war.

While India has agreed to allow monitoring at 14 of their nuclear reactors to ensure fuel is not used for weapons, my colleagues, there are eight other reactors and an unknown number of future reactors that can produce material for military purposes, free of any oversight or control. It is, indeed, obviously, an improvement in the status quo for India to open up any of its reactors to oversight, but the dangers inherent in further assisting India's nuclear development are clear.

These are unsettling times in nuclear proliferation. Iran and North Korea, for example, have violated their responsibilities under the Nuclear Nonproliferation Treaty and are producing or attempting to produce significant arsenals of nuclear weapons. Pakistan was aided and abetted with nuclear capability.

Support for today's legislation, and for broader cooperation with India, crosses party lines. We all understand that. We all support India. It is a burgeoning multiethnic, multireligious, free market democracy, has a firm rule of law and respect for personal liberties. These are all good. As such, India presents a hearty example, like the United States, for the world to follow. Clearly, the nation of India is and should be our friend, and we respect it.

However, my colleagues, India has refused to sign, as mentioned before, the 1968 Nuclear Nonproliferation Treaty. It refuses to accept full scope of the International Atomic Energy Agency safeguards over all its nuclear facilities, and India continues to produce fissile materials for its growing nuclear arsenal. These have been brought to our attention.

But, moreover, India is no stranger to violating international nuclear commitments to use nuclear assistance for civilian purposes. In 1974, it detonated a nuclear bomb manufactured using plutonium from a Canadian-supplied nuclear reactor, with heavy water provided by the U.S. Both countries had provided India with nuclear technology based on commitment to peaceful use.

Now, my colleagues, the former chairman of the Armed Services Committee, Sam Nunn, wrote recently in The Wall Street Journal: ''There is every reason to suspect that Pakistan and China will react to this deal by ratcheting up their own suspicions and nuclear activities, including making additional weapons material and weapons.''

So, Mr. Chairman, we should avoid fanning the flames here of a regional nuclear arms race. I think all of us remember President Reagan's words when he mentioned in a radio address on April 17, 1982, ''A nuclear war cannot be won and must never be fought . . . ''

So I think this amendment is basically a sense of Congress, a straightforward sense, to give us more assurance that what we are trying to do here is to help them in a peaceful way. We seek friendship and peace with all nations, particularly India, but we will not purchase this friendship with nuclear arms.

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

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

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his amendment.

During consideration of this agreement in committee, members expressed some of the same concerns raised by the gentleman from Florida, and we added language to the underlying bill to alleviate those concerns. I offered an amendment, a successful amendment, in committee that explicitly states that nothing in this bill shall violate our article I NPT obligation, not to, in any way, assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

Now, the gentleman's amendment further clarifies that the aiding of India's strategic program is not Congress's intent. And with that, we are quite prepared to accept the gentleman's amendment.

Mr. STEARNS. That is very good. I appreciate that. Can I just ask you a question? Nowhere in the bill does it

mention anything about private corporations or corporations in the United States of America.

The Acting CHAIRMAN. The gentleman from Florida's time has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, I am pleased to accept the gentleman's amendment.

This amendment restates longstanding U.S. policy that the United States will not support the manufacture or acquisition of nuclear weapons. This is, of course, longstanding U.S. policy. And we all agree that it should continue.

I urge all of my colleagues to support this amendment.

Mr. Chairman, I yield 2 minutes to my good friend from California, distinguished former ambassador of the United States, Congresswoman DIANE WATSON.

Ms. WATSON. Mr. Chairman, I thank Congressman LANTOS for yielding.

The United States has few, if any, better friends than India. And I feel strongly that the United States and India are destined to be great partners as they seek to meet the challenges of the 21st century. One of these challenges is the need to develop new sources of energy. The Indian economy is growing by leaps and bounds, offering new opportunities not only for India itself but for India's partners as well. India will need to develop tens of thousands of megawatts of new power capacity in the next few years to meet this need and lift India's poorest from poverty.

But there is another 21st century challenge that India and the United States must meet together, and that is the challenge of nuclear proliferation, particularly the threat of nuclear weapons in the hands of extremist governments and terrorist movements.

India is, and has been, a trusted partner in meeting this challenge. As much as any ally of the United States, India knows the dangers posed by terrorism. We were so sadly reminded of this again, only a few weeks ago, when extremists murdered over 200 Indian commuters in Mumbai. My sincerest sympathies go out to the people of Mumbai and all of India. Together, I have no doubt we will eventually defeat the ideologies that spark such terror attacks as well as defeat the poverty and marginalization which fuels it.

I have no doubt that India is a reliable steward of nuclear technology. But my concerns extends beyond India. I do not fear India with nuclear power. I do fear a world where both India and the United States must face a nuclear Iran or a nuclear North Korea. Our key tool for constraining the nuclear design of Iran and North Korea has been the Nuclear Nonproliferation Treaty. But I fear that this legislation will damage the NPT to the point that we will make it harder to stop the Iranian and North Korea nuclear programs.

The U.S./India partnership is too strong to be harmed by one piece of legislation. I believe that, if we continue working with India, we can find ways to address our mutual security concerns and energy needs. But I feel this legislation fails to meet either challenge.

Furthermore, I have concerns about our own constitutional processes here in the United States. Acceptance or rejection of any arrangement with India must include a full role for the United States Congress. The President cannot change American law without Congress's consent. I believe any such agreement with any foreign country must be approved by Congress.

□ 1915

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to our distinguished colleague, the gentleman from New York (Mr. ENGEL).

The Acting CHAIRMAN. The gentleman from New York is recognized for 2½ minutes.

Mr. ENGEL. Mr. Chairman, I thank my good friend, Mr. LANTOS. I want to commend you and Chairman HYDE for your leadership on this very, very important bill.

I strongly support the bill. I support Mr. STEARNS' amendment, because I think it dovetails very nicely with the bill, and I support a new strategic partnership with India. This is extremely important for the United States in the 21st century.

India being the largest democracy and the United States being the oldest democracy have so much in common, and this is a chance for us to prove it. We have similar geopolitical interests in the region. We understand the fact that India and the United States have much in common. What may have kept us apart during the Cold War no longer is relevant.

We have a strong Indian-American community in the United States, further strengthening the ties between our two great nations; and we have a common battle in the fight against terrorism. India, of course, experienced that terrible bombing on the railroad; and we in the United States understand what terrorism is as well.

India is a nuclear power. It is a reality. It is a fact of life. And the fact that India is willing to cooperate with the United States with nuclear power is a plus for us.

We should not treat friends and adversaries alike. People who say, well, you know, if you are going to help India, how can you tell Iran not to have nuclear power? That analogy is, frankly, ridiculous, because India has shown time and time again it is a peaceful, loving nation, with the same interests as the United States, whereas Iran is continuing its mischief. We know that Iran and North Korea should not be treated the same as India.

So I think what the Congress is doing, what Mr. LANTOS and Mr. HYDE have done with their bill, is a very tremendous asset to this country's future in working with India. India has more than a billion people, and India is growing in leaps and bounds in every step of the way.

This strategic partnership will not only be with nuclear, but it will be with all things, because we will continue to build up trust with India, we will continue to build up a working relationship with India.

Again, we don't have wishes to quarrel with any country, but when it comes to the region in Asia, India has the same concerns, and there are many, that we do, and that is why it pays to work with India and particularly with nuclear power.

I support Mr. STEARNS' amendment, I support the underlying bill, H.R. 5682, and I urge my colleagues to vote ''yes'' on both.

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

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 109–599.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

In section 2(6)(D), strike ''and'' after the semicolon.

In section 2(7)(B), strike the period at the end and insert ''; and''.

In section 2, add at the end the following new paragraph:

(8) the South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to offer this amendment, along with my distinguished colleague, Mr. BURTON of Indiana. Might I say that I also add my support for the manager's amendment which draws upon the change that focuses on naming the bill after Chairman HYDE. I add my appreciation for his service as well.

Mr. Chairman, I also rise to speak on behalf of H.R. 5682 as I offer my amendment and offer the amendment with Mr. BURTON, and that is that this particular legislation, the United States and India Nuclear Cooperation Promotion Act, is an opportunity. It is an opportunity for further negotiation. It is an opportunity for friendship and the continuation of that friendship. It is a recognition that even though India has not signed the nonproliferation agreement, it has peacefully utilized nuclear energy for the many years of its utilization. It is a democracy.

So my amendment speaks to the whole concept of the importance of South Asia; and it says that former President Clinton got it right when we traveled with him to that region, Members of Congress, a small delegation of eight. We went to India and we went to Pakistan because we believed in the cohesion and the importance of that particular region.

Might I note that in particular, as it relates to this legislation, the Nuclear Supply Group, NSG, still is maintained in this bill, and the guidelines and consensus decisionmaking are upheld. So, again, I emphasize that it is an opportunity.

My amendment builds on that opportunity. Its language is direct. What it says is that South Asia is an important region and that it is in our national interests to continue our policy of engagement, collaboration, exchanges with and between India and Pakistan, particularly since this has served the Nation well. It goes on to emphasize the importance of that relationship.

Why is that relationship important? Because we have seen in these latter years the working relationship between them and the United States. Pakistan has been a loyal and unwavering ally in our global war on terror and has played a decisive role in helping to remove the Taliban regime from Pakistan and the capture of hundreds of wanted al Qaeda terrorists. Pakistan has suffered thousands of casualties and has been a victim of numerous terrorist acts.

In addition, the founder of Pakistan, Dr. Jinnah, premised the basis of this country on democratic principles. The alliance of the United States with the nation in South Asia should continue and the U.S. should emphasize in its foreign policy the importance of the region, India, Pakistan, Bangladesh. South Asia is important to the United States and the amendment further supports the need for encouraging celloboration and engagement with and between India and Pakistan by the U.S.

Mr. Chairman, I am happy to yield to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just say I support the amendment.

I have been concerned about the problems between India and Pakistan for a long, long time, particularly in the area of Kashmir. They are talking now. Prime Minister Singh and President Musharraf have been trying to work out some differences. I know it is a very thorny issue and one that is going to take some time, but they are talking. They have opened up not only a dialogue but a small opening in the area between Pakistan and India in the Kashmiri area.

This is a problem that must be solved. It should be solved. It could be a flash point for another war over there. Since India and Pakistan are both nuclear powers, anything we can do to reduce that threat and make sure peace reigns is very important.

I support the gentlewoman's amendment and am proud to be a cosponsor.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I thank the gentlelady for yielding; and I just wanted to say I thank her and Mr. BURTON for their amendment. I think it is very important that the United States be engaged on the subcontinent, and I think the gentlewoman from Texas and the gentleman from Indiana should be commended for their good work on this amendment. We are prepared to accept that amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the distinguished ranking member from California.

Mr. LANTOS. Mr. Chairman, I want to commend my good friend from Texas for yet another constructive step. She makes so many in this body. I am strongly in support of her amendment and urge my colleagues to do likewise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the distinguished gentlemen.

Just for the record, I know there has been mention of an arms race. We don't see an arms race with India. The recent comment of a spokesperson from Pakistan indicated they do not want an arms race in the region.

So I would say that this is an important step. We need to engage. We need to work with India and Pakistan together. I ask my colleagues to support this amendment.

Mr. Chairman, the United States' relationship with India and Pakistan is of paramount importance to our nations' political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United States, the world's only superpower, bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states.

Mr. Chairman, my amendment is simple. My amendment is important. My amendment is necessary. And my amendment is bipartisan. Due to the strategic political and economic importance of the South Asia region, it is imperative to our national interest to continue our policy of engagement collaboration, and exchanges with and between India and Pakistan, particularly since this has served the nation well in the past.

My amendment, which is endorsed and cosponsored by Congressman BURTON, and which is not opposed by either the Majority or Minority of the Committee on International Relations, simply states that the "South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan."

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between India and the United States.

Similarly, Pakistan has been a critical ally in the global war on terror. Pakistan has been a good friend to the people of the United States. Although H.R. 5682 signals no change in this country's relationship with Pakistan, it is not difficult to understand why it may give pause to some supporters of Pakistan. This is another reason why it is vital for the United States to continue to engage both Pakistan and India in ongoing political engagement, economic and technological collaborations, and personal exchanges, which will bring the United States closer to these two vitally important democracies in the South Asia region and will bring India and Pakistan closer to each other.

As a founding Co-Chair of the Congressional Pakistan Caucus, I am wholeheartedly committed to the political, economic, and social amelioration of Pakistan for the Pakistani people and the ascendancy of Pakistan in the international community. Pakistan has been a loyal and unwavering ally in our global war on terror, which has played a decisive role in helping to remove the Taliban regime from Afghanistan and the capture of hundreds of wanted al-Qaeda terrorists. Pakistan has suffered thousands of casualties and has been a victim of numerous terrorist acts on their own soil because of their steadfast alliance with our nation in the global war on terror.

In order to get a proper perspective on Pakistan, I believe we must take a look back at the luminary individual who is singularly responsible for its creation. Pakistan, one of the largest Muslim states in the world, is a living and exemplary monument of Muhammad Ali Jinnah. Becoming an architect of a dream first articulated by poet-philosopher Muhammed Allama Iqbal, a brilliant young lawyer named Muhammad Ali Jinnah valiantly dedicated his life to achieving an independent Pakistan for Indian Muslims. Revered as the father of Pakistan, Muhammad Ali Jinnah inspired the adulation of his people through his eloquence, perseverance and dauntless courage. For over 30 years, Muhammad Ali Jinnah was the prominent leader of Indian Muslims who articulately gave expression, coherence, and direction to their legitimate aspirations and transformed their dreams into a concrete reality. A visionary leader who was ahead of his time, Muhammad Ali Jinnah was a great constitutionalist and nation-builder who called for the equal rights of all Pakistani citizens without regard to their religion.

In the past six decades, the people and nation of Pakistan has come a long way. The bonds of friendship which began with Muhammad Ali Jinnah continue today with President Musharraf. I am grateful to the people and government of Pakistan, who in the aftermath

of the devastation and loss of innocent life which occurred on 9/11, and on the eve of the 5 year anniversary of 9/11, continue to support our efforts to stamp out international terrorism. Similarly, I think it is critical that we continue our policy of engagement, collaboration, and exchanges with and between the people and the governments of Pakistan and India.

I urge my colleagues to support my amendment.

The Acting CHAIRMAN. Does anyone claim time in opposition to the amendment?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SHERMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 109–599.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SHERMAN:

In section 4(b), add at the end the following new paragraph:

(8) The amount of domestic uranium used in India's military program during a 12-month period ending on the date of the determination is equal to or less than the amount of domestic uranium used in India's military program during the 12-month period ending on July 18, 2005.

In section 4, insert after subsection (o) the following new subsection (and redesignate subsequent subsections accordingly):

(p) ANNUAL CERTIFICATION; TERMINATION OF COOPERATION.—Nuclear cooperation with India shall be terminated unless one year after making the determination described in subsection (b)(8), and annually thereafter, the president certifies that during the previous 12-month period the amount of domestic uranium used in India's military program is equal to or less than the amount of domestic uranium used in India's military program during the 12-month period ending on July 18, 2005.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, India is a democracy and it knows that this Congress has a role to play. They negotiated a deal which is better than the deal they need. That deal which they negotiated with our State Department is very loose on the issue of nonproliferation of nuclear weapons. India knows, or at least expects, that this Congress will do its job and make the agreement better, tighten the agreement so that it does not help India to build additional nuclear weapons.

The question is whether this Congress will do its job or surprise the Indians and simply be a rubber stamp for the agreement that has already been negotiated. I hope we do our job, and here is why.

India did not sign the Nonproliferation Treaty. They are not in violation of it. They exploded nuclear weapons. I do not believe that we should punish India for its decision to become a nuclear power, but we should not facilitate India in building additional nuclear weapons.

India's problem is this: They can only produce a limited amount of uranium from domestic sources, basically 300 tons. What they get out of this deal is nuclear fuel and uranium.

How does India use its 300 tons, which it produces domestically? They use half of it for their civilian reactors already existing. They certainly lose money if they fail to run those reactors as scheduled at full capacity. But they are doing just that. They are running their existing civilian reactors at less than capacity because they only use 150 tons of uranium for that purpose. The other 150 tons goes to India's nuclear weapons program.

What will this bill do if we fail to amend it? It will allow India to buy uranium for all of its civilian needs from other countries. The result will be that India will be able to use all 300 tons of its domestic production for the construction of nuclear weapons.

That is not what we mean to do. We mean to help India develop its civilian program. But since uranium is fungible, we also do not mean that our help to India in giving it fuel for its civilian program is not supposed to, so we are told, help India double its production of nuclear weapons. That is why this bill needs an amendment.

What my amendment would do is simply require that, for the deal to go forward, India keeps doing what it has been doing, using 150 tons of its uranium for its existing civilian plants instead of diverting that 150 tons toward its military production. That is to say, we would make sure that this deal did not hamper, but did not help, India's nuclear weapons program.

I hope the amendment will enjoy support.

Mr. ROYCE. Mr. Chairman, I claim the time in opposition.

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

Mr. ROYCE. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the International Relations Committee, the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, this is a killer amendment. If you vote for it, you vote to kill this entire initiative, because this imposes limits on India's nuclear weapons program, but India already possesses nuclear weapons and is extremely unlikely to give them up. Recognizing this fact is recognizing reality.

This is a restriction imposed by the Sherman amendment that we impose on no other nuclear power, with the exception of North Korea, which may have nuclear weapons. This, as I have said, is a deal killer. Both India has said so and the administration has said so, and a vote for this amendment is a vote to kill the agreement.

So, with respect, I urge defeat of this amendment.

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Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I oppose this amendment. Mr. Chairman, this amendment was presented to the Committee on International Relations and was overwhelmingly defeated because it is a killer amendment. It would kill the entire nuclear cooperation agreement with India.

Legislation already provides that we should be proceeding with a multilateral moratorium or treaty to ban the production of fissile material. The legislation before us already states this. The underlying legislation requires detailed reporting on the steps India and the United States are taking to complete such a ban. It also requires reports on India's production of fissile material, so that we can try to conduct oversight over this important issue.

The Fortenberry amendment that the House is considering today will strengthen this reporting even further. In reality, however, this amendment is intended as a deal killer. I urge all of my colleagues to rely on the underlying text, and I firmly oppose this amendment.

Mr. SHERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this is a great amendment. Because right now this is how much nuclear material is needed by India to produce nuclear electricity in their country. It is used for electricity. However, once we provide them all of this nuclear material for their nuclear electricity, it is going to free up the same amount to make nuclear bombs.

So they can go from 7 a year to 40 to 50 nuclear bombs a year. Well, they are saying they do not want to do that. And the proponents of this treaty are saying, they are not going to do that. What the Sherman amendment says is, the President must certify each year that they do not do that. That is why the Sherman amendment is the deal maker, because it proves what is being said is actually the truth.

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

Mr. SHERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, as Congressman MARKEY just said, as this proposal now stands, there is nothing stopping India from using more and more of its domestic uranium for weapons program. Without the safeguards provided by the Sherman amendment, India could produce dozens more nuclear weapons per year under the U.S.-

India deal, which would surely lead to an arms race with neighboring rival Pakistan.

Mr. Chairman, I am a great supporter of India and of stronger U.S.-India relations. India is the world's largest democracy. It has contributed measurably to the legacy of peace of the great leader Mahatma Ghandi. India's longstanding goal of universal nuclear disarmament has not been acknowledged enough in this debate.

This proposal will be harmful to security in India, in the region and the world. And this proposal will be harmful to the people of India in that it could escalate an arms race between India and Pakistan.

I support Representative SHERMAN's amendment, which requires the President to certify annually that India is not dedicating more domestic uranium to its weapons program, as a condition for the U.S. to cooperate with India on nuclear technology.

Pakistan wants a deal with the U.S. on nuclear technology, but the U.S. has refused. Instead, Pakistan has turned to China for this technology. To add fuel to the fire, it was just reported that Pakistan has begun building a powerful new reactor for producing plutonium, signaling a major expansion of the country's nuclear weapons capabilities.

Instead of giving India more uranium to develop nuclear weapons, the United States should take leadership in preventing an arms race in the region. A good first step would be to pass the Sherman amendment.

Mr. SHERMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me respond to the arguments. They say that India claims this is a killer amendment. This a negotiating tactic. Any amendment I don't like is a killer amendment. I use the negotiating tactic myself.

We are told this imposes a requirement on India that we do not impose on the other nuclear powers. All the other nuclear powers sign the nonproliferation treaty. India deliberately puts itself in a class by itself.

We are told that this bill, this amendment is designed to be a killer amendment. I don't think the gentleman meant that as an attack on my belief and integrity. I voted for the bill. I do not intend to kill the bill.

The Democratic leader was on this floor endorsing another amendment that India says is a killer amendment. I do not think she intends to kill the bill. She said she was going to vote for it. Those of us who want to improve the bill want to improve it. And if we are nothing more than a rubber stamp for a deal which by its terms will allow India to double its nuclear weapons production, all in the name of generating electricity, then we are not doing our job. Please vote for the amendment.

Mr. ROYCE. Mr. Chairman, I rise in opposition to this amendment. I will note that the base text of this bill, in section 402, already asks for a classified report on India's domestic uranium usage. But the gentleman's amendment would make such a certification a condition for the deal.

Let me also say that people recognize that India has great demand for expanding its energy grid to create electricity for its people. Let me say that the gentleman has taken a unique approach to this issue for which he should be commended. We sympathize with his concerns.

However, I do not see the amendment as even workable. I do not know that such a determination with a high degree of confidence could even be made. So I am concerned about terminating the agreement with India on such a certification that cannot even be made with any certitude.

Mr. Chairman, for some of these reasons, this amendment was defeated in committee by a vote of 10–32 when it was offered. I urge the House to do the same.

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

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. BERMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109–599.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BERMAN:

In section 4(d), add at the end the following new paragraph:

(5) LIMITATION ON NUCLEAR TRANSFERS TO INDIA.—Notwithstanding any other provision of law, and notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act, nuclear transfers to India shall not include source material and special nuclear material (as defined in section 11 of such Act (42 U.S.C. 2014)) unless the President determines that India—

(A) is adhering to a unilateral moratorium on the production of fissile material for nuclear weapons;

(B) is adhering to a multilateral moratorium on the production of fissile material for nuclear weapons; or

(C) has signed and is adhering to a multilateral treaty prohibiting the production of fissile material for nuclear weapons.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from California (Mr. BERMAN) and the gentleman from California (Mr. ROYCE) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to my co-author of this amendment, the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank Mr. BERMAN for his hard work with me on this issue. I commend Chairman HYDE, for whom I have tremendous affection, for having this bill named after him.

Mr. Chairman, the amendment that Mr. BERMAN and I are offering is the single strongest step Congress can take to ensure that the civilian nuclear cooperation agreement with India does not lead to a nuclear arms race in South Asia.

Our amendment would allow exports of nuclear reactors and other technology to India, our good friend. But it would prevent the export of nuclear reactor fuel until India has ceased production of fissile material for use in nuclear weapons. The United States and the other original nuclear weapons states have all agreed to a voluntary moratorium on fissile material production.

But under the bill as currently written, India will receive all of the benefits of a nuclear state under the nonproliferation treaty without being obligated to halt the production of fissile material, without having to sign a comprehensive test ban treaty, or to take other steps toward disarmament.

Requiring that India commit to ceasing the production of bomb material, in exchange for all of the benefits of nuclear trade, without asking for it to take any other responsibilities of a nuclear power is the bare minimum we should require to improve United States' national security.

The bill before us makes drastic exceptions to established nonproliferation rules. Currently India's production of weapons-grade plutonium is constrained by the requirements of its nuclear power reactors and its limited supply of natural uranium. But the civil-military separation plan offered by India excludes from national international inspection military facilities and spent fuel.

This provides India with a substantial capability to increase its nuclear weapons arsenal. If the bill goes ahead as is, the foreign supply of nuclear fuel to India would free up their existing limited capacity of highly enriched uranium and plutonium for weapons.

It is therefore responsible and prudent for Congress to ensure through this legislation that as a simple price of having access to sensitive nuclear technology, India declare a moratorium on productions of fissile material, just as the U.S. and other nuclear powers have.

Mr. Chairman, I urge my colleagues to support this amendment.

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

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the International Relations Committee (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I announce my difficulty in opposing my good

friends, Mr. BERMAN and Mrs. TAUSCHER. They are both very learned in this field.

However, this amendment is very similar to Mr. SHERMAN's amendment and should be defeated for virtually the same reasons. India already possesses nuclear weapons, and is very unlikely to dispose of them or be divested of them.

This is a restriction that the U.S. imposes on no other nuclear power. Therefore, instead of proliferating good will it would proliferate bad will to impose this on India.

This is the proverbial deal killer, as the Sherman amendment was. A vote for this amendment is a vote to kill the agreement even if the bill passes. So, with considerable regret I must urge the defeat of this amendment.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I regret but I must strongly oppose this amendment offered by my good friend from California. This amendment was carefully considered by the International Relations Committee and was overwhelming defeated on a bipartisan vote.

It is a killer amendment, which would destroy this historic piece of legislation, and I think it would be irresponsible for us to hazard that strong probability.

Mr. Chairman, I urge all of my colleagues to oppose this amendment.

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

Mr. BERMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first I point out that while this amendment was defeated decisively, it was not defeated overwhelming.

Secondly, and I say this with great respect both to Chairman HYDE and Ranking Member LANTOS, who not only do great work here, but made this a significantly better bill by virtue of their efforts.

Let's review the bidding here. The U.S. went into this discussion saying, India, we want you to cut off fissile material production. India said no. The administration backed off its position.

I now offer an amendment that simply denies the fuel until such time as they cut off their fissile material production. The administration says it is a killer amendment. The language that they proposed in a weakened form now, they call a killer amendment.

Let's test the proposition here. Give a good vote to this amendment. As Mr. SHERMAN and Mr. MARKEY pointed out, we are incentivizing, if we provide the fuel, we are incentivizing a massive potential increases in India's nuclear weapon production.

What is China going to do? I am not that worried about India. But India has minimal deterrent capabilities against China right now. What is China going to do? China right now has halted its fissile material production. Will they continue to do that once this passes?

What will they do with Pakistan in the Nuclear Suppliers Group? At least, thank heavens, we will have a chance to see this agreement when it is finally negotiated after the Nuclear Suppliers Group has decided.

□ 1945

But don't just accept the words it is a killer amendment. Give this a good vote. Let India know we are very serious about this. Reinforce the administration's commitment to this issue which wavered in the negotiation of India. This issue goes far beyond U.S.-India relationships. It goes on with what happens with the nuclear powers and with the spread of nuclear weapons. It will have ramifications far beyond the U.S.-India relationship.

This is a modest amendment. This is the amendment Sam Nunn proposes. This allows reactor technology and all of the other facets of a civilian nuclear cooperation to go ahead. It just says no fuel until you have decided to cut off fissile material production.

Mr. ROYCE. Mr. Chairman, I would like to yield 1 minute to the chairman of the International Relations Committee.

Mr. HYDE. I was simply going to suggest to my good friend, Mr. BERMAN, that while you are looking for patterns of conduct, think of the Libya example. Mr. Khadaffi might just turn in all their weapons. That is entirely possible.

Mr. BERMAN. Well, I do. But it wasn't because we gave Libya civilian nuclear cooperation. But I wouldn't compare India and Libya. They are very different countries. And the gain for Libya was a great gain for nonproliferation, I agree. But now we are in a different situation. Think of China, think of Pakistan, think of Iran, think of North Korea.

Mr. ROYCE. Reclaiming my time, Mr. Chairman.

I rise in opposition to the Berman amendment. I would like to commend the gentleman from California for bringing this issue before the House today, and I know that he does so having studied this issue very closely.

The gentleman's amendment would prevent the full realization of this agreement until India has put in place a cap, either unilaterally or multilateral, on its fissile material production. That is a highly unlikely or even an implausible scenario given the dynamics in the region in South Asia.

This should, frankly, be a goal, and the administration should be doing more on that front. But it should not be a mandate for this agreement.

This amendment is not without merit. I offered a successful amendment in committee that states that nothing in this bill shall violate our Article I NPT obligation not to in any way assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices. So I think Congress has made it clear that this is not the intent of the agreement.

The gentleman is right that the language in the underlying bill is not as strenuous as his proposal, but there is also an international component to this agreement. We are opening the door for this cooperation with India not only for the United States but for other countries as well, and I don't see how the gentleman's amendment would prevent the nuclear supplier group from approving such trade for other countries, excluding only the U.S.

Let me also say I do believe that fulfilling this relationship with India is in the interest of the United States. Indeed, and here is my final point, if this amendment were to pass, it could in fact be detrimental to U.S. interests from that perspective.

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

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

Mr. BERMAN. I thank the gentleman for yielding.

But the Nuclear Suppliers Group operates on a consensus. If this amendment is in the agreement, the United States will not support a consensus position that allows another country to send nuclear fuel to India.

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

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

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

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

AMENDMENT NO. 6 OFFERED BY MR. FORTENBERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 109–599.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FORTENBERRY:

In section 4(o), add at the end the following new paragraph:

(5) GROWTH IN INDIA'S MILITARY FISSILE MATERIAL PRODUCTION.—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that—

(i) measures the effectiveness of the civil nuclear cooperation agreement in achieving the goals and objectives described in section 2; and

(ii) assesses the relative level of India's nuclear fissile material production compared to the previous year.

(B) CONTENTS.—The report described in subparagraph (A) shall also include information relating to—

(i) the amount of natural uranium India has mined and milled during the previous year;

(ii) the amount of electricity India's civilian reactors have produced during the previous year;

(iii) the amount of domestic natural uranium India has used to produce electricity during the previous year;

(iv) the amount of fissile material India has produced for military purposes during the previous year;

(v) the amount of domestic natural uranium and domestic enrichment capacity India has used to produce such fissile material;

(vi) the amount of domestic uranium India has otherwise stockpiled for possible civil or military use;

(vii) an identification of any changes with regard to these quantities from the previous year; and

(viii) any additional qualitative factors determined to be relevant with respect to subparagraph (A), as appropriate, such as the location of production facilities.

(C) PREPARATION; FORM OF REPORT.—The report should rely on public information to the extent possible. The report shall include a classified annex if necessary.

(D) HEARINGS.—The Committees specified in subparagraph (A) may, after consideration of each report under this paragraph, hold hearings with government and non-government witnesses as each Committee determines necessary to evaluate each report.

MODIFICATION TO AMENDMENT NO. 6 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. FORTENBERRY:

In section 4(o), add at the end the following new paragraph:

(5) GROWTH IN INDIA'S MILITARY FISSILE MATERIAL PRODUCTION.—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that—

(i) measures the effectiveness of the civil nuclear cooperation agreement in achieving the goals and objectives described in section 2; and

(ii) assesses the relative level of India's nuclear fissile material production compared to the previous year.

(B) CONTENTS.—The report described in subparagraph (A) shall also include information relating to—

(i) the amount of natural uranium India has mined and milled during the previous year;

(ii) the amount of electricity India's civilian reactors have produced during the previous year;

(iii) the amount of domestic natural uranium India has used in its declared civilian reactors to produce electricity during the previous year;

(iv) the amount of fissile material India has produced for military purposes during the previous year;

(v) the amount of domestic natural uranium and domestic enrichment capacity India has used to produce such fissile material;

(vi) the amount of domestic uranium India has otherwise stockpiled for possible civil or military use;

(vii) an identification of any changes with regard to these quantities from the previous year; and

(viii) any additional qualitative factors determined to be relevant with respect to subparagraph (A), as appropriate, such as the location of production facilities.

(C) PREPARATION; FORM OF REPORT.—The report should rely on public information to the extent possible. The report shall include a classified annex if necessary.

Mr. FORTENBERRY (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I yield myself as much time as I may consumed.

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

Mr. FORTENBERRY. Mr. Chairman, thank you for the opportunity to offer this amendment to H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. The purpose of this amendment is to provide Congress with the ability to assess, to the extent possible, whether U.S. civilian nuclear cooperation with India may potentially contribute to growth in India's military fissile material production. The amendment is straightforward. It simply calls for a report each year to ensure that the United States is not unintentionally complicit in the growth of India's nuclear weapons capabilities.

First of all, let me express my appreciation to Chairman HYDE and Ranking Member LANTOS and the House International Relations Committee staff for their efforts to address a wide variety of concerns expressed by members of the International Relations Committee.

Given the global significance of this potential agreement, I believe it is important to remain diligent in the conduct of our oversight responsibilities.

Mr. Chairman, civil nuclear cooperation with India is a bilateral initiative with wide-ranging multilateral implications. The nonproliferation, energy and environmental objectives of this proposed agreement with India are laudable; and the Committee on International Relations has emphasized the need to ensure that such an agreement would not result in unintended consequences which may undermine its purpose and directly or indirectly result in boosting India's military nuclear capabilities.

It is my expectation that the International Relations Committee will avail itself of this opportunity to hold as many hearings as necessary to examine the content of this report and the potential implications for the U.S. compliance with Article I of the Treaty on the Nonproliferation of Nuclear Weapons as referenced in the bill.

This is particularly important in light of the recent news regarding the discovery of a reactor project which would enable Pakistan to make many more nuclear weapons each year. This news highlights very real concerns about a potential arms race in South Asia. It is up to Congress to ensure that any U.S.-India civil nuclear agreement remains just that, a civil nuclear agreement which will have no impact on the production of nuclear weapons.

Mr. Chairman, I understand that Chairman HYDE and Ranking Member LANTOS are in support of this amendment, and I am grateful for their support.

Mr. Chairman, I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding.

As we have noted before, the underlying bill in section 402 already asks for a classified report on India's domestic uranium usage. The gentleman from Nebraska's amendment asks for an additional report building on the report in the underlying bill. We are willing to accept that amendment.

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

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

Mr. LANTOS. Mr. Chairman, I want to commend my friend from Nebraska. We are pleased to accept his amendment. It strengthens the underlying legislation. I urge all of my colleagues to support it.

Mr. FORTENBERRY. I thank the gentleman and appreciate all of his hard work.

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

The Acting CHAIRMAN. Does anyone claim time in opposition to the amendment?

The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment, as modified, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109–599 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. STEARNS of Florida.

Amendment No. 4 by Mr. SHERMAN of California.

Amendment No. 5 by Mr. BERMAN of California.

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

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 18, as follows:

[Roll No. 407]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Boustany
Davis, Jo Ann
Deal (GA)
Evans
Ford
Gonzalez
Istook
Jones (OH)
Kelly
McHenry
McKinney
Miller (FL)
Murphy
Nussle
Olver
Pryce (OH)
Sweeney
Wexler

□ 2017

Mr. GEORGE MILLER of California changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SWEENEY. Mr. Chairman, on rollcall No. 407, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 407, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. MURPHY. Mr. Chairman, on rollcall No. 407, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. SHERMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 9, as follows:

[Roll No. 408]

AYES—155

Abercrombie
Allen
Baca
Baird
Baldwin
Barton (TX)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Fortenberry
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Green, Al
Grijalva
Gutierrez
Harman
Hefley
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Price (NC)
Ramstad
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Woolsey
Wu

NOES—268

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman

Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gillmor
Gingrey
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Oxley
Pallone
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Davis, Jo Ann
Deal (GA)
Evans
Ford
Gonzalez
Istook
McKinney
Nussle
Wexler

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2028

Messrs. WU, GUTIERREZ, and POMEROY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. BERMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 241, not voting 7, as follows:

[Roll No. 409]

AYES—184

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barton (TX)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cummings
Davis (CA)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Fortenberry
Frank (MA)
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Harman
Hefley
Herseth
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Price (NC)
Ramstad
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wolf
Woolsey
Wu

NOES—241

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Engel
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gillmor
Gingrey
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Ortiz
Osborne
Oxley
Pallone
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Smith (WA)
Sodrel
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Nussle
Wexler

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2036

Mr. MEEK of Florida changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. GUTKNECHT, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, pursuant to House Resolution 947, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. MARKEY. In its current form, I am opposed to the bill.

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

The Clerk read as follows:

Mr. Markey moves to recommit the bill H.R. 5682 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

In section 4(b), add at the end the following new paragraph:

(8) India is fully and actively participating in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich or process nuclear materials), and the means to deliver weapons of mass destruction.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, this recommittal motion requires that nuclear cooperation with India can only commence after the President has determined that India is fully and actively participating in United States' efforts to dissuade, isolate and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability, including the capability to enrich or process nuclear materials and the means to deliver weapons of mass destruction.

The motion does not kill or delay this bill in any way. If the House approves this motion, the Committee on International Relations will report the amended bill back to the House forthwith, meaning immediately. We will go to final passage of the legislation.

As the Members know, the U.S. Government has made a determination that Iran's nuclear program is a cover for a military program; and the International Atomic Energy Agency has found Iran to be in violation of their international safeguards commitments. The U.N. Security Council is about to consider what action to take in response.

Even Russia and China have now said that they would support action at the Security Council, potentially even sanctions, a position that could not have been imagined previously. India is now the only global power that has yet to get on board with the United States policy on Iran.

Clearly, preventing Iran from acquiring nuclear weapons is a paramount U.S. national security goal. A nuclear-armed Iran is a threat to our national security; and it is a threat to the security, indeed, the very survival of our closest ally in the Middle East, the State of Israel.

Let me at this time, Mr. Speaker, yield 1 minute to the gentleman from Michigan (Mr. UPTON).

The SPEAKER pro tempore. The gentleman has not been recognized for a period of controlled debate and may not allocate or reserve time. The gentleman may reclaim his time after 1 minute.

Mr. UPTON. Mr. Speaker, I don't often speak or vote for motions to recommit, but occasionally they do pass. And I would note that if this motion to recommit does pass, the bill still comes to us in its final form.

The gentleman from Massachusetts (Mr. MARKEY) and I tried to offer this amendment in the Rules Committee. I must say that in our testimony in the Rules Committee upstairs yesterday, I thought we had pretty good support on both sides of the aisle for this amendment from those that were there.

Iran is a bad player. This bill helps India. Why don't we have India on our side as we work against Iran in the world community? That is what this motion to recommit says. It says that the President has to certify that India is on our side as they work for nuclear capability in the world community and to keep Iran on the other side. Why aren't we working together, India and the United States, as we look at Iran in terms of more of the mischief that they are promoting around the world?

Mr. MARKEY. I thank the gentleman.

I yield 30 seconds to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I strongly support this motion. In committee deliberations, we have made it clear to India that they must make a choice between Tehran and Washington. They have done so twice at votes in Vienna at the International Atomic Energy Agency. This recommittal motion dramatically strengthens the underlying legislation. I urge all of my colleagues to vote for it.

Mr. MARKEY. I thank the gentleman.

Could I ask the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 1½ minutes remaining of the 5.

Mr. MARKEY. I yield myself the remainder of my time.

As the gentleman from Michigan and the gentleman from California have pointed out, there has been a series of statements made by the Indian government that have left a great deal of ambiguity with regard to how strong they will stand with us in our effort to take Iran to the Security Council to ensure that Iran does not use its uranium and plutonium programs in order to develop a clandestine nuclear weapons program.

The recommittal motion that I am propounding here this evening just follows up on the statements that have been made out of the Indian government so that they can understand what we expect from them, and we will send a signal from this Congress to our negotiators as to what we expect from them in eliciting from the Indian government. So I hope on a bipartisan basis we can all agree that this Iranian nuclear program is the very top foreign policy and defense threat not only to our country but to countries throughout the Middle East.

I urge an ''aye'' vote on the recommittal motion.

□ 2045

Mr. ROYCE. Mr. Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, during the course of the committee's five hearings on this agreement members closely scrutinized the relationship between India and Iran, and I think it is fair to say that our committee helped influence India's thinking on Iran. And I think we should all remember that we are getting India's cooperation on Iran. We got two IAEA votes out of India, including a critical vote to get the Iran file to New York. That is the fact about cooperation.

We share the gentleman's concern about Iran, but our point is that India is cooperating on Iran. And as we continue to engage India, and this agreement is about India's growing energy needs, as we engage India, we move them away from states like Iran. Rejection of the agreement itself, frankly, could push India, theoretically, back towards countries like Iran.

Also, we have Mr. MARKEY's theme in the bill itself. The bill itself says to ''secure India's full and active participation in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability, and the means to deliver weapons of mass destruction.'' If India breaks this agreement, then we, the United States, will break our agreement with India.

And I think also it is important to remember that India and the administration both say that they are cooperating on Iran quietly behind the scenes. Why? Because this is the most effective way to do it. And we have seen the positive results. But diplomacy cannot be certified. The purpose of this agreement is to help establish broad cooperation, to establish a partnership between India and the United States. You do not compel a partner to cooperate. So this amendment is both unworkable and contrary to the spirit of the new relationship we are trying to establish with India.

How important is that relationship? Well, we have had two administrations, the Clinton administration and the Bush administration, forge closer ties with India and overcoming what we remember only too well, the chilly relations of the Cold War. And last July's joint statement committed each country to a global partnership which has accelerated our cooperation on many issues, including counterterrorism, including Iran.

The International Relations Committee have given this agreement close and extensive review. While nuclear energy is controversial in the United States, it is not in India. Like in several other countries, nuclear energy is widely viewed as a critical technology for their electricity, one central to uplifting hundreds of millions of impoverished Indians. So India will develop its nuclear energy sector, not as easily or as quickly without this deal, but it will nonetheless. So this deal needs to go forward.

With its growing economy, India is consuming more and more oil. It is competing on the world market, competing with American consumers, for limited hydrocarbon resources. This gives Americans an interest in helping India expand its nuclear power industry, which this legislation does. It also encourages India to move away from burning its highly polluting coal, which is in our interest.

By passing this legislation, we also take a step toward internationalizing India's nuclear industry, which I believe would make it safer. The agreement also is likely to increase India's cooperation with us in confronting countries seeking to break their NPT commitment by developing nuclear weapons, as it already has with Iran.

India must take more steps, including developing a credible plan to separate its civilians and military nuclear facilities under the agreement. Congress must approve a nuclear cooperation agreement that the administration is negotiating with the Indians before the technology is actually transferred. And as I said, should India break the conditions of the agreement, the U.S. breaks off the agreement itself.

So either we continue to try to box in India and hope for the best, or we make this move, we engage India and hope to use our influence to move this increasingly important country in our direction, making India a true partner as we enter what will be a decades-long struggle against Islamist terrorism.

That is why I ask my colleagues to please oppose this motion to recommit and please vote for the U.S. and India Nuclear Cooperation Promotion Act.

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

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 Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 6, as follows:

[Roll No. 410]

AYES—192

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

NOES—235

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Tom
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jenkins
Jindal
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pallone
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Smith (WA)
Sodrel
Souder

Stearns
Strickland
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Wexler

□ 2108

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

Mr. JOHNSON of Illinois 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.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 359, noes 68, not voting 6, as follows:

[Roll No. 411]

AYES—359

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
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Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
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Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
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McKeon
McMorris
Meehan
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Mollohan
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Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
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Sabo
Salazar
Sánchez, Linda T.
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Sensenbrenner
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Sherman
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Simmons
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Smith (TX)
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Snyder
Sodrel
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Sweeney
Tancredo
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Thompson (MS)
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Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
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Wynn
Young (AK)
Young (FL)

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Baldwin
Becerra
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Costello
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Lynch
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Paul
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Sanders
Schwartz (PA)
Serrano
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Udall (NM)
Velázquez
Waters
Watson
Waxman
Weldon (PA)
Woolsey
Wu

NOT VOTING—6

Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Wexler

□ 2117

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL 5 P.M., AUGUST 11, 2006 TO FILE REPORT ON H.R. 5637, NON-ADMITTED AND REINSURANCE REFORM ACT OF 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services have until 5 p.m. on Friday, August 11, 2006, to file a report on H.R. 5637, Non-admitted and Reinsurance Reform Act of 2006.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

EXPRESSING SENSE OF CONGRESS THAT VENEZUELA SHOULD SUPPORT STRATEGIES FOR ENSURING SECURE AIRPORT FACILITIES

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 400) expressing the sense of Congress that the Government of Venezuela should actively support strategies for ensuring secure airport facilities that meet international certifications to prevent trafficking of controlled substances, narcotics, and laundered money, as amended.

The Clerk read as follows:

H. CON. RES. 400

Whereas the United States is strongly committed to working with countries in Latin America and the Caribbean that have a shared interest in promoting regional stability;

Whereas the United States is strongly committed to working with countries in Latin America and the Caribbean that are combating the scourge of drugs and the violence and social degradation caused by narcotics trafficking;

Whereas the Bolivarian Republic of Venezuela is a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 UN Drug Convention);

Whereas Venezuela is a key transit point for drugs leaving Colombia—the world's primary source of cocaine and South America's top producer of heroin;

Whereas drug trafficking through Venezuela significantly increased in 2005;

Whereas weak law enforcement, corruption, and a weak judicial system in Venezuela allow criminal organizations to act with impunity;

Whereas the Department of State's International Narcotics Control Strategy Report of 2006 reports that Colombian cartels, guerrilla groups, and paramilitary organizations and Venezuelan criminal organizations (among other smugglers) routinely exploit a variety of routes and methods to move hundreds of tons of illegal drugs into Venezuela every year, and organized crime in Venezuela has begun to set up operations in foreign countries to receive and distribute drugs in addition to providing transportation services;

Whereas in September 2005, the Government of the United States determined that Venezuela had failed demonstrably to meet its counternarcotics obligations and that Venezuela could no longer be certified as an ally in the war on drugs;

Whereas the promulgation by Venezuela of two new laws in October 2005, the ''Law against Organized Crime'' and the ''Law against the Trafficking and Consumption of Narcotics and Psychotropic Substances'', brought Venezuelan law into compliance with the 1988 UN Drug Convention; however, it is not certain, according to the Department of State, whether Venezuela's political and judicial institutions are up to the task of vigorous and impartial implementation of such new laws;

Whereas on April 11, 2006, a commercial plane originating in Venezuela was seized in Mexico at the airport of Ciudad del Carmen, carrying 5.6 tons of cocaine with an estimated street value of $100 million;

Whereas seizure statistics at the Simon Bolivar International Airport in Caracas are not available because the Government of Venezuela does not publicize such statistics;

Whereas estimates indicate that as much as 90 percent of the cocaine and heroin trafficked through the Simon Bolivar International Airport over the last 12 months was not intercepted;

Whereas the Government of Venezuela continues to fail to effectively utilize several airport security systems provided by the United States specifically aimed at increasing the Simon Bolivar International Airport counternarcotics capabilities;

Whereas the Government of Venezuela has not taken any steps unilaterally to prosecute any corrupt airport officials relating to cases of money laundering or drug trafficking at the airport despite credible intelligence estimates that there is potentially millions of dollars in narcotics proceeds passing through Simon Bolivar International Airport and Venezuela; and

Whereas the Government of Venezuela and the Venezuela National Anti-Drug Office (ONA) have officially reported only two seizures of currency in 2006, one for $13,865 in United States currency and the other for 7,000 euros: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) strongly condemns the actions and inactions of the Government of the Bolivarian Republic of Venezuela which have created fertile ground for criminal drug trafficking organizations;

(B) strongly condemns the failures on the part of the Government of Venezuela to stem the flow of illicit narcotics through its territory; and

(C) strongly condemns the complicity of senior Venezuelan Government law enforcement officials and transportation officials who are effectively enabling large scale shipments of both cocaine and heroin at the Simon Bolivar International Airport and other transit points; and

(2) it is the sense of Congress that—

(A) it should continue to be the policy of the United States to support cooperation between Venezuela and partners in the Andean region to combat trafficking in narcotics and other controlled substances;

(B) steps should continue to be taken to restore bilateral law enforcement cooperation between Venezuela and the United States Drug Enforcement Administration;

(C) it should continue to be the policy of the United States to work with the international community, including the Organization of American States (OAS), to assist with a thorough review of the measures in place at the Simon Bolivar International Airport in Caracas;

(D) it should continue to be the policy of the United States to work with other member states of OAS to bring Venezuela into compliance and fully adhere to OAS conventions and comprehensive treaties to prevent, punish, and eliminate narco-terrorism, which constitutes ''a serious threat to democratic values and to international peace and security'';

(E) the Secretary of Transportation should provide to Congress not later than 180 days after the date of the adoption of this resolution, on behalf of the Department of State, Department of Homeland Security, Department of Justice, and the Department of Transportation, a report with an assessment of the process undertaken by the Government of Venezuela toward restoring airport security measures and controls that meet international standards of safety; and

(F) the Secretary of State should provide to Congress not later than 180 days after the date of the adoption of this resolution a report on Venezuela's compliance with its responsibilities under international counternarcotics treaties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Speaker, I rise today in strong support of the resolution that is in front of us. Hugo Chavez every step of the way has gone against the grain when it comes to the ideals that we believe in as Americans. The ideals of freedom and democracy, liberty, the rule of law, and the trusting of people.

Hugo Chavez from the beginning has tried to make an enemy of the United States. In his own words, he talks about anti-American, anti-freedom. In his own words, out of his own mouth. Today's resolution is about drug trafficking.

Over 30 percent of the cocaine that comes into the United States comes through Venezuela. That is a huge number. We can no longer allow Hugo Chavez to manipulate the minds and the hearts and the dreams of not only his own people, but the people of the United States.

Mr. Chairman, whether it is siding with Iran in trying to purchase military aircraft and weapons, his desire for nuclear technology, trying to intimidate the media in his own country, Hugo Chavez is not a friend of the United States.

In fact, he is doing everything he can to turn away from freedom and democracy. I strongly support the resolution in front of us. I hope that Hugo Chavez will wake up and understand that it is better to be a friend with the United States, it is better to be a friend and believer in the ideals of freedom, security and prosperity. I hope one day that he will understand that he has made major mistakes and that it is time to come back to what was once a Venezuela that believed in freedom and democracy.

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

Mr. Speaker, I rise in opposition to the resolution. While I have disagreements with some of the provisions in the preamble, and with the accusatory tone of some of the ''resolves'' clauses, what concerns me most is the timing of its consideration. Because a draft agreement between the Drug Enforcement Agency of the United States, and the Venezuelan antidrug office hangs in the balance.

Now, there has been considerable time and effort invested by both sides in this initiative, which I believe and I know others do, would be mutually beneficial to both Venezuela and the United States. But the passage of this resolution puts that at risk.

Because we all know that what we do here tonight will be interpreted in Caracas as a political statement to embarrass and intimidate the Chavez Government. That is simply the reality. And to think otherwise would be naive in the extreme.

Let us be candid. And my friend and colleague from Florida touched on many aspects of the relationship. But every one on the planet knows that the relationship between the Presidents of the United States, and Venezuela is poor. Prior to the coup in 2002, it was practically nonexistent.

But when it appeared to the Venezuelans that the Bush administration appeared to applaud the coup, that relationship proceeded to deteriorate to the point where it can only be described as bitter and hostile.

The rhetoric has become incendiary and insulting. And every action on either side is perceived to be motivated by hostility and political calculation. The unfortunate result is that what has evolved is a relationship that is hardened into profound mutual animosity that is having long-lasting and real world implications, whether it implicates terrorism, or drugs or anything.

We all know that while this resolution will be hardly noticed in this country, its language condemning the Chavez Government will provoke headlines in Venezuela, that will be used by Chavez's opponents in the forthcoming presidential campaign, and undoubtedly there will be a reaction from the Chavez Government.

Without a working, transparent and viable relationship between the Drug Enforcement Agency and Venezuela, there will be serious consequences to both countries. As I just said, I have no doubt that what we do here today will be interpreted in Caracas as yet another insult, which will provoke more inflammatory rhetoric, and make any potential constructive relationship on this particular issue much more difficult to achieve.

Now, let me be very clear. I know that that is not the intention of the chairman who has offered this resolution. But I am also confident, and I hope I am wrong, that this draft agreement will be the victim of this poisonous relationship and atmosphere that exists.

Let me emphasize, I am not giving up on the agreement. Earlier today I had a conversation with my friend and colleague from New York, Representative MEEKS. We agreed that this is simply too important. This agreement is simply too important not to make a final effort.

And we will go down, and we will encourage the government of Venezuela to finally sign the agreement, which hopefully will restore a working relationship between the DEA and the anti-drug office in Venezuela.

□ 2130

But I am not hopeful. Because I believe that the language in this resolution, whether it is intended or not, will exacerbate the tension that clearly exists. And the tragedy is that the people in both countries will pay a price, and that is sad.

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

Mr. BURTON of Indiana. Mr. Speaker, before I yield to my vice chairman of the committee, Mr. WELLER, let me just make a couple of points.

First of all, I have high regard for my Democrat friend from Massachusetts. He and I are friends. We have a strong disagreement on this issue.

Let me just make a couple of points.

First of all, we were told by the Venezuelan government and the DEA was told by the Venezuelan government that they were going to work to reach an agreement on this draft agreement some time ago. Then they asked for an extension to July 8. And we were going to bring this resolution to the floor some time ago, and we decided, okay, we will wait until July 8. My friend from Massachusetts and Mr. MEEKS asked me to hold up on this. I think Mr. MEEKS asked. I can't remember. Mr. DELAHUNT did. And we held the resolution until July 8. We pulled it off the calendar and held it until July 8.

July 8 came, and we were told by the DEA that they refused to sign it, and Hugo Chavez said that he was not going to give us a time frame within which he would even consider signing it. So they asked for more time, we gave them more time, and when the time came they refused to sign, it and they won't give us a date to sign it now.

Now we are not trying to embarrass the government of Venezuela, but they have done such things as accused our DEA agents, who are fighting the drug war for the people of this country, of being spies for the United States. They have done everything they can to hamper the DEA's operation down there. And there have been $100 million of cocaine that was confiscated at the Mexican airport that came from the Caracas Venezuela airport. And so we have not had any cooperation whatsoever.

I don't know much about what kind of publicity this is going to generate in Venezuela, but the fact of the matter is Mr. Chavez needs to be put on notice that the American people are not going to stand idly by and let Venezuela be a transit point for drugs into this country and killing American people.

Mr. Speaker, I will now yield to my colleague, Mr. WELLER, for 2½ minutes.

Mr. WELLER. Mr. Speaker, I rise today in strong support of H. Con. Res. 400 and commend my chairman, Mr. BURTON, for his leadership on this issue.

This important resolution expresses this Congress's concern and frustration about the rising proliferation of narcotics from Venezuela and reaffirms the United States' commitment to stability and freedom in the Western Hemisphere.

Venezuela historically has the potential to be a key ally in the global war against the narcotics trade. However, its government is not stepping up to the plate. According to the State Department, approximately 150 metric tons of cocaine and increasing quantities of heroin move through its territory annually. Mr. Speaker, Venezuela is becoming a safe haven for the drug trade and those who profit from it.

Corruption is a growing problem in the Venezuelan government, and the airports are not immune. Simon Bolivar International Airport is becoming a haven for crime, where personal property theft, muggings and ''express kidnappings'' have become the norm. One of the nation's main transportation hubs, this airport has millions of dollars of narcotics flowing through it annually, and in the past year an estimated 90 percent of the cocaine and heroin trafficked through this airport have not been intercepted. These illicit drugs are headed to locations through our hemisphere and pose a significant threat to the health and safety of U.S. citizens.

The Government of Venezuela has failed to adhere to its obligations under international narcotics agreements; and, despite credible evidence that the airport is a transit point for the trade, they have not taken any unilateral steps on their part to prosecute corrupt airport officials involved in drug trafficking.

Mr. Speaker, the Government of Venezuela has repeatedly assured us they would sign the new DEA Implementing Accord, an affirmation that Venezuelan and U.S. law enforcement would cooperate to combat trafficking and distribution of narcotics. The signing date for this accord has come and gone with no satisfactory explanation and no new firm signing date. With this resolution, we are expressing our apprehension over the lack of law enforcement cooperation the Government of Venezuela will allow and our concern about the growing use of Venezuelan territory as a transit route for drug trade in our hemisphere.

Mr. Speaker, the United States and Venezuela cooperated successfully historically in the past; and we need to continue to do so in the future. Narcotrafficking is a direct threat to democracy, a threat to peace, a threat to security within the Western Hemisphere, and together the U.S. and Venezuela must work together to combat it.

I sincerely hope that Venezuela will step up to its responsibility as a leader in our hemisphere by restoring cooperation with U.S. law enforcement and fulfilling its obligation to combat narcotrafficking within its own borders.

Mr. DELAHUNT. Mr. Speaker, I yield as much time as he may consume to my friend and colleague who serves on the Western Hemisphere Subcommittee and has spent considerable time in Venezuela and is familiar with the nuances of that relationship, my friend, Mr. MEEKS.

Mr. MEEKS of New York. Mr. Speaker, I understand the concerns of the chairman; and I believe I understand his intent for introducing this piece of legislation. But the bottom line is we have got to make sure that we accomplish something here.

The real deal here is not about the chatter between President Chavez and President Bush and the statements that have gone back and forth. The bottom line here is, what do we do to make sure that we are stopping the flow of drugs?

While we are here debating the merits of this resolution, the experts are still in Venezuela completing the specifics of an agreement that would reestablish the relationship between the Drug Enforcement Agency and the appropriate Venezuelan authorities. The fact that we are debating it on the floor today, as Mr. DELAHUNT says, it really threatens our relationship and makes it so that the possibility of getting this thing done becomes remote at best.

We don't need to continue to politicize this issue. What we need to do is to make sure that we are staying out of it, actually, and allowing the experts to really sit down to work to complete their job.

The Department of State's Bureau of International Narcotics and Law Enforcement Affairs of 2006 reported and identified 20 countries as major drug transit or major illicit drug-producing countries, despite increased drug seizures during the past 4 years; and these are the real facts.

In an effort to reduce the proliferation of drugs throughout the region and into the United States, the presidents of Venezuela and Colombia have started a process of military modernization to shore up the fence along their countries' borders; and Venezuela has extradited a number of leading armed actors from the ELN and the FARC to Colombia.

In fact, I spoke with DEA officials in my office, and I know they want this agreement signed so that they can continue to do their jobs. I also have been in communication with the Venezuelans; and they have expressed, I believe, a sincere desire to finally get this agreement signed.

Our actions today condemning the Venezuelan government for being complicit in efforts to secure airport facilities to prevent trafficking of controlled substances, narcotics and laundered money does not fit the action of negotiating in good faith to finalize this agreement. We cannot play into the hands of being somewhat obstructionist and widen the gap between our two governments, which already has a very strained relationship.

In the resolution itself, Mr. Speaker, it urges Venezuela to support strategies for ensuring secure airport facilities that meet international certifications to prevent trafficking of controlled substances, narcotics and laundered money. However, when the data-sharing agreement is signed, according to the DEA mandate, title 21, chapter 13, subchapter 1, part E, this concern will be addressed and covered. So passage of this resolution will either prevent or substantially delay this agreement from being signed.

The resolution also, you know, there is some truth, but sometimes the truths are half-truths. It states, drug trafficking through Venezuela significantly increased in 2005, when in fact over 25 percent of drug seizures occurred at the Simon Bolivar Airport in 2005, and 2005 also witnessed a 58 percent increase in drug seizures compared to the previous year. In addition, drug seizures are up in Venezuela compared to this time last year by as much as 30 percent.

The resolution further identified that on April 11 of this year, a commercial plane originating in Venezuela was seized in Mexico at the airport of Ciudad del Carmen, carrying 5.6 tons of cocaine with an estimated street value of $100 million. Well, Mr. Speaker, the truth of the matter is, according to Mexico's Defense Department, the army was waiting for the plane on Monday at the Airport del Carmen 550 miles east of Mexico City after receiving information from the Venezuelan Government and U.S. authorities; and this is according to Mexican Army General Carlos Gaytan.

Mr. Speaker, I have a newspaper article that I would ask unanimous consent to have added to the RECORD indicating the very same with quotations from the general.

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

There was no objection.

MEXICO ARMY SEIZES HUGE COCAINE HAUL ON PLANE

MEXICO CITY.—Mexican soldiers seized 5½ tons of cocaine worth more than $100 million from a commercial plane arriving from Venezuela, Mexico's Defense Department announced Tuesday.

The army was waiting for the plane on Monday at the airport of Cuidad de Carmen, 550 miles east of Mexico City, after receiving information from Venezuelan and U.S. authorities, Gen. Carlos Gaytan told a news conference.

The cocaine was stacked in 128 black suitcases marked private.

Soldiers arrested Colombian Miguel Vazquez, 47, who was the plane's co-pilot, but the pilot escaped, Gaytan said. There were no passengers.

The soldiers also arrested two Mexicans who were waiting at the airport with another plane.

Gaytan said airport officials initially stopped soldiers from approaching the plane, claiming there was an oil leak and that it might explode. The officials are being investigated to see if they were in league with the traffickers, said Mexico's top drug prosecutor, Jose Luis Santiago Vasconcelos.

U.S. and Mexican officials say that cocaine and heroin is increasingly passing from Colombia through Venezuela to Mexico where it is smuggled into the United States. While drug traffickers used planes to smuggle large quantities of drugs in the 1990s, most Mexican traffickers now use land and sea routes.

A U.S. State Department report released in March said that Venezuela has become a key transit point for drugs because of ''rampant corruption at the highest levels of law enforcement and a weak judicial system.''

Venezuelan President Hugo Chavez suspended cooperation with the U.S. Drug Enforcement Administration in August, accusing its agents of spying.

Mr. MEEKS of New York. Mr. Speaker, we are also told that statistics on drug seizures at the Simon Bolivar International Airport in Caracas are not available, but the truth of the matter is no one must have asked for the information. Because I called and asked for the information, and they provided me with the following, and I have charts that I would like to present for the RECORD.

There is a chart identifying where seizures took place in 2005, two charts define how much cocaine and heroin was seized at the airport and at Santiago Marino Airport since 2002. I have a chart identifying nationality of individuals involved in drugs and have been caught since 2002. And I have several charts identifying the type of drug and the quantity confiscated in Venezuela in 2005, the number of security agencies and personnel involved in drug confiscation throughout Venezuela, persons from Venezuela arrested for drugs in Venezuela, and the number of foreigners arrested for drugs in Venezuela. So I have all of these that I would also like to submit at the end for the RECORD. Their information is available. They have been sharing this with us.

This resolution further threatens the delicate relationship between our two countries. And, consequently, for me, I am really concerned. I happen to represent an international airport, JFK, John F. Kennedy International Airport; and I understand the importance of keeping drugs out. To me, that is what the bottom line is. This isn't about us against them. For me, it is about securing our country so that we can keep the drugs from coming in and doing what we have to do.

The resolution basically I think, and I hope I am wrong, as Mr. DELAHUNT said, what it will do is it will assure that we won't have an agreement. And if we don't have an agreement, then what we have accomplished is that there can be more drugs getting into this country.

We have got to do just the opposite. We have got to make sure that we do everything that we possibly can to secure and to prevent drugs from entering into the United States of America. I think that this is the wrong way of doing it, so therefore I will oppose this resolution and ask all Members that, if you truly want to stop drugs, we need to get an agreement with Venezuela.

Mr. BURTON of Indiana. Mr. Speaker, before I yield to my colleague from California, let me just take 1 minute.

First of all, when my colleague and good friend (Mr. MEEKS) says that we have a delicate relationship with Venezuela, I would like to point out to him that President Chavez is in Tehran today. He is over there talking to the ayatollahs who he has invited to Venezuela. He has been buying thousands of AK–47s. He is trying to expand his military operation down there. He goes on television every Sunday for 5 hours, and he calls the President of the United States a donkey and other names.

So if you are talking about a delicate relationship being in jeopardy, let me just say the reason for the delicate relationship being in jeopardy is because Mr. Chavez is shooting off his mouth. I have met with him several times with you folks, and he always says he is going to tone down the rhetoric, and he never does.

Regarding the $100 million of cocaine that came out of Venezuela into the Mexican airport, we have talked to intelligence sources and they said there was no information coming from Venezuela about that shipment. They said that is totally false.

Mr. Speaker, I yield to my good friend from California (Mr. ROYCE) for 2 minutes.

□ 2145

Mr. ROYCE. Mr. Speaker, I thank the chairman for yielding.

Let me say that last week the Subcommittee on International Terrorism that I chair held a hearing on Venezuela's link to terrorism. On May 15, the State Department designated Venezuela as not cooperating fully with U.S. anti-terrorism efforts. Mr. Speaker, from what we heard from the Department officials, it is not that Venezuela is not cooperating fully, it is that Venezuela is not cooperating at all.

Disconcerting was the testimony we heard from the State Department that Venezuelan passports can be forged with child-like ease and that the U.S. is detaining at our borders an increasing number of third country aliens carrying false Venezuelan documents. According to a 2003 U.S. news report, thousands of Venezuelan identity documents are being distributed to foreigners from Middle Eastern nations including Syria, Pakistan, Egypt and Lebanon.

It is not just anti-terrorism in which we see no cooperation, as pointed out in this resolution, it is also counternarcotics, and today, Hugo Chavez, President Chavez, is in Moscow signing a multibillion dollar agreement for advanced fighter jets for attack helicopters, for 100,000 Kalashnikov assault rifles and a license to build a Kalashnikov factory in Venezuela. He is trying to negotiate two or three submarines, and frankly, these are not helpful in terms of regional stability.

It is not helpful that he is traveling to Iran and to North Korea, and it is not helpful when he says he is trying to create a common ideological front against the United States.

Frankly, these weapons are to allow his self-described socialist revolution to become a military force to be reckoned with in Latin America. This resolution is an important one, and I urge its adoption.

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

I intend to yield to the gentleman from Ohio, but I am very glad that my friends raise the issue of Iran and Tehran, because the gentleman that spoke here today, that spoke in this, to this House, in this institution, has yet to denounce the military cooperation agreement between Iran and Iraq that exists as we speak.

Let me remind my friends, too, that the foreign minister of Iraq by the name of Zebari made this statement to the international community: We should not press Tehran about their nuclear program because they tell us that it is for peaceful purposes. We do not need a guarantee, let us just simply accept, accept what they say.

I am really glad you brought up Tehran because what I am beginning to see is an emerging relationship, if not an alliance, between Iraq and Iran. It is clear that there is a huge Iranian influence in Iraq today, a place where we have lost over 2,500 men and women, where we have expended hundreds of billions of dollars. And yet what do we hear? Nothing about Iran. We hear no condemnation of Hezbollah, none whatsoever.

I am glad you brought up Iran. Go back and check about that bilateral military cooperation agreement. I know one does not currently exist between Iran and Venezuela, but it does between our friends in Iraq and Iran. We have really created a hegemony in the Middle East, Iran.

But also, I think it is important that because the chairman spoke about the DEA, and I am sure they have gone through and I understand they have verified or they have had serious consultations. As a matter of record, if the chairman tells me, I will accept it, does the Drug Enforcement Administration believe that the passage of this resolution will accelerate the signing of this agreement?

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, in answer to your question, I do not think anything is going to accelerate this until Mr. Chavez decides what he wants to do, and Mr. Chavez was given, if the gentleman will let me finish, Mr. Chavez and you, my good friend, asked for us to give them an extension to July 8. We did that, and on July 8, they did not sign it, and they would not give us a date after that. You know that.

So what we are trying to do is point out to the United States and the Venezuelan people that they reneged on their commitment.

Mr. DELAHUNT. Reclaiming my time, there was, and I would remind my friend that there was a very tense issue between Venezuela and the United States regarding air traffic between our countries. Quiet diplomacy, patience, restraint resulted in the resolution of that problem. So that today between Venezuela and the United States, there is air travel, it is working. So accord can happen.

I share the frustration of my friend from Indiana. I know that he is someone who is a very can-do kind of guy, and at times, one might describe his temperament as somewhat impetuous. Unfortunately, diplomacy does not necessarily work that way.

Now, I understand, too, that the State Department INL had this to say. I am quoting from our own State Department. This is after all of the problems that you described between the DEA and the anti-drug officer of Venezuela. This is a quote. ''In spite of the political tensions, DEA continued working with its law enforcement contacts, developing information and leads that have contributed,'' listen carefully, ''have contributed to record seizures by Venezuelan law enforcement.'' The DEA is acknowledging that there have been record seizures, according to their own official report, the INL. ''After decertification, political sniping faded and government officials expressed renewed willingness to cooperate. Government of Venezuela officials have linked cooperation to the signing of a new bilateral counternarcotics working arrangement.''

That is what we all want, and if we can achieve that, we have done something positive. We know the rhetoric is going to fly back and forth. We know there is going to be finger-pointing and all kinds of nasty words spoken on either side, but what is most important, what is most important is that we protect our own children.

I think the decertification process, I wonder if we have any standards for ourselves. In the last 6 years, have we taken steps to adequately decline, to adequately reduce the demand that fuels the narcotics coming in to this country?

Mr. Speaker, with that, I yield the balance of my time to the gentleman from Ohio (Mr. KUCINICH), my friend.

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

When you look at the resolution, and it says in part, ''steps should continue to be taken to restore cooperation between Venezuela and the United States Drug Enforcement Administration,'' I think everyone in this Congress would readily agree with that, but the language and condemnation actually separates us from that goal.

I think this is a consistent problem that we face here in the Congress. We desire a certain type of behavior from another government and then we tear them to shreds with our rhetoric. So it may be that we need to think again about our approach towards diplomacy and the approach that we take in these resolutions.

I understand the intention of my friend from Indiana who is a good man and who has been consistent in challenging illegal drug trafficking into the country, but I also understand that we need to look at the approach we are taking and see if this kind of approach is where a resolution is going to be most effective.

Echoing what Mr. DELAHUNT said, we need to also take a look very deep into our souls about what is driving this demand in this country for cocaine.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank my friend for yielding.

Concerning, Mr. Speaker, the relationship between Hugo Chavez and Iran, let me explain why this is actually problematic, and we had an effort to bring pressure at the IAEA. We had the board of governors in an attempt by countries to pressure Iran not to go forward with its nuclear proliferation program. It was Venezuela, along with Cuba and one other country, I think it was Belarus, that voted against that effort.

Why are these points important? In the fall, there will be a seat on the Security Council that will open up. Venezuela is actively lobbying for that seat.

In light of this type of conduct, it is quite important that we point out the facts about the current efforts with Venezuela.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I have listened to with great interest the rhetoric coming from the other side, and now I intend to get to the facts of the matter. So I hope my friend from Massachusetts will indulge me and listen to me as attentively as I have listened to him.

First of all, let me just show, we have here a map from the maritime authorities, the Joint Interagency Task Force, showing from January 1 to December 31, 2005, the number of maritime trips involving drug activity originating in Venezuela, and it is 385 times.

Suspected air activity from January 1 to December 31, 2005, again from the Joint Interagency Task Force, 137 trips involving drug trafficking originating in Venezuela.

Let me just go through some of the issues that are very, very important to this debate.

First of all, DEA agents in August 2005 were accused of being spies for the United States and not doing their job as DEA agents. The fact of the matter is that was not the case. Nobody has proven or really indicated with any degree of authority that our DEA agents are doing anything more than trying to interdict drugs coming into the United States.

We received credible reports that traffickers are paying Venezuelan airport authorities a percentage of the money and drugs transported through the Simon Bolivar International Airport. Furthermore, the government of Venezuela has not taken any steps, any at all, unilaterally to prosecute any corrupt airport officials.

There are estimates that as much as 2,000 kilograms of cocaine and 200 kilograms of heroin were seized at the Simon Bolivar International Airport over the last 12 months. There are almost estimates there are 10 times that amount of cocaine, perhaps 20 times that amount of heroin, could be smuggled through that airport.

Seizure statistics at the Simon Bolivar Airport are not produced by the Venezuelans. The Venezuelan government does not track those statistics. Information regarding any seizures at the airport were not shared by the Venezuelan government with the DEA last year.

□ 2200

On April 11, 2006, a commercial plane, which we talked about earlier, originating in Caracas was seized in Mexico carrying 5.6 tons, tons of cocaine with an estimated street value of $100 million. Counternarcotics experts who we consulted agreed a 5.6 ton load of cocaine is not a test run. We can only speculate how this route was exploited by traffickers previously, how many millions of dollars and hundreds of tons of cocaine came through that route. And we know, as I said, there were 137 trips on that route last year.

The Venezuelan government has claimed the interdiction in Mexico was the result of a Venezuelan tip-off. That is what they said. So we checked. We have received assurances from our intelligence sources and other intelligence sources that those claims are categorically false. The Mexican police and government found that when that plane landed. They were not tipped off by anybody in Venezuela. Quite the contrary. The belief is that the Venezuelan people who are working at the airport were involved in the transport of these drugs amounting to $100 billion.

It is widely reported that the government of Venezuela is providing safe haven and logistical support to members of the Revolutionary Armed Forces of Colombia, FARC, the FARC guerrillas, which is designated as a foreign terrorist organization and was in 1997. And there is strong evidence that the Venezuelans are supporting the Revolutionary Armed Forces of Colombia, the FARC, with ammunition, safe houses, documentation, training, and weapons.

There is no formal mechanism to designate entities as drug trafficking organizations, but links between the FARC and drug trafficking were evident as far back as the mid to late 1980s, according to our State Department. It is precisely through this support for the FARC that we have estimates of as much as half of the Colombian cocaine moving to the United States and Europe as passing through Venezuela. Almost half of the cocaine coming into this country is coming through Venezuela.

You know, I have had the opportunity, with Mr. DELAHUNT and Mr. MEEKS, to go down and meet with President Chavez in Venezuela, and at the U.N. in New York. He is a very engaging fellow. He is Clintonesque, if you will, in the way he meets people. He was very engaging. I was impressed with the fella. When we talked to him about toning down the rhetoric that would lead to a better relationship, or a relationship between Venezuela and the United States, he said he was going to do that. But he didn't.

Every week on television, for 5 hours, and I watched the tapes and I have listened to the translations, he maligns and beats up on not only the President but the Secretary of State. He says very demeaning things about Condoleezza Rice, our Secretary of State, and they are things that don't lead to any kind of a relationship between us and the Venezuelan leadership.

In addition to that, he is tied in very closely and he considers Fidel Castro, a Communist leader who wanted to revolutionize all of South America, he sent Che Guevara down there back in the 1980s to try to destroy any semblance of democracy throughout our hemisphere, and Che Guevara was killed. Now Chavez' mentor is Fidel Castro.

He is also tied in with Daniel Ortega and Mr. Morales of Bolivia, and all of these people want to move the South American continent to the left. And these are things we cannot tolerate. So the drug trafficking is only part of it.

Regarding Chavez' current trip, he is going to North Korea, he is going to Tehran, and he is meeting with what we consider the cabal of terrorists. He has also invited these people to visit him in Venezuela. In addition, as my colleague from California said a while ago, he is buying all kinds of military equipment, which really isn't necessary because there is no big threat to him down there, all kinds of military equipment to build up a huge military operation in South America and Venezuela.

We have got big problems down there. We want to talk to Mr. Chavez. We want to work with Mr. Chavez, but when we say to him we have an agreement that we have worked out, and his people hammered out the agreement with us, and he said he needed more time, until July 8, and you asked me for more time, Mr. DELAHUNT, we gave them more time, and when July 8 came, they would not sign the agreement nor would they give us a date certain when they would sign the agreement, and that is why this resolution is here on the floor tonight.

We want to have peace in our hemisphere. We want to work with all the presidents in our hemisphere, but we don't want revolution and we certainly don't want drugs coming through Venezuela into the United States damaging American women and children and hurting their families.

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

Mr. BURTON of Indiana. I will yield for one question, yes.

Mr. DELAHUNT. First of all, my friend made a misstatement about Chavez going to North Korea, but that is irrelevant to the revolution.

Mr. BURTON of Indiana. He is not going to North Korea?

Mr. DELAHUNT. He is not going to North Korea, but let me focus on something.

Mr. BURTON of Indiana. He is not going to Tehran, either?

Mr. DELAHUNT. He has been to Tehran, like Mr. Maliki has been to Tehran, and Mr. Zebari and Mr. Chalabi, all of the friends of the neoconservative movement, they have lived in Tehran for a considerable period of time.

But let us talk about this today. The rhetoric that we have heard about is about terrorists, it is about, this is not within the purview of this thing. But I have to tell you something, when this plays down in Caracas, like I said in my opening remarks, it is just going to make it impossible.

Mr. BURTON of Indiana. Reclaiming my time, and I just want to say this. If there is a problem that has evolved out

of this discussion tonight, it lays at the feet of Hugo Chavez. It lays at his feet. Because there was an agreement that was hammered out between his people and the DEA here in the United States. He asked for more time, we gave them more time. He wouldn't sign it nor would he give us a date certain when he would sign it.

How long do you wait? How long do you wait for drugs to continue to come into the United States before we get an agreement saying we are going to allow the DEA to do their job?

Mr. DELAHUNT. Today is the 26th of July, Mr. Speaker. The 26th of July. You know that I, and hopefully accompanied by others, was going to go to Caracas this August, have a conversation, and come back with a signed agreement. That is the hope. But with this language in this particular resolution, I will tell you what we have done. We have buried that agreement. And that is a tragedy because drugs will come into this country. That is the sadness.

Mr. BURTON of Indiana. Well, I didn't yield any more time to my colleague, he just started talking. But that is okay, I have a high regard for him.

Let me just say once again that we have gone the extra mile on this agreement with Mr. Chavez. He wouldn't sign it, nor would he give us a date certain when he would sign it. We adhered to my colleague and others' requests to extend the time period, he wouldn't sign it, and that is why we have this resolution tonight.

I don't know how it is going to play in Caracas, all I can say is it is time we get an agreement, and the DEA needs to be able to do its job.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 400, to express my concern that the government of Venezuela do what it can to secure its airport facilities from the trafficking of illegal goods. It is always essential to restrict the transport of these substances and the transport of laundered money from their sales.

International certifications in airport facilities help to ensure that such restrictions are in place. Recent evidence shows a general lack of enforcement in Venezuela of the measures necessary to avoid the trafficking of narcotics and other controlled substances. Especially in light of the discovery in April of a Venezuelan plane filled with narcotics en route to Mexico, we must seriously question the compliance of Venezuela's airports with such standards. I ask that my colleagues join me in requesting that the government of Venezuela exercise more effort in the future to ensure the security of their airport facilities.

This resolution would also express our wish to work closely with Venezuela and the other nations of this region that are so severely affected by this issue to combat the trafficking of narcotics and other controlled substances. It is not only out of concern for the welfare of our own Nation if illegal substances and laundered money are allowed safe passage here; we must also express our concern for the welfare of Venezuelans and others around the world. The control of harmful substances is an international effort in which we must all take part.

It should be the policy of the United States to work with the international community in ensuring adherence to the Organization of American States conventions and comprehensive treaties on narco-terrorism. This concurrent resolution serves to respect this and to assist in a review of the Simon Bolivar International Airport in Caracas in particular, in light of recent events.

I thank my colleagues on the Western Hemisphere Subcommittee of the Committee on International Relations for drafting this resolution and urge my other colleagues in the House to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 400, as amended.

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

A motion to reconsider was laid on the table.

AMENDING THE IRAN AND LIBYA SANCTIONS ACT OF 1996

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5877) to amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006.

The Clerk read as follows:

H.R. 5877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES UNDER THE IRAN AND LIBYA SANCTIONS ACT OF 1996.

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''on the date that is 10 years after the date of the enactment of this Act'' and inserting ''on September 29, 2006''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 5877, a bill I introduced yesterday with Chairman HYDE of the House International Relations Committee; Mr. LANTOS, coauthor of the Iran Freedom Support Act and ranking member of the International Relations Committee; and my ranking member on the Subcommittee on the Middle East and Central Asia, Mr. ACKERMAN.

This bill is a simple housekeeping measure to, on one hand, prevent the original Iran and Libya Sanctions Act from lapsing; and, on the other hand, to afford additional time for the House and Senate to reach an agreement on the final text of the comprehensive Iran legislation, the Iran Freedom Support Act.

The focus of the Congress continues to be that articulated through the Iran Freedom Support Act, which is to address the totality of the Iranian threat and strengthen our approach to this rogue state; to hold Iran accountable for its threatening policies; and to induce greater cooperation from our allies to compel Iran to cease and desist in its pursuit of nuclear weapons capabilities.

To achieve that end, Mr. Speaker, we need H.R. 5877, which would extend the original ILSA until September 29 of this year, affording us the additional time to finalize the text of the Iran Freedom Support Act to be sent to the President for his signature.

I ask for a ''yes'' vote on this bill.

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

Mr. DELAHUNT. Mr. Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

Mr. Speaker, the Iran and Libya Sanctions Act is scheduled to lapse within days, and the legislation before the House will extend it until September 29. This reauthorization for a brief duration is necessitated by the fact that the House and Senate are still negotiating language on a new legislative construction of the Iran Libya Sanctions Act.

We hope to complete this process soon with the passage of new legislation that will strengthen sanctions against Iran and remove from law the outdated references to sanctions on Libya, sanctions which anyway no longer apply because Libya has fulfilled the required conditions.

I urge passage of this legislation.

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

Mr. KUCINICH. Mr. Speaker, as the work of the committee continues on this temporary reauthorization, I think it is important to have a few reflections. This is the 10th anniversary of the original sanctions law, and I think it would behoove us to ask what those sanctions have accomplished. This legislation seeks to renew for a period of 2 months a confusing, ineffective and, at best, counterproductive, at worst, counterproductive sanctions policy against Iran.

Iran justly remains a focal point of security concerns for our Nation. It supports those who use violence as a means of settling political disputes. It

is threatening rhetoric with respect to Israel. And there is world concerns about its desire to ramp up nuclear production. All these things, in my judgment, make it mandatory the United States seek immediate talks with Iran.

We must reach out to parties in the region to begin to negotiate an end to the violence and the beginning of a peace process leading to a permanent resolution. Now, our leaders haven't taken that approach. They are seeking to isolate Iran, and instead we are starting to isolate ourselves.

These sanctions are indirect. They are not targeted at objectionable behavior. According to Anthony Wayne, the Assistant Secretary For Economic and Business Affairs, U.S. Department of State, testifying before the Senate Committee on Banking, Housing and Urban Affairs on June 28, 2001, talking about the Libya and Iran Sanctions Act, he says that ''it focuses on investment in order to limit revenue, rather than focusing directly on actions by Iran to procure weapons of mass destruction and support terrorism.'' He goes on to say that ''it goes against some of the friendly countries whose cooperation we need in working towards nonproliferation and counterterrorism goals.''

So these sanctions haven't been effective. There is a question about whether any sanctions are going to be effective here. These sanctions add to the price of gasoline in the United States. We are paying for these failed sanctions every time we fill up our tank.

Iran has the third largest oil reserves after Saudi Arabia and Canada, according to the U.S. Energy Information Administration, equaling 132.5 billion barrels. Iran has the second largest natural gas reserves after Russia, equaling 16 percent of the world's reserves. The administration hasn't done anything meaningful to break our country of its dependence on petroleum, so the reality is that sanctions against investments in Iran's oil and gas fields will cause U.S. consumers to pay higher prices for gasoline and natural gas.

High prices protect the Iranian government from economic consequences of decreased investment. A military strike against Iran, which this country seems to be nodding towards, could send oil to $130 per barrel, according to CNN, making the $3 a gallon currently look like the good old days.

Now, we have to take a new direction. The same geniuses who brought us the war in Iraq, who are standing by while violence overwhelms the Middle East, these same geniuses have this plan to keep sanctions on Iran, which will drive up the price of oil, so Iran can make more money selling their oil to other countries, and the oil industry in the U.S. isn't complaining about it because they are making record profits.

□ 2215

We need to take a new approach. That approach is to engage Iran directly and to stop isolating them and to bring them to a peaceful resolution of the issues that are currently inflaming so much of the world. This is a time for us to take a new direction. I don't think that we are headed that way, but I think that when we are looking at renewal of a sanctions regime we ought to be talking about whether or not it is in the best interests of this country to take the direction we are taking.

Ms. ROS-LEHTINEN. Mr. Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairman THOMAS concerning the bill H.R. 5877. "To amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006".

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 5877, a bill ''To amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006,'' which is scheduled for floor consideration on Wednesday, July 26, 2006.

Because H.R. 5877 would amend the Iran and Libya Sanctions Act of 1996 (ILSA) to have the effect of extending the application of an import ban, it falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that this legislation is being expedited in order to ensure that ILSA does not lapse while the Congress is considering additional changes to ILSA such as those contained in H.R. 282, the Iran Freedom Support Act, which was passed by the House of Representatives on April 26, 2006. This action is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on H.R. 5877, H.R. 282, or similar legislation.

I would appreciate your response to this letter, confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, July 26, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 5877, a bill ''To amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006,'' which is scheduled for floor consideration on Wednesday, July 26, 2006.

I concur that the underlying Iran and Libya Sanctions Act (ILSA) contains provisions relating to imports, which fall within the jurisdiction of your Committee, as does H.R. 5877, which would extend the Act. I appreciate your willingness to waive consideration of this legislation by your Committee in order to ensure that ILSA does not lapse while the Congress is considering additional changes to ILSA such as those contained in H.R. 282, the Iran Freedom Support Act, which was passed by the House of Representatives on April 26, 2006. I also concur that your Committee's willingness to forego consideration does not in any way prejudice it with respect to the appointment of conferees or jurisdictional prerogatives on H.R. 5877, H.R. 282, or similar legislation.

As you have requested, I will place a copy of our exchange of letters on this matter in the CONGRESSIONAL RECORD during floor consideration.

With best wishes,

Sincerely,

HENRY J. HYDE,
Chairman.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MACK). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 5877.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE INTERNATIONAL AIDS VACCINE INITIATIVE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 844) congratulating the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 844

Whereas HIV/AIDS has killed over 25,000,000 people worldwide and poses a serious threat to the economic and political stability of the countries hit hardest by this terrible epidemic;

Whereas the International AIDS Vaccine Initiative (IAVI) was founded in 1996 as a public-private partnership with a mission to ensure the development of safe, effective, accessible, preventive HIV/AIDS vaccines for use throughout the world, with a particular focus on developing countries, where the need is most urgent;

Whereas the International AIDS Vaccine Initiative's research and policy programs have galvanized scientific efforts and substantially increased financial and political support for this vital effort;

Whereas since its founding, the International AIDS Vaccine Initiative has advanced six vaccine candidates from concept to clinical trials, targeting the subtypes of HIV circulating in the developing world—a record matched only by one large pharmaceutical company;

Whereas ten years ago only a few developing countries had participated in HIV/AIDS vaccine trials, but today several countries in sub-Saharan Africa and Asia are actively participating in HIV/AIDS vaccine trials, a reflection of the International AIDS Vaccine Initiative's activism and commitment to working collaboratively with developing country partners;

Whereas the model of the International AIDS Vaccine Initiative, which closely links clinical trial site investigators to product developers, has resulted in the first HIV/AIDS vaccine trials being conducted in Kenya, Rwanda, and India, as well as trials in Uganda and South Africa;

Whereas the International AIDS Vaccine Initiative is a founding member of the Global HIV/AIDS Vaccine Enterprise, recognized by the G–8 as an important actor in the quest for a vaccine; is an affiliated member of the National Institutes of Health's Partnership for AIDS Vaccine Evaluation; and is hosting NIH trials at International AIDS Vaccine Initiative sites in Africa;

Whereas the International AIDS Vaccine Initiative's Core Clinical Immunology Laboratory was the first Good Clinical Laboratory Practices (GCLP) accredited laboratory in the world to assess HIV/AIDS vaccines, and the International AIDS Vaccine Initiative's laboratory in Uganda was the first to receive such accreditation in Africa; and

Whereas the International AIDS Vaccine Initiative established a ground-breaking Neutralizing Antibody Consortium to address one of the key scientific challenges to vaccine design: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine;

(2) recognizes the role of the International AIDS Vaccine Initiative in raising awareness and increasing financial and political support for this important cause;

(3) admires the commitment of the International AIDS Vaccine Initiative to collaborating with developing country researchers, governments, and civil society in the common goal of finding a vaccine;

(4) expresses support for the continued success of the International AIDS Vaccine Initiative; and

(5) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the International AIDS Vaccine Initiative.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise tonight to request the support of my colleagues for House Resolution 844, a resolution congratulating the International AIDS Vaccine Initiative on 10 years of achievement in advancing the search for an HIV/AIDS vaccine.

Since emerging in 1981, HIV/AIDS has viciously spread across the globe, compromising economic and political stability in developing countries and indiscriminately taking the lives of over 25 million men, women and children. The cost of HIV/AIDS has been staggering.

Thankfully, the global response has accelerated. From the beginning, countless organizations and individuals took up the battle against HIV/AIDS, committing extensive resources and giving deeply of themselves to fight an epidemic which would prove to be a formidable foe. Until 1996, however, insufficient attention and resources were being devoted to the development of a preventive HIV/AIDS vaccine, a development that would have the potential to end a plague that has devastated much of our world for a quarter century. It was this realization, Mr. Speaker, that led to the founding of the International AIDS Vaccine Initiative in 1996.

Founded as a public-private partnership, the Initiative's mission is the development of safe, effective and accessible HIV/AIDS vaccines, especially in developing countries where the need is greatest. With a philosophy that has galvanized scientists, academics, nonprofit organizations, governments and faith communities, the Initiative's progress has been substantial. The Initiative has opened a Core Clinical Immunology Laboratory and a network of field laboratories throughout the countries hit worst by HIV/AIDS, conducting numerous vaccine trials in countries such as Kenya, India and South Africa. As a testament to their vitality, activism and commitment, the majority of new HIV/AIDS vaccine candidates are due in large part to the efforts of the International AIDS Vaccine Initiative.

We are reminded that HIV/AIDS is a global obstacle which continues to challenge our collective goal of a free, prosperous and peaceful world. In the struggle against this disease which infects nearly 14,000 people a day, the Initiative's work is of tremendous importance and its progress has been notable.

I urge my colleagues to support this resolution to extend the House's congratulations to the International AIDS Vaccine Initiative on 10 years of achievement.

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

Mr. ENGEL. Mr. Speaker, I rise in support of H. Res. 844, and I yield myself as much time as I may consume.

Mr. Speaker, I am pleased that the House of Representatives will honor the 10th anniversary of the founding of the International AIDS Vaccine Initiative (IAVI) today. This important nonprofit scientific and advocacy organization, founded in 1996, is working to develop safe, effective and accessible HIV vaccines for use around the world but especially for use in developing countries. IAVI is headquartered in New York, with offices in Nairobi, Johannesburg, New Delhi and Amsterdam, and conducts research and advocacy activities in a total of 23 countries.

As you are well aware, the HIV/AIDS pandemic continues to decimate lives and families worldwide. AIDS has already claimed the lives of 25 million people, and there are currently nearly 40 million people living with HIV/AIDS today.

The United States has demonstrated our commitment to fighting the AIDS crisis by significantly increasing funding for treatment and care for the worst affected countries. Ultimately, however, a vaccine to prevent the spread of this disease will have a greater effect to slow and eventually halt new infections. IAVI's work focuses on four areas: accelerating scientific research on an AIDS vaccine; mobilizing public support through advocacy and education; encouraging industrial involvement in AIDS vaccine development; and assuring rapid global access to a vaccine.

This resolution is timely because in a few weeks an estimated 20,000 scientists, health care providers, community and business leaders, journalists, government, nongovernmental and intergovernmental representatives and people living with HIV/AIDS will meet at the 16th international AIDS conference held this year in Toronto, Ontario, Canada. With over 400 sessions, meetings and workshops dedicated to exploring the latest developments in HIV science, policy and practice, this is sure to provide a meaningful discourse on the global AIDS crisis.

Mr. Speaker, I am proud to honor the International AIDS Vaccine Initiative's 10 years of outstanding work. I urge the adoption of this measure. It is a pleasure to once again sponsor this and speak on this with my good friend and partner, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, with whom I have had the pleasure of working on so much important legislation.

Mr. LANTOS. Mr. Speaker, I would first like to commend my good friend and colleague from New York, ELIOT ENGEL, for introducing this important resolution. His leadership in Congress on the global battle against HIV/AIDS is greatly appreciated.

Mr. Speaker, over 14,000 people are infected with the deadly HIV/AIDS virus each day. Let me repeat that statistic, Mr. Speaker—14,000 individuals each day are infected with HIV/AIDS.

HIV/AIDS has infected 65 million people and killed nearly 25 million since June 1981 when it was first detected.

For many in the developing world, contracting the HIV/AIDS virus is a death sentence. No drugs. No doctors. No hospitals. No hope.

And for family members left behind—often young children—there is equally little hope. Many will be forced to live with over-burdened and impoverished extended family, in understaffed orphanages or on the streets.

Treatment has brought the promise of life back to many individuals who were on the brink of death. However, palliative care is not a long term solution to relieve the suffering from this deadly disease.

That is why there is an absolute moral imperative to develop a vaccine to stop the

transmission of the HIV/AIDS virus. A successful vaccine will literally save millions of lives in the poorest countries of the world, restore people to their livelihoods, and prevent children around the globe from becoming AIDS orphans.

The resolution before the House brings attention to the intensive work over the past decade to develop a successful HIV/AIDS vaccine. The International AIDS Vaccine Initiative has built bridges between the developed and developing world that did not exist before. It also has conducted vitally important vaccine trials in the developing world that hopefully will lead to a successful vaccine in the near future.

I commend the Bill and Melinda Gates Foundation for recently awarding $23.7 million towards financing this network of committed researchers working around the clock to find a cure.

Mr. Speaker, there will be a successful HIV/AIDS vaccine one day, and it is our collective hope that this will occur before millions more of the world's citizens lose their lives. This resolution congratulates the International AIDS Vaccine Initiative for 10 years of significant achievement in the search for an HIV/AIDS vaccine towards this goal.

Mr. Speaker, I urge my colleagues to supports its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support for H.R. 844.

AIDS is the greatest worldwide health crisis of our time. Presently, there are more than 40 million people that are either infected with the HIV virus or are living with AIDS. At least 14,000 people are infected each day. Putting an end to AIDS is one of the most pressing humanitarian challenges we must face. For this reason, the development of a preventive vaccine has been a stepping-stone toward achieving this end.

The International AIDS Vaccine Initiative has been working for the past ten years to create a safe and effective HIV/AIDS vaccine. They have worked hard with the public and private sector to garner financial and political support in order to make the vaccine accessible to all those in need, especially in the developing world, where ninety-five percent of those infected with the virus live.

Today, I am honored to congratulate the International AIDS Vaccine Initiative for its advances in scientific progress, which have been instrumental in bringing about a worldwide effort and support for this important cause. It is their research and devotion to finding an HIV/AIDS vaccine that brings hope of ending an epidemic that has already killed more than 25 million people worldwide. However, there is more to be done. We must take this opportunity to commit ourselves to fighting for the dignity and lives of our brothers and sisters around the world by promoting innovative research in finding a cure.

AIDS is presently a formidable adversary—one that cannot be ignored, one that does not only exist in faraway places, but one that is here, in our neighborhoods and homes, infecting 40,000 of our people each year. The efforts of the International AIDS Vaccine Initiative have brought us closer to the day when we will live in a world that is free from AIDS.

Ms. LEE. Mr. Speaker, I rise in support of H. Res. 844 to congratulate the International AIDS Vaccine Initiative.

As an original co-sponsor of this resolution and a strong supporter of IAVI, I want to thank my colleagues, Representative ELIOT ENGEL and Representative PETER KING, for working in a bipartisan manner to introduce and shepherd it to the floor.

IAVI was funded 10 years ago as a public-private partnership to help develop a safe and effective vaccine to prevent HIV/AIDS.

Today IAVI operates in over 23 countries with a variety of partners and is in the testing phases for several vaccine candidates.

In addition to working on the hard science, IAVI has also worked to lay the groundwork to ensure that a future vaccine is affordable and accessible to all who need it, especially in the developing world.

This year Representative PALLONE and I spearheaded a $35 million appropriations request for IAVI in the FY07 Foreign Ops bill, along with the support of many members of this committee. While the House has approved a $29 million funding level for IAVI this year, the same as FY06, I am hopeful that in conference my colleagues will support the Senate funding level of $31 million.

While the search for an AIDS vaccine has so far eluded us, the partnership represented by IAVI is in many ways our best hope at finding a cure. I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to congratulate the International AIDS Vaccine Initiative (IAVI) on their 10 years of hard work in searching for an HIV/AIDS vaccine. HIV/AIDS has taken the lives of over 250,000 people worldwide and poses a serious threat to the economic and political stability of the countries hit hardest by this terrible epidemic. The IAVI was founded 10 years ago as a public-private partnership with a mission to ensure the development of safe, effective, accessible, preventive HIV/AIDS vaccines for use throughout the world. The IAVI had a particular focus on developing countries, since their need is most urgent regarding care.

Unfortunately, 10 years ago insufficient attention and resources were devoted to the need for, and advantages of, a vaccine to bring an end to this disease. Currently, we are armed with increasingly powerful knowledge and treatments, and yet we face an ever steeper climb toward victory. HIV/AIDS is no longer a scary, unknown entity. A diagnosis is no longer the sealing of fate, even if it means the beginning of a battle. We know enough to educate, even if we do not yet know enough to cure.

The groundbreaking research and policy programs of the IAVI have galvanized scientific efforts and substantially increased financial and political support for this vital effort. Today, the majority of newly designed HIV/AIDS vaccine candidates are focused on preventing HIV/AIDS in the developing world, in large part due to the efforts of the International AIDS Vaccine Initiative. The IAVI has also received accolades from the G8 as being an important actor in the quest for a vaccine, after they became a founding member of the Global HIV/AIDS Vaccine Enterprise.

Today over 42 million individuals are infected with HIV/AIDS globally and 1 million here in the United States. Fifty percent of these cases in the United States are in young adults between the ages of 15 and 24. Every year, 40,000 new cases are diagnosed. Thankfully, the IAVI has continued to work effortlessly to unite scientists, academics, nonprofit organizations, and governments from the north and south, including communities of faith, communities of color, and many others, in an effort to develop a vaccine to stop global HIV infection rates of 14,000 a day.

We all admire the commitment of the IAVI in discovering a vaccine and I want to again express my support for the continued success of the International AIDS Vaccine Initiative.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 844, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

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.

CELEBRATING ACHIEVEMENTS OF UMMA COMMUNITY CLINIC ON ITS 10TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I come before the House tonight to celebrate the achievements of the UMMA Community Clinic upon the occasion of its 10th anniversary. The UMMA Community Clinic is a community health facility that serves uninsured and impoverished families in my congressional district.

The UMMA Clinic was established by Muslim medical students at UCLA who wanted to put their faith and their patriotism into action by serving their community and their country. UMMA is an acronym for the University Muslim Medical Association. In Arabic, the world ''umma'' means ''community,'' an appropriate name for this extraordinary institution.

The students who founded UMMA were inspired by their Islamic faith, a faith which told them to help their neighbor, a faith which told them that if they saw something wrong, they must fix it. And today the UMMA Clinic is fixing people's lives with its healing hands, every day, quietly and tirelessly.

When the UMMA Clinic opened 10 years ago, it was the first charitable medical facility in the United States founded by Muslim Americans. At a time when Muslim Americans face unfair discrimination and scrutiny, the UMMA Clinic allows Muslims to put their faith into action through service, selflessness and compassion. The UMMA Clinic provides Muslim Americans with an institution in which they can take pride, one that enriches the community with services that save lives.

The UMMA Clinic serves as a primary health care source for over 15,000 children and adults in South Los Angeles, many of whom otherwise would have no access to primary health care services. It has a patient clientele from every conceivable faith, culture and background. Over 95 percent of the beneficiaries of UMMA's services are not Muslim.

UMMA takes a comprehensive approach to health care. At the UMMA Clinic, patients can see a regular family doctor who knows them and who cares about them. They can return again and again to the same family doctor who helps them stay one step ahead of illness by encouraging them to eat properly and live a healthy lifestyle and making certain they get all of their physicals, vaccinations, lab tests, mammograms and other health screenings.

The UMMA Clinic has received funding and support from several other organizations, including Kaiser Permanente, the California Endowment, and Islamic Relief.

UMMA has also become a committed advocate for the fundamental rights of all citizens to have access to quality health care services, regardless of their race, religion or socioeconomic status.

The UMMA Clinic is one of the many ways that Muslim Americans serve their country. Muslim Americans have made contributions in many different fields. They are our clerks and laborers, our doctors and lawyers, our teachers and researchers. They work in our government, and they serve honorably in our military.

UMMA represents the best of the Muslim American community. UMMA embodies high ethics and moral standards, and it was founded as a result of the obligation Muslim Americans feel to ensure the well-being of everyone in society. If you want to see what Muslim Americans truly represent, go to the UMMA Community Clinic in my district and you will see it there.

Charitable organizations like the UMMA Clinic cannot solve the Nation's health crisis alone, but their efforts are making an invaluable contribution by healing countless people who have been relegated to society's margins.

□ 2230

I am proud to congratulate the UMMA Community Clinic upon its 10th anniversary for the critical health services it provides to the medically underserved in Los Angeles. I salute the UMMA Community Clinic and all of the people who run it, and I salute the Muslim American community for making it possible.

I am honored to be joined in Washington today by several founders of the UMMA Community Clinic and other individuals who are affiliated with the UMMA Clinic. These individuals met with me today to discuss the work that they are doing at UMMA.

1. Yasser Aman, 2. Mansur Khan, 3. Altaf Kazi, 4. Rushdi Abdulcader, 5. Nishi Abdulcader, 6. Aisha Siddiq, 7. Safia Siddiq. 8. Raziya Shaikh, 9. Charles Sadler, 10. Hoori Sadler, 11. Ahmed Elbendary, 12. Jill Elbendary, 13. Angela Coron, 14. Mahdy Bray, and 15. Diana Bonta.

I welcome these people to our nation's Capitol and I congratulate them for the founding of the UMMA Community Clinic and for their continuing commitment to provide quality health care to uninsured and impoverished families in my congressional district.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–602) on the resolution (H. Res. 951) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4157, HEALTH INFORMATION TECHNOLOGY PROMOTION ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–603) on the resolution (H. Res. 952) providing for consideration of the bill (H.R. 4157) to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE FARM ANIMAL STEWARDSHIP ACT: HUMANE TREATMENT OF FARM ANIMALS

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Speaker, on June 29, 2006, the Friends of Animals Caucus held a groundbreaking event on farm animal welfare.

Members of the caucus were joined by a distinguished and diverse panel of speakers: representatives of three major animal protection organizations, a noted legal scholar, a family farmer, and representatives of the religious and environmental communities.

The way a society treats its animals speaks to the core values and priorities of its citizens.

PETER DEFAZIO and I recently introduced legislation, H.R. 5557, the Farm Animal Stewardship Act, which we hope will lead to more humane treatment of farm animals raised for consumption. Additionally, I am developing bills to address the issues of labeling and animal cruelty that exists in America.

Some species have become our companions, some play important roles in sensitive ecosystems, and some are raised for food. It is our duty to protect and care for all of these animals.

Matthew Scully, former special assistant and deputy director of speechwriting to President George W. Bush, was unable to attend, but he submitted his article ''Fear Factories: The Case for Compassionate Conservatism—for Animals,'' which was published in the May 23, 2005, issue of the American Conservative. He asked that it be included as a summary of his views on this subject.

Before ending my comments, let me highlight some of the views expressed by Matthew Scully because it expresses what I believe.

Mr. Scully states: '' . . . the persistent animal welfare questions of our day center on institutional cruelties on the vast and systematic mistreatment of animals that most of us never see.''

'' . . . all of factory farming proceeds by a massive denial of reality, the reality that pigs and other animals are not just production units to be endlessly exploited but living creatures with natures and needs.''

He continues: ''Conservatives are supposed to revere tradition. Factory farming has no tradition, no rules, no codes of honor, no little decencies to spare for a fellow creature.

''The whole thing is an abandonment of rural values and a betrayal of honorable animal husbandry.''

He further continues by saying: '' . . . we cannot just take from these creatures; we must give them something in return. We owe them a merciful death and we owe them a merciful life. And when human beings cannot do something humanely, without degrading both creatures and ourselves, then we should not do it at all.''

The importance of this issue is evident, as over 100 people attended the hearing to examine the issue of the humane treatment of farm animals.

The Friends of Animals Caucus will continue to work on a bipartisan basis

to help protect animals at the Federal level.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE GROUND TRUTH

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, this evening I saw a film called ''The Ground Truth.'' It was about Marines in the infantry who had been sent to Iraq. These Marines were from all over the United States of America.

It began introducing individual Marines, individual soldiers. And these individuals knew why they had enlisted. They were trusting their decision. They were feeling comfortable that they knew with who their enemy was and our enemy was dangerous and the danger was to the United States of America. They also knew that joining was their way out. Out of their towns, out of their neighborhoods, out of current dead-end situations; or up for training and/or education that would not be available to them outside of the military.

Their eyes were clear. Their voices were firm. Their resolve was intact. They went off to boot camp.

Boot camp gave them the steel they needed in their backbones. It gave them the practice they needed so they would be able to kill, kill their enemy. And they knew that that enemy was dangerous to the United States of America.

Their heads were shaved. Their voices were hard. Their anger was stirred. They knew their enemy and they were ready to fight.

So off they went to war. They went to Iraq or they went to Afghanistan. They got there. They went into battle against people, Iraqi people, recruits like themselves whom they considered were clearly their enemy. But then they found themselves killing children, running over them with their vehicles, on command firing on children, burning children. And women, one Marine told the story of mistakenly shooting a woman just before she waved a white handkerchief to show that they she was not an enemy. And men, men who could have been, or not, part of the insurgency. Never clear if they were killing innocents or if they were fighting the enemy. Their eyes became confused. Their voices became uncertain. Their resolve questioning.

And while they were moving through these emotions from certainty to uncertainty, they and their buddies were being physically and mentally wounded. Those who were not killed or injured were likely to become victims of PTSD, posttraumatic stress disorder. But they did come home if they were not killed. They came home with sad, sad eyes. They came home feeling like outsiders in their homes, in their communities, because they could not share what they had been living with the last 9 months to 1½ years. They were confused and they were ashamed by what they had done. They were questioning their mission. They were embarrassed because their families thought they were heroes and they saw themselves as pretty bad people.

These men and these women, Mr. Speaker, were victims. They did what they were trained and commanded to do. In fact, one infantryman in the film said that at the end of the day, those who had not killed that day were chided by the others in their unit.

Of course, Mr. Speaker, you can be certain that these young people were in desperate need of help. Physical, which is obvious; and mental, which is harder to assess because their needs were labeled ''behavior disorders.''

So these individuals joined the military, did their jobs, no longer liked themselves when they came home, but came home in great need of help to find it was very difficult and sometimes absolutely impossible to get the help they needed. One soldier hung himself. Others drank or used drugs, acted out in anger, made life impossible for their loved ones until they began to patch themselves up and their lives back together again, or did not.

Mr. Speaker, these are only a few examples of what war does to those who are trained to kill, who do their job and are left feeling guilty. We must end all war. We do not want to put other individuals through this.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISRAEL: AMERICA STANDS WITH YOU

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent to address the House out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, a tyrannical government cares not about the fate of an individual citizen. But in a free country to murder a single innocent citizen is to provoke a fight with the entire nation. This is one of the great differentiations between Hezbollah and Israel. While desperately trying to retrieve two of her soldiers who were abducted by Hezbollah terrorists, Israel takes great lengths to minimize civilian casualties. Conversely, Hezbollah takes great lengths to maximize civilian casualties in Israel while making breathing barricades out of the innocent men, women, and children in Lebanon.

Time and again Israel has made efforts for peace. Israel fully withdrew from Lebanon. Then she uprooted from Gaza. She was thanked with rockets, mayhem, and bloodbath.

The recent kidnapping and murder of Israeli citizens and soldiers were definitive acts of war. Hezbollah terrorists, along with the nations of Syria and Iran, who support them, are the aggressors, Mr. Speaker. And now as Israel has risen up to defend herself, along with each of the individual citizens whom she loves, we hear cries from the U.N. and other quarters for Israel to restrain herself.

What if, on 9/11, Mr. Speaker, the outcry was for the United States to restrain ourselves? Or what if Israel had listened to such calls for restraint 15 years ago when she learned that Saddam Hussein was building a nuclear reactor? The United States and our coalition forces would have faced terrorists with nuclear weapons when we lifted the iron hand of Saddam Hussein in 2003.

You see, Mr. Speaker, Israel understands that the entire world faces an evil, poisonous ideology that causes mothers to leap for joy when their children blow themselves to pieces in order to kill other innocent human beings. Israel understands that a dark ideology like that must never be allowed to gain nuclear weapons.

And why does the rest of the world not seem to understand that? This is the same ideology that murdered Olympic athletes in 1972, that took American hostages in Iran, that murdered Marines in their barracks in 1993, that bombed the World Trade Center in 1993, Riyadh in 1995, the Khobar Towers in 1996, the embassy in 1998, and the USS *Cole* in 2000.

And then, Mr. Speaker, this murderess ideology massacred nearly 3,000 Americans on September 11.

And today this is the same ideology that is launching rockets into Israel to kill innocent civilians. And, Mr. Speaker, lest we forget, it is the same ideology that is working feverishly to gain nuclear weapons, to terrorize the Western world in ways that we cannot yet imagine.

Seven decades ago, Mr. Speaker, another murderess ideology arose in the world. The dark shadow of the swastika fell first upon the Jewish people of Germany. And because the world did not respond to such an evil, it began to spread across Europe until it lit the fires of World War II's hell on Earth, which saw atomic bombs fall on cities and over 50 million people dead worldwide. All because, Mr. Speaker, the world's free people did not respond in time.

□ 2245

History has taught us that evil ideologies must ultimately be defeated in the minds of human beings. But in the meantime, in the meantime, Mr. Speaker, they must often be defeated upon the battlefield.

The battle Israel fights in these days is a battle to protect all of humanity from an evil ideology that has no respect for innocent human life anywhere on the Earth. That is why, Mr. Speaker, Israel's war is our war, and if there is hope for peace and freedom in this world, free peoples across this world just unite to defeat this hellish ideology of terrorism. This time, Mr. Speaker, we must not wait too long.

So may the people of Israel take comfort in these days, knowing that America stands with you. May you find victory, and may the light of God's peace shine down upon the streets of Jerusalem, forever.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CONCERN ABOUT U.S. ARMS SALE TO PAKISTAN

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from New York.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise this evening to express concern about the Bush administration's $5 billion arms sale to Pakistan. Though little can be done to stop the deal, I believe the plan is misguided.

Considering the recent linkage of the Mumbai bombing to terrorist groups operating in Pakistan, this sale may further slow a 2-year peace process between India and Pakistan.

The government of India has made a strong commitment to fighting terrorism all over the world. Like the United States, nothing has deterred their firm policy to fight this regional and global menace. Unfortunately, Pakistan has not yet figured out a way to deter terrorist cells from growing within their borders.

We have to be careful where we are sending such highly sophisticated weaponry. While Pakistan has been an ally in the global war on terror, the government has simply watched while terrorist groups such as Lashkar-e-Tayyaba committed terrorist acts in Jammu and Kashmir and other parts of India. Its actions within its own country proved themselves not fit for receiving these arms.

Mr. Speaker, foreign military assistance to Pakistan has been used against India in the past. This new U.S. policy of military sales to Pakistan will contribute to increasing security concerns throughout South Asia, particularly in India. This material is not being used against al Qaeda, but there is a potential that it would be used in a war against India. We don't need to reward Pakistan for being our friend in the war on terrorism by giving them advanced weapons systems that are not likely to be used in that effort.

Pakistan has also faltered on proliferation in the past. In fact, just last week Pakistan announced that it is increasing its capacity to produce nuclear fuel, a move which signals a major expansion of the country's nuclear weapons capabilities. These reactors paired with some of our most highly technological jets and materials could be disastrous to the region.

Mr. Speaker, we may be supporting the Pakistani military, but we may also be increasing the rift in peace relations between India and Pakistan and in the South Asia region.

Mr. Speaker, economic assistance is certainly necessary to reform Pakistan's schools, provide health care programs and support economic restructuring that will stop Pakistan from being a breeding ground for terrorists. But military assistance is another matter. Allowing this sale sends the wrong message to the government and the people of India. I fear that it will mean a step backwards in U.S.-India relations and in South Asia's regional stability.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TACKLING THE IMPOSSIBLE? LAWMAKERS ADDRESS PHYSICIAN PAYMENT OVERHAUL

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BURGESS. Mr. Speaker, I come to the House floor tonight to talk to my colleagues about a bill, H.R. 5866. This is a bill that will repeal the SGR, the formula by which physicians are paid under Medicare, and replace it with a more sustainable, more market-friendly Medicare economic index which in fact reflects the actual costs of input for the physician delivering the care.

Mr. Speaker, the Medicare Physician Payment Reform and Quality Improvement Act of 2006 has four main goals: First, to ensure that physicians receive full and fair payment for services rendered; secondly, to create quality performance measures that allow patients to be informed consumers when choosing their Medicare provider; thirdly, to improve Quality Improvement Organization accountability and flexibility; and, fourth, to find reasonable methods of paying for these benefits.

Current law calculates an annual update for physician services based on the sustained growth rate, or SGR, as well as the Medicare economic index and the adjustment to bring the MEI update in line with the SGR target. When expenditures exceed the SGR target, the update for a future year is reduced. If expenditures fall short, the update for future years is increased. This is an economic incentive for physicians to limit health care spending.

Unfortunately, Mr. Speaker, the system simply doesn't work. Healthcare spending continues to grow and physicians exceed their target expenditures every year. Subsequently, Medicare reimburses them less and less. The net result is that patients have less and less access to their physicians, and those patients covered by Medicare arguably are our nation's most frail and complex patients.

This bill just introduced ends the application of the SGR January 1, 2007. Instead, we propose using a single conversion factor for Medicare reimbursement: The MEI, Medicare economic index, minus 1 percent. This eliminates the negative feedback loop that constantly creates a deficit in healthcare funding and introduces a more market sensitive system.

Regarding quality measures, the American Medical Association and other physician organizations have been working to create a relevant evaluation system for outpatient healthcare. In conjunction with these organizations, we propose creating a voluntary system of evidence-based quality measures.

Each physician specialty organization will create their own quality measures applicable to core clinical services which they will submit to a consensus building organization. Taken as a whole, these measures should provide a balanced overview of the performance. They will allow patients to better understand the quality of the healthcare providers they choose and be a fair assessment to reduce healthcare disparities across groups and regions. This will arm patients with critical information related to quality of care giving and give physicians a yardstick to measure their own performance and make improvements.

Additionally, these provisions largely follow the spirit of an agreement brokered between medicine and leaders on

the Hill when finalizing negotiations on the Deficit Reduction Act.

To offset the cost of these changes, we are looking at multiple options: Redirecting the stabilization fund from the Medicare Modernization Act provides some funds. Also Medicare currently pays for indirect costs of medical education twice, directly and by inflating payments to Medicare Advantage plans. By paying only once, we can find additional money.

Mr. Speaker, I would submit that there are other cost saving measures that can be employed, and we are certainly encouraging many groups across the healthcare spectrum to partner with us on this.

A recent article in CQ Healthbeat News from January 25th talks about the changes that might occur in the SGR. We had a hearing on Tuesday. The article says, ''Tuesday's hearing may have marked progress of sorts, because not only were lawmakers at least talking about what was seemingly an intractable issue, but they actually offered some ideas for a down payment on a long-term fix.

''Offering a road map on the issue was legislation, H.R. 5866, that would erase the scheduled payment cuts while arming Medicare beneficiaries with more information on the quality of physician care.

''The bill would lower the MEI by 1 percentage point, which in 2007 would mean a payment increase of 2.7 percent. The Medicare Payment Advisory Commission called for an update based on the MEI of 3.7 percent in 2007 minus an adjustment fact of 0.9 percent, essentially the same number.

''The bill would also enact recommendations by the Institute of Medicine to improve Quality Improvement Organizations which contract with Medicare to improve quality of care under the program. The bill would make the quality improvement activities of QIOs available to all providers, guarantee a minimum of funding for QIOs and a required review of their resources when the organization's duties are expanded.''

Mr. Speaker, I think this is a worthwhile bill. I think this Congress owes it to the patients and the physicians in this country that depend upon the Medicare system. We have done some great things with expanding the prescription drug program, but it is time to address some of the other shortcomings of the program.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

(Mr. WEINER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE TRUE FACTS IN REGARD TO PROGRESS IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for one-half the remaining time until midnight as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, today was an historic day on this House floor when we heard in a joint session of Congress from the Prime Minister of Iraq, Nouri Al-Maliki. The Iraqi people have spoken and their prime minister has spoken.

Last night during our special hour, Mr. Speaker, two of my colleagues from Georgia talked about the economic activity of this country and how well we have done under the policies of this President and this Republican leadership, and they termed that hour the truth hour as presented by the truth squad, to make sure the facts are presented to our colleagues and to the American people, the true facts.

What I would like to do in this short time that we have tonight, Mr. Speaker, is to talk about the true facts in regard to Iraq and the Iraqi people and why we need to continue to support them and not consider for a moment to bail out in these difficult times that they are continuing to go through.

Mr. Speaker, I want to just talk about some of the progress that we have made. I have got a couple of slides here that I would like to present.

First, just talking about the security in Iraq, Iraq's brutal former dictator, Saddam Hussein, as we all know, is behind bars and has been for the past couple of years. Just in the last couple of months, Mr. Speaker, the infamous, the notorious Abu Musab al-Zarqawi, the leader of al Qaeda in Iraq, was eliminated by United States troops, with the help, I might add, Mr. Speaker, of the Iraqi people, from actionable intelligence that we obtained from them.

The Iraqi Security Forces now number over 260,000, and they are participating in more than 90 percent, 90 percent, of all security operations in their Nation. The Iraqi citizens are coming forth, as I say, with tips about insurgents like al-Zarqawi and terrorist activities, more than 4,500 tips in March of this year alone.

Of course, Mr. Speaker, this infamous photograph of Zarqawi is recognized by every Member in this Chamber. And listen to his quote. ''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.'' This was a letter to al Qaeda in February of 2004. Thank our God that this infamous Zarqawi no longer exists and is no longer a threat to the Iraqi people and to our brave military that are fighting in Iraq.

Let me just speak a little bit about democracy, and, of course, the prime minister spoke to that so well today. Prime Minister Maliki serves as a democratically elected prime minister of Iraq. More than 70 percent of Iraq's citizens voted in a series of free and fair elections. The Iraqi citizens ratified a constitution and they elected the Iraqi National Unity Government. For the first time, women are part of the political process, holding 31 percent of the assembly seats. The number of judges has increased seven-fold.

Let's speak just a little bit about the society in Iraq. Mr. Speaker, this shows a picture, that famous picture of an Iraqi woman holding up that victory sign with that blue ink on her finger signifying that she has voted, having stood in line all day long. There were lots of terrorist attacks that day, yet the Iraqi people voted in a higher percentage than we Americans vote in a presidential election year.

Our troops are continuing to help the Iraqi people in building schools, sanitation projects and medical centers.

□ 2300

The Iraqi people can now watch commercial television and read independent newspapers, signs of a growing freedom of speech.

Primary school enrollment has increased by nearly 3 million children. Iraqi medical schools are graduating 2,250 doctors each year. Unemployment is down dramatically. In the past 3 years, Iraq's GDP per capita has more than doubled.

More than 40 countries and international groups have established embassies or missions in Iraqi to assist the developing democracy. Listen, Mr. Speaker, to some of the excerpts of the prime ministers speech to Congress today on the floor of this House, as he thanked the American people.

''Iraq will not forget those who stood with her and who continue to stand with her in times of need. Thank you for your continued resolve in helping us fight the terrorists plaguing Iraq, which is a struggle to defend our nascent democracy, and our people who aspire to liberty, democracy, human rights, and the rule of law. All of those are not just western values, they are universal values for humanity. They

are as much for me the pinnacle embodiment of my faith and religion and they are for all free spirits''.

I quote further. ''Today Iraq is a democracy which stands firm because of the sacrifices of its people, and the sacrifices of all those who stood with us in this crisis. And that is why I thank you. I would like to thank them very much for all their sacrifices''.

Again, this is the prime minister speaking today from the floor of this House to the American people. He goes on. ''The journey has been perilous and the future is not guaranteed. Yet many around the world who underestimated that resolve of Iraq's people and were sure that we would never reach this stage. Few believed in us. But you the American people did and we are grateful for this''.

I want to just go on briefly before I call on one of my colleagues, the gentleman from Iowa (Mr. KING), who has joined me and would also like to talk about the success that we have had in Iraq and why we need to continue to stay the course.

The prime minister further said, ''I know some of you here question whether Iraq is part of the War on Terror. Let me be very clear. This is a battle between true Islam, for which a person's liberty and rights constitute essential cornerstones, and terrorism, which wraps itself in a fake Islamic cloak, in reality wages a war on Islam and Muslims and values and spreads hatred between humanity''.

That quote from prime minister Maliki today. And that is exactly right. He continues by saying, ''wherever human kind suffers a loss at the hands of terrorists is a loss for all humanity. It is your duty and our duty to defeat this terror. Iraq is the front line in this struggle, and history will prove that the sacrifices of Iraqis for freedom will not be in vain. Iraqis are your allies in the War on Terror''.

So, Mr. Speaker, let us put to rest this question of doubt, of the resolve of the Iraqi people and their commitment. Sure, we have made tremendous sacrifices in 2,6000 of our soldiers who have been killed, and probably 12,000 to 14,000 that have been severely injured in trying to fight this Global War on Terror, and bring a form of democracy to these people who are striving so hard for the principles of freedom.

We have paid a sacrifice. But they have paid a tremendous sacrifice. And the estimate could be as many as 40,000 killed, if not more, many of them innocent Iraqi citizens, and many of them women and children.

Mr. Speaker, it is a very important time today on the heels of the prime minister's visit and speech to the Congress today that we talk about this tonight. And, yes, once again the Truth Squad needs to speak loudly on this issue.

Mr. Speaker, with that I would like to call on my colleague from Iowa (Mr. KING) for his remarks.

Mr. KING of Iowa. Mr. Speaker, I thank Mr. GINGREY for leading this special order hour tonight and for stepping up front to stand up for freedom and liberty for the American people, for the Iraqi people, and one day, I hope and pray it is for all people on this planet.

If there was a theme that came out of prime ministers Al-Maliki's speech today, it was that theme, that theme of freedom and liberty, and that theme that ties us all together when he told that freedom is not an American value, but it is a value that God gives to all humanity.

One of the statements that he made, I am not sure if you might have already made this statement, Mr. GINGREY, but I want to emphasize it. And this is one that gripped me when I heard it said this afternoon. Prime Minister Maliki: ''The fate of our country and yours is tied. Should democracy be allowed to fail in Iraq and terror permitted to triumph, then the War on Terror will never be won elsewhere''.

Mr. Speaker, we must win this battle in this Global War on Terror, this battleground that is Iraq. There is no alternative but victory. In fact, we are moving down this path in a successful fashion. You just cannot simply every day take a measure of it. It is kind of like going on a diet in the morning and weighing yourself at noon and deciding you want to change your diet. We need to look at milestones.

There have been milestones after milestones that have flowed out of Iraq. And there been three elections with 70 percent of the people going to the polls, more people going to the polls in some of the elections, than came to the polls in a U.S. national election.

That ought to tell you where their commitment is. And the picture of the lady with the purple fingers and shining it in victory, that says what is going on there. It is a very, very proud thing that they stepped up to freedom.

When I asked them, the Iraqis, are you first an Iraqi, or are you first a Kurd or a Sunni or a Shiia, invariably they will are ay, I am an Iraqi first. They want to have a unified nation, they want to have a free nation, they want to be a free people.

Part of the rest of the speech was, as Al-Maliki said, ''this terrorist front is a threat to every free country in the world and their citizens. What is at stake is nothing less than our freedom and liberty. Confronting and dealing with this challenge is a responsibility of every liberal democracy that values its freedom. Iraqi is the battle that will determine the war. If in continued partnership we have the strength of mind and commitment to defeat the terrorists and their ideology in Iraq, they will never be able to recover''.

Which brings me to mind a meeting that I had in Iraq my last time there with General Casey and General Abizaid, when General Casey made the statement, ''the enemy cannot win if the politicians stay in the fight''.

That means the people here in Washington, D.C., the politician all across America. That means the politicians in western Europe and all across the world. That means the politicians in Iraq as well. They have all got to stay in this fight.

When I look these solders in the eye that are over there in that 125 and 130 degree heat today, they will say to me, ''I am proud to serve my country. I am proud to stand here, and I am willing to put my life on the line for a year or more if necessary. But why do I have to fight the United States news media too''?

Well, no soldier or marine should have to do that. In fact, that is our job. And we take that on and we put the facts out here on this floor. And we do so in press conferences. That is our way of fighting this war.

The object of war, according to Klauswitz is to destroy the enemy's will and ability to conduct war. The object of war, according to Steve King is, war is over when the losing side realizes that they have lost.

And if voices come out of this Congress that seek to convince them otherwise, that works against the cause and does not support our troops. In the end, it costs American lives. And that has happened. And the cemeteries have brave Americans that would otherwise be living a normal life that have given their lives for freedom that would not have had to, if we stuck together as a people in this country.

But a core of us are together, a majority of us, a vast majority of us are together and we will stick this out. You know, I would rather be on this side as I listen to the pessimism that comes sometimes from the other side of the aisle, then I would be on the other side of this battle in Iraq. I would a lot rather be on the side of freedom, on the side of the Iraqi military and the coalition troops than I would be on the side of al-Qaeda and the terrorists in Iraq.

Just to state that, I believe it was a year ago, it must have been April of 2004 when Zarqawi wrote a letter, about a 17-page letter full of lamentations. And he said then this was not like Vietnam, that they did not have mountains or forests to hide in, the only place they could hide was in the homes of the Iraqi people that would be willing to take them in, and the Iraqis that were willing to hide al-Qaeda were, ''as rare as red sulfur''.

I am just going to presume that red sulfur is quite rare, maybe like frogs or chickens teeth, but quite rare. I have never seen any red sulfur over there, and I have looked around quite a lot. I am sure he meant it was awfully hard to find a place to lay down and get some rest in a country like Iraq when the people do not want to take in al-Qaeda. That was a couple of years ago.

Now, Zarqawi has gone on to meet his eternal reward, justly so. And I have visions of what that might be like for him. But rather than paint those on

this floor and perhaps be gaveled down, Mr. Speaker, I point out what it looks today like for the survivors that are still on the side of al-Qaeda.

How bad must it be over there to try to find optimism when you are losing as badly as they are. Other folks would like to convince us that we are losing. In fact, there is nothing that supports that. How bad are they losing? Well, one of the latest blows to al-Qaeda in Iraq, this is an excerpt from a May 8, 2006 Associated Press, could not get more credible than the Associated Press article, about documents captured during mid-April's raid south of Baghdad.

The highlights of disorganization that already existed in Iraq, and the disorganization for al-Qaeda and the terrorists that continues to this day. It is this way. ''Every year is worse than the previous year''. That is a quote from captured documents of al-Qaeda and the terrorists. ''Every year is worse than the previous year.''

The strategy document complains that, ''the strength of the brothers in Baghdad, is based mostly on car bombs and groups of assassins lacking any organized military capabilities''.

We will go on with the AP article. The writer complains that the Americans and the Iraqi government forces were able to absorb our painful blows, raise new recruits and take control of Baghdad as well as other areas one another.

There is why every year is worse than the previous year, as far as the Mujahadin's control and influence over Baghdad, according to the document that was captured. That should give the American people a sense of what it is like on the other side, on the losing side.

And if we sang from the same hymnal, sang the same chorus, carried forth the same message, which is we are in this thing for victory, Iraq is a battleground in a Global War on Terror, we will stick this thing out, not only to put this issue away and behind us and make sure that there is a platform and a climate for freedom for the Iraqi people, but as far and as long as we have to go so that we can secure the safety and the security for the American people and for all freedom-loving people all around the globe.

Today we are watching about the 14th or probably the 15th day of the battleground in Israel, where they were attacked from both sides, from the south in Gaza and the north out of Lebanon. By Hamas in the south and Hezbollah in the north. At the directive and order, I believe, of the mullahs in Iran and Ahmadinejad.

Because they wanted to change the subject on the United Nations pressure on Iran for violating nuclear proliferation agreements, and UN Resolution 1559. So they started a war, and their number one enemy, the people that Ahmadinejad said should be wiped from the face of the earth. There is no question that that is their commitment, Mr. Speaker, to do that.

Iran has been fomenting violence in Iraq for years. And we have tolerated it far more than we should. And I do not know that we can resolve the issue in Iraq as long as Iran is sending munitions, supplies and money and providing training for terrorists to go into Iraq.

But it is happening. It has been going on for more than 2 years, perhaps more than 3 years. And there has been a big price paid for that. Syria also to a lesser extent.

□ 2315

But I don't know anybody that believes that if you could have taken Syria and Iran out of this equation with Iraq, if the border essentially had been sealed and they stayed out of that involvement, I don't know anybody that believes the issue wouldn't have been resolved in Iraq, that there wouldn't be peaceful passivity there and a solid, stable government and this economy that is now growing to the point where they have doubled their GDP since the time of liberation would have been even greater than it is today. The soil supplies would be greater. The electrical production would be greater.

But a lot of that progress with that was not yet made in Iraq, has been held back by the terrorists that are trained and funded and supported by Iran. And I remember what our President said: If you are terrorist, you are an enemy. If you support a terrorist, house a terrorist, fund a terrorist, train a terrorist, you are our enemy. It doesn't matter where you are or who you are.

Iran fits in that category. Syria fits in that category. Now the pressure is up, and the world's spotlight, the world stage is Iraq and Israel.

Now, imagine a free Iranian people, a free Iranian people that next month, just the fifth of next month, will be celebrating a constitution that was established, however briefly, 100 years ago that defends their freedom and their rights the same way that our rights and our freedom are defended by our Constitution. I will say close to that. They have something to celebrate.

And as that centennial roles around on August 5, next month, I am hopeful that will be an inspiration for the Iranian people that one day soon they can rise up and they can grab ahold of control of Iran and again be a free people inspired by that constitution from a century ago, inspired by a free Iraq and a prosperous Iraqi people and inspired by the potential for a world across the Middle East where all people breathe free.

If that happens, that has cured the type of habitat that breeds terror. Freedom doesn't breed terror. Free people never go to war against other free people. There is a bright future there in that part of the world. Freedom can echo across those Arab countries the same way it echoed across Eastern Europe when the wall went down in 1989. That is my prayer and that is my hope, Mr. Speaker.

I appreciate the gentleman from Georgia yielding to me, and I appreciate his presentation.

Mr. GINGREY. Mr. Speaker, I want to say the gentleman from Iowa in just a brief colloquy with him, and of course thanking him for being with us tonight, that I am sure that he would agree that our Commander-in-Chief needs to rely on the combatant commanders. Certain today of course is General Casey, before that General Sanchez, before that General Franks, to let him know in regard to how many troops need to be on the ground and where they need to be positioned and how long they need to stay.

I know that we have heard a lot from Members on the other side of the aisle particularly calling for a date certain for a troop withdrawal or reduction or redeployment 6,000 miles away, to Okinawa or whatever.

Mr. Speaker, I am sure my colleague from Iowa would agree that this is a call that we need to leave to the combatant commanders to make these decisions. I know that because of the insurgency, the up tick in the insurgency, as these Islamic extremists continue to struggle in their death throes post-Zarqawi, there is going to be some tough times; and this is certainly not the time to give them your playbook. Would you not agree with that?

Mr. KING of Iowa. I would absolutely agree.

I think pretty soon fall football practice will start, and I can't imagine a football coach inviting the other coach in to watch your fall drills, or ''Here is my playbook. Here is how we run these plays and here is how I call them.'' You would never do it. You would never sit down to a poker game and play your hole cards face up.

When you are at war, intelligence is a big part of it. And to be able to tip your hand to say, no, we are going to pull out of here on such and such a date, the enemy could go underground, hole up. They could use that period of time to store more weapons, more ammunitions, do more training, just stay out of combat; and then, when that moment comes, come back out of their holes in the ground and turn around and attack Americans and Coalition troops and Iraqis.

This is such a solid concept that you are addressing here. It is such a solid concept that I am surprised that there is anyone on the other side of the aisle that promotes and supports such a thing.

About a week ago, former President Clinton also stood with you on this issue and with me on this issue on how ridiculous it would be to establish a date certain to pull out of Iraq.

You illustrated that first year, some months ago, the statement was made that we should pull troops back to the horizon. Now I envision that to be kind of back there where the sun sets on the hill or rises on the hill. Either way it

would be a horizon. And it does turn out that the horizon was Okinawa. I don't think anybody in the world imagined that the horizon really meant Okinawa.

Mr. GINGREY. I thank again the gentleman from Iowa.

My good friend, the gentleman from Virginia (Mr. GOODE), has joined us at this late hour. At this time, I would like to call on him for his remarks concerning the Iraqi situation.

Mr. GOODE. I thank the gentleman.

I would like to restate some of the comments that we heard earlier today from the new Prime Minister of Iraq and make some of the points he said about how Iraq of today is different than what the Iraq of a few years ago was.

He said, ''We have gone from a small one-party state ruled by a dictator and a small elite to a multi-party system where politics is the domain of every citizen and parties compete at all levels. What used to be a state-controlled media is now completely free and uncensored; something Iraq had never witnessed since its establishment as a modern state, and something which remains alien to most of the region. What used to be a command economy in Iraq we are rapidly transforming into a free market economy. In the past 3 years, our gross domestic product per capita has more than doubled, and it is expected that our economy will continue to grow.''

He went on to say, ''While small sections of central Iraq are unstable, large sections have remained peaceful but ignored for far too long. They were the most deprived areas of Iraq under the previous regime and have been the most valiant in Iraq's struggle for freedom. We need to make an example out of these stable areas as models for the rest of the country.

''Reconstruction projects in these areas will tackle unemployment, which will weaken the terrorists. They will become prototypes for other, more volatile regions to aspire to. Undoubtedly, reconstruction in these areas will fuel economic growth and show what a prosperous, stable, democratic, and federal Iraq would look like.''

Today, Saddam Hussein is in prison awaiting the end of his trial. Zarqawi, the leader of the al Qaeda in Iraq, was eliminated by United States troops. Iraqi security forces now number over 265,000 and are participating in more than 90 percent of all security operations in the country. Iraqi citizens are coming forth with tips about insurgents and terrorist activities. More than 70 percent of Iraqi citizens voted in a series of free and fair elections. Those figures are some that those of us in this country could be envious of.

The progress in Iraq has not been without cost. This past week, a citizen of the Fifth District of Virginia from Greene County, a little community of Ruckersville, was killed by an IED. He was Corporal Adam Fargo. He went to William Monroe High School. He volunteered for service in the United States Army. He, like so many of us who have volunteered on behalf of our country, has made the positive statistics and the statements and the changes in Iraq possible. But it is not just for the country of Iraq, it is for the United States of America.

We have indeed been fortunate in this country. Over the last 200 some odd years since our Nation was founded, rarely have there been attacks upon our homeland. Most of the fighting in World War II was abroad. All of the fighting in World War I was abroad. In Korea, the fighting was abroad. In Vietnam, the fighting was in Asia. And now, when we are in the Middle East, back in the Gulf War of 1990, 1991, the fighting was there. We liberated Kuwait. And now today, following September 11 when we were hit on our own soil, in Afghanistan men and women in our Armed Forces are standing up for America, and some have given their lives, have given their all for our Nation.

Our Nation is a beacon on a hill. It is the land of the free and the home of the brave because of those persons like Adam Fargo who have stood by our country and made those of us who are in the United States of America far safer and given us the ability to enjoy democracy and the greatest freedom in the world.

We need to thank all of our troops, and particularly those for whom we can never express enough gratitude for they have given their lives so that all of us may be free and that our democracy can be a shining light for the rest of the world.

Mr. GINGREY. I thank the gentleman from Virginia. I don't think anyone could possibly say it any better.

We must not break faith with those who have died for this cause and those who have been severely injured and their families. We have an obligation to them and to the Iraqi people.

I know all my colleagues on both sides of the aisle were comforted to have the opportunity today to hear from the Iraqi Prime Minister and to have him answer some of these tough questions in regard to their commitment as well as our commitment. Because, as he said, we are a freedom-loving people throughout the world. They feel the same about liberty as we do, and their commitment to it is there, and it is strong, and their deep appreciation.

Mr. Speaker, I thank the leadership for giving this opportunity to spend about 30 minutes with our colleagues; and now we will turn it over to our friends on the other side of the aisle for their time.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for the remaining time until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House tonight. The 30-Something Working Group is always prepared to come to the floor not only to share with the Members but the American people about some of the issues that we would love for the entire Congress to work on, Mr. Speaker, if we worked in a bipartisan way.

My friends on the other side of the aisle who just finished talking about Iraq, the beautiful thing about our democracy is that we have the opportunity to voice our opinion in the way we see it.

I think it is also important for us to realize what the reality is not only here in America but in Iraq and the Middle East and what is going on right here in the Midwest, Ms. WASSERMAN SCHULTZ, or what is not going on as it relates to investing in the Midwest, making sure that we invest in America, using coal for energy, innovation, and also making sure that we can work with our farmers here in the United States so we don't have to depend on Middle East oil and we don't have to send our men and women into harm's way to make sure that we are able to put gas in our tanks here in the United States.

As you know, in our innovation agenda and also energizing America agenda, in our new direction for America, here in this side of the aisle we are for investing in the United States, we are for making sure that we can cut our dependency on Middle East oil so that we don't find ourselves in the middle of these conflicts that we are in right now.

As you know, we have been talking for several weeks about our new direction for America. I am glad Ms. WASSERMAN SCHULTZ is here again tonight, as she always is, and it is great. It is like old times.

We have been working together for I know 12 years since I have been elected. You have been an elected official for 14 years. I met you when I came into the Florida House of Representatives. Mr. Speaker, Ms. WASSERMAN SCHULTZ was the chair of the Education Committee when I showed up in Florida legislature, and I know that she is going to have a bright future here in the House of Representatives.

But I can tell you what the good news is. It is that we have the will and the desire on this side of the aisle to stand up on behalf of the American people, making sure we raise the minimum wage for working families and those that go to work every day, punch in and punch out, know what it means to have a 15-minute break in the morning and a 15-minute break in the evening.

□ 2330

For those individuals that are working the midnight shift, we are with those families. We want to make sure

that they are making a livable wage, and when we raise the minimum wage, that means that those individuals that are making over the minimum wage, those that are making $8 or $9 or $10 an hour, those individuals in big corporate America are going to have to look at what they are paying them, Mr. Speaker, if we raise the minimum wage.

That is not what is going to happen, and I think as long as the Republican majority is in place that is not going to happen.

If I can, before I yield to my good friend and colleague and a true good friend, Ms. WASSERMAN SCHULTZ, our districts are right next to each other in the State of Florida, we work together, like I said, Mr. Speaker, for a period of years, of giving the American people what we have received.

What we received on this floor and what we call, well, we the opportunity to give ourselves raises. We do not have to petition the Congress to receive a raise. The American people want a raise, those hourly workers that are out there. They want a raise, and hopefully, we can talk a little bit about that tonight and a number of issues they are facing.

We are going to talk a little bit about Iraq and the realities of Iraq. Members can come to the floor, God bless them, and give their opinion or their view of what they think is going on in Iraq and in other parts of this world, but I think it is important for us to, just as simple as picking up the paper or watching the news or talking to our constituents, they are saying, Congressman, Congresswoman, my son is going off to war on his fourth or fifth deployment or my daughter is going to off to war on the fourth or fifth deployment and you are saying on the majority side, and from the White House, stay the course, stay the course. To do what? And where is the plan?

But let me just get back to what I was saying about how we give ourselves raises here in this House. The Republican majority has made it abundantly clear that they do not have the will nor the desire to give the American people what they have given themselves, and the good thing, Mr. Speaker, about this side and the reason why I can speak truth to power and that I can come to this floor with a straight face and all of my colleagues, Republican, Democrats and one Independent we have in this House, I can boldly say here on the floor of the U.S. House of Representatives that veterans have fought for us to salute one flag. Those individuals that are in Arlington Cemetery right now, that all we have is their memory and their commitment to this country, that if we have the audacity to give ourselves raises, Republican majority leading the effort to give raises to Members of Congress and vote ''no'' to allow individuals that are working for $5 and pennies every day, punching in and punching out, with all of the gas prices, all of the issues of the price of milk, the price of bread, the price of college tuition, we are able to do better for our kids and our families because the Republican majority said, hey, that is fine, we can give ourselves raises, but let not us give it to these others folks.

Let me say this to those other folks, the American people. Since 1997 there has not been a Federal increase in the minimum wage. Here are the facts, and that is why we come to the floor, Mr. Speaker, to just give the facts to the Members.

This is a Congressional Research Service report April 18, 2006. Any Member of Congress, Democrat, Republican, Independent, American, that is paying attention to what we are saying right now can go on housedemocrats.gov and get this information.

1998, Members of Congress received $3,100 in a raise; minimum wage workers, zero. 2000, Members of Congress, $4,600 raise that the Republican majority has given Members of Congress; minimum wage workers, zero. 2001, $3,800 for Members of Congress, pay increase, what we call cost of living, that is a nice way to dress it up; minimum wage workers, zero. Members of Congress in 2002, $4,900 increase, just got in 2001 remember a $3,800 raise, $4,900; minimum wage, zero. 2003, $4,700; minimum wage workers, zero. 2004, $3,400; minimum wage workers, zero. 2005, $4,000, Members just received a $3,400 raise; minimum wage workers, zero. 2006, $3,100 in the present year; minimum wage workers, zero.

The Republican leadership has pretty much said over our you know what body we will not give minimum wage workers an increase. Meanwhile, here in the House, there are plans that are already drawn for Members of Congress in 2007, if the American people allow it to happen and not evaluate every Member of Congress, because even if you do not make the minimum wage, you have to have a conscience about, well, we have individuals that are out there. Gas prices have gone up. If you make $8, $12, even $18 an hour, you have to have a conscience about these individuals that have to pay the same price you have to pay for gas, have to pay the same price you have to pay for health care. If you are struggling, imagine what someone that is making $5 and pennies have to go through.

So I think it is important and it is very pivotal that we are here at 11:37 eastern standard time after other Members of Congress have gone back to their homes, either resting with their families, in their office working, what have you, we are here on the floor carrying the water on behalf of the American people.

Ms. WASSERMAN SCHULTZ. That is absolutely right, and we are here because it is imperative that we move this country in a new direction. Americans are begging us to take us off the course we are on now.

It is such a privilege to be here with you. We have been good friends for more than a dozen years now. It is just a privilege to share a community with you, to share constituents who really have been clamoring not just in south Florida where we live but all across the country. You and I travel the country talking to Americans in so many places, and it does not matter. What I found and I know you have, too, it does not matter what walk of life they come from. It does not matter whether they are wealthy or middle class or lower income. No one that I have spoken to says, Debbie, yes, yes, you know, let us keep it right the way we are going, you know, just keep going in the same direction because everything is great. It is almost laughable to say that.

The minimum wage is a perfect thing to highlight in terms of the example that we need to throw out there to show where our priorities would be if we were in control, and we know we are not, versus where the Republicans' priorities are. We try to use third party validators so it is not just the KENDRICK MEEK, TIM RYAN, BILL DELAHUNT, DEBBIE WASSERMAN SCHULTZ show. We want to make sure we use legitimate references to demonstrate and back up the things we say.

Many time what we talk about here can seem like inside baseball. The terminology we use can seem a little esoteric so we try to boil it down for folks.

Let us take the minimum wage. You talked about the minimum wage historically and what it means in terms of real dollars today. Let us talk about the minimum wage and the fact that it has not been raised in 9 years, what that impact is on the average family in terms of the difference of what things cost in the last 9 years.

So, if you take a look at this chart, this is what real economic change under President Bush has been like. While we have not increased the minimum wage since 1997, as you referred to a few minutes ago, there are plenty of things that have increased in cost.

Over on the left-hand part of the chart, the minimum wage has not increased at all, yet whole milk has increased 24 percent since 1997. Bread, 25 percent. A 4-year public college education has increased 77 percent. Health insurance has increased 97 percent, and that is if you can even get it because there are 46 million Americans that do not have health insurance and millions of small business employers who have dropped their insurance coverage for their employees because it has reached the point of unaffordability, with upwards of 15 percent increases every single year.

Let us look at the price of regular gas. It has gone up, while the minimum wage has not, 136 percent. And so what does that mean? Sometimes people cannot get their mind around percentages and what those mean.

So let us take a look at what Americans are paying for in terms of gas prices. The Americans now are paying 100 percent more for gas than when President Bush first took office, and he

has the nerve to stand in this chamber and to give speeches across this country talking about how he thinks that America is addicted to foreign oil and we need to get a handle on how we are going to expand alternative energy resources. Really? With what funding? Where is the initiative? Where is the proposal? Where is the legislation? Because all of it just gets rubber stamped here. When we propose any of those things as a solution as a Democrats, what do Republicans do? They vote ''no.'' No, no, Mr. President; yes, Mr. President. Just the bobblehead Republicans do whatever is asked of them, and it is certainly not to expand the opportunity to invest in the Midwest in terms of our energy resources versus the Mideast.

So, if you look at the price of a gallon of gas, when President Bush began his term, January 20, 2001, the average price of a gallon of gas was $1.45 and today, it is $3.01.

Now, what I attribute that to, and what I attribute the seeming indifference on the part of the Republicans and their leadership here towards this problem, it has got to be because there is no other explanation that they are not filling their own gas tank. It has really got to be that they are not the ones that are actually putting the gas in their car themselves because, if they were, they would realize that now, instead of pennies, remember when we were younger and our parents would fill the gas tank and the fastest number that scrolled on the gas tank itself was a penny? Well, now, it is dimes because that is how much prices have increased in terms of gas.

The only thing I can think of, Mr. Speaker, that I can attribute the indifference of Republicans towards the energy crisis and the gas prices that Americans are facing is that they have not filled their cars with gas since gas pumps looked like this.

This is a gas pump or at least an example of a gas pump and what one looked like in the 1950s, and perhaps it is just that it was so long ago that they filled their gas tanks themselves. I am not sure who is filling their gas tanks. Maybe they all have drivers. They really only focus on the needs of the wealthy. So perhaps people are driving them around. That really, for me, is the only explanation.

I really fail to understand why they continue to allow oil companies the ability to not pay royalties to the Federal Government in exchange for utilizing our oil reserves, the ability and the right to drill into the ocean floor and draw up oil that is on land owned by the Federal Government. They are supposed to pay subsidies and royalties. We have passed legislation on at least two occasions since I have been here, and I am only a freshman, that have essentially forgiven those royalties and given mutli-millions of dollars back to the oil companies and into the pockets of the CEOs and the wealthiest few people. It is absolutely mindboggling to me.

We, as Democrats, have the priorities of the American people straight. We understand that we need to move the country in a new direction, Mr. Speaker. We need to make sure that we expand access to health care. We want to make sure that we actually invest in alternative energy resources so that we can truly, within 10 years, become independent of foreign oil resources and invest in the Midwest instead of in the Middle East.

We want to make sure that we can get a handle on this deficit. You and I have young children, and right now, if we stay the course and continue in the direction that this President and this Republican leadership has taken us in, our children and our children's children will be saddled with the deficit and the Nation's debt that this President has mired us in, all by himself, and by his Republican rubber stamp colleagues that we work in this chamber with.

If something is not done, our children, I fear for the world that they grow up in, not just in terms of foreign policy but in terms of domestic policy.

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What is going to happen to our kids when they grow up in a world where we are underfunding education, where they do not have access to health insurance, where gas prices are so out of control and there is no mass transit for them to use as an alternative so that they can get to work? What are they going to do in a world where the deficit is continuing to skyrocket and we are going further and further in debt to other countries? What are they going to do?

Hopefully, we are going to be able to get this country back on track after the November elections.

I yield to my friend.

Mr. MEEK of Florida. Well, Ms. WASSERMAN SCHULTZ, I talk to my constituents, and I talk to the American people that are walking through the halls of Congress. You know, this is the summertime, Mr. Speaker, and, as you know, we have a number of visitors that visit the Capitol of the United States here. We wear these congressional pins. And last night when we left at 12 midnight there were Girl Scouts out front.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. MEEK of Florida. You are a Brownie Troop leader, or a Girl Scout leader.

Ms. WASSERMAN SCHULTZ. No, I am a Brownie Troop leader.

Mr. MEEK of Florida. I used to be a Boy Scout Troop leader in Scott Homes some years back in Miami. But those little girls were at the foot of the steps taking pictures of the front of this Capitol of the United States, the Capitol of our great country. And, Ms. WASSERMAN SCHULTZ, I have children, you have children, but this is really not about our children, because they are going to be okay, Mr. Speaker.

Ms. WASSERMAN SCHULTZ's children have names that end with Wasserman Schultz. They will get into the schools they need to get into. They will get the access they need for education. Doors will open for them that would not open for other children in our districts.

My children's last names end with Meek, and they will be treated differently than other children, need it be Johnson or Hermanowski, or what have you. They will be treated differently than them.

So this is not about our children. This is about the folks that elected us to come here to this U.S. House of Representatives to represent them. This is about making sure that they have a fair chance at life, just like our children.

Members of Congress, a number of them in the House and Senate, our children are going to be okay. They are going to be okay because their last names end with the names of Members of Congress. But what about those individuals that woke up early one Tuesday morning to vote for representation? What about those individuals that walk in here as employees into this Capitol, Ms. WASSERMAN SCHULTZ, to serve the American people? Will they get the same access that we have? Will they have the same access that Members of Congress have as it relates to health care? Will someone open the doors for them?

I will answer that question. No. And I am not saying every person should be treated the same as Members of Congress. But the way things are going now, if you are a Republican, a Democrat, an Independent, and you are thinking of voting in the next election, you have to be concerned.

Mr. Speaker, there are prominent Republicans that are referring to their colleagues as ''they.'' The former Speaker of this House is referring to his Republican colleagues in Congress as ''they,'' because he doesn't want to be associated with them. I will tell you why, Mr. Speaker. And I am going to break out this chart again. And you know something, I can break this chart out every 5 minutes of the day, every 5 minutes of the day, because it is so revealing and it takes it home as to exactly what we are talking about.

This is why I am here a few minutes before midnight. That is the reason why I think it is important we continue to share with the American people what is going on, and with Members of Congress. I have my colleagues on the Republican side of the aisle that say, Congressman, that little red, white, and blue chart you break out every day, aren't you tired of it? And my answer is, no. It is the hard reality of what is going on in the republic, as we stand now as a country.

We have other countries that are looking at us in a different way. And, Ms. WASSERMAN SCHULTZ, everyone looks at the United States of America, and just because the Republican majority says that everything is fine doesn't

necessarily mean that it is. Because here are the hard facts.

The hard facts are these, Mr. Speaker. President Bush and the Republican majority has borrowed $1.05 trillion, $1.05 trillion, from foreign nations. Historic. And my next chart tells you who we are borrowing it from, and they are owning a part of the American apple pie not because they had to pay $56 to fill up their F–10 pickup truck, not because of their indiscretions, but because of the indiscretions of the Republican majority.

We have 224 years of history in this country, with 42 presidents before this President, and they were only able to borrow $1.01 trillion. Those are the facts. That is from the U.S. Department of the Treasury. It is not the Kendrick Meek report or the Debbie Wasserman Schultz report or the 30-something report because we think it works towards our position and not leveling with the American people.

I can tell you without looking at this chart, Mr. Speaker, I can tell you exactly what is on it because I have read it so many times to so many groups and here on this floor.

Who are we borrowing it from? Who is owning a piece of the American apple pie? Japan, at $682 billion; China, at $249.8 billion; the U.K., at $223.2 billion; the Caribbean, at $115.3 billion; Taiwan, at $71.3 billion; and the OPEC nations, that I can go on and talk about these countries that we have issues with, Iran, Syria, oil-producing Middle Eastern countries that we are borrowing money from that we have issues with. They own a piece of the American pie at $67.8 billion; Germany, $65.7 billion; Korea, $66.5 billion; Canada, $53.8 billion.

These are the countries that are buying our debt. And it is not because of what the American people have done but what the Republican majority has allowed to happen. They have rubber-stamped everything the President of the United States has sent to this floor. And that is not what article one, section one of the U.S. Constitution calls for.

We use the Constitution as guiding principles on behalf of this country. I am not here on behalf of the House Democrats. I am here on behalf of the American people, and Ms. WASSERMAN SCHULTZ is here on behalf of the American people. There is a reason why prominent Republicans are saying that they are totally lost at what the Republican majority has done, Mr. Speaker, and that is that fact that that the American spirit will rise up out of partisan politics.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. MEEK of Florida. I will definitely yield, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. Because with everything that we have laid out here over the last 20 or so minutes, what is clear is that we are moving in the wrong direction. The priorities of the Republican leadership here are completely out of step with the priorities of the American people. So, instead, what the Republicans here have attempted to do is to shift the focus and attention away from what is really going on and engaging in the politics of distraction.

Now this that I have in my hand is about to become a scarcity. It is a social studies textbook, an American history textbook, which, Mr. Speaker, I would argue that in our high schools will soon be obsolete. We won't have any reason to use these any more, particularly the section on how a bill becomes a law. Because last week we actually brought a bill to the floor that was defeated in the Judiciary Committee, a bill that related to court stripping, stripping the courts of the right to review cases related to the Pledge of Allegiance and whether under God was constitutional or not.

Now that question can be debated all day, and there are varying degrees of opinions on that subject. But we teach our children in public schools the concept of how a bill becomes a law, as created by our Founding Fathers, this system of checks and balances and the separation of powers. And because the Republicans are moving this country in the wrong direction and don't share the priorities of the American people, they have had to deflect attention away from what is really going on here and focus on things like the Pledge of Allegiance, gay marriage, and flag burning.

Today in Judiciary we literally spent, Mr. MEEK, 6½ hours on one bill and one amendment related to the separation of church and state. Now, Mr. MEEK, when you go home, do your constituents, does the father of four who leaves for work in the morning, when you see him on the street, does he stop you and say, KENDRICK, I really want you to go to the Congress and focus on the Pledge of Allegiance? Or do you think it is more likely, and in your experience, do they tell you, you know, I just wasn't sure how I was going to fill my gas tank today?

Or how about the parents of kids who are fighting over in Iraq? Do you think they are really worried about whether we amend the Constitution to ban gay marriage? Is that at the top of those parents' list, or is it more likely that at the top of their list that their baby comes home to them?

What is going on here?

Mr. MEEK of Florida. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. Absolutely, I would be happy to yield.

Mr. MEEK of Florida. I think what is important here, at least when I go to speak to the American people, and even in my own district, and as you know we travel. We defeated the privatization of Social Security, to allow individuals on Wall Street that were looking forward to receiving over $500 billion under the President's plan to privatize Social Security. We had over 500 town hall meetings throughout this country. You had town hall meetings in your district.

Ms. WASSERMAN SCHULTZ. We had over a thousand.

Mr. MEEK of Florida. A thousand. Okay. I am glad you corrected me, because we want to make sure we give facts, not fiction.

I think it is important, Mr. Speaker, that we make an important note here, and I am asking the Members and the American people, Mr. Speaker, to vote principle over politics. You have to vote principle over politics.

Ms. WASSERMAN SCHULTZ. Mr. MEEK, from what I have seen here, that is impossible for these people.

Mr. MEEK of Florida. I just want to make a point here, Ms. WASSERMAN SCHULTZ. This is to the Members, to place on their conscience what the American people may very well think.

Let's say I am a dyed-in-the-wool Democrat, and I am a voter, and I am paying more for gas. There is a war going on that my leaders are telling me we are going to stay the course, but no plan, and energy independence and innovation is not a priority.

If we were in the majority, let's just say for instance that we are in the majority and this is not happening. Let's say I am a veteran, and I have to wait in rural America for the clinic that is only open 3 days a month, then I have to think about the principle over politics. Maybe I am going to vote for the other person this time because my family is suffering. Maybe my kids are not getting what they need as it relates to education. Maybe that is not in line with the principle of what we are talking about here.

So I think it is important, Ms. WASSERMAN SCHULTZ, as you point this out, that Members of Congress and the American people will have to think this time. I told you I have given up on the Republican majority. They have had all the time in the world to do what they have to do.

Look at what we are paying on the debt because of the irresponsible spending of the Republican majority and giving tax cuts to billionaires and millionaires. Look at the debt we are paying because we have borrowed all that debt from foreign countries. Look what we are doing on education. Look how far down it is for every teacher, for every mother or grandmother or grandfather, what have you, who wants to see their generation of children and grandchildren have a better opportunity than what they have had.

Look at what the Federal Government is investing in their education. Look at what is happening in homeland security. Republican Members of Congress on the majority side can burn all kind of jet fuel, at taxpayers' expense, flying down to the border talking about how we are going to get tough on immigration. But look at what they are doing for homeland security and look at veterans.

Hello! We are saluting one flag, and I talked about this earlier, those that have made the ultimate sacrifice, those that are away from their families.

Look at what the Republican majority is investing in their future and what they have promised in terms of providing health care and other benefits. Look at what they are investing versus what we are paying on the debt.

So just because, Ms. WASSERMAN SCHULTZ, as I yield back to you before we close, just because they say it doesn't necessarily mean it is true.

Ms. WASSERMAN SCHULTZ. Four months, Mr. MEEK. Less than 4 months. This may be the last evening that we spend as the 30-something Working Group until we come back from the August recess. The 30-something Working Group has an opportunity each night to talk about the direction we want to move this country on behalf of Democrats and the next generation.

All of the charts and information that we have talked about tonight are available on our Web site, www.housedemocrats.gov/30something. We appreciate the privilege that the leader gives us each night to talk about the priorities of the Democratic caucus and the American people, and it is a privilege to be here with you once again.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ. It was good coming back to the floor with you.

As you know, in the 30-something Working Group, we not only come to the floor but we meet every week. We have staff evaluate things for factual purposes, and I am glad that we are coming to level with the American people about what is going on.

Mr. Speaker, before closing out, we would like to honor Tim Frieman, who has worked here in the Democratic cloakroom for 30 years. We appreciate his contributions and all that he has done. We had a great reception, Members, bipartisan, went down here in the Capitol and honored him. We appreciate him and his family for their contributions.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPITO (at the request of Mr. BOEHNER) for today from 3:00 to 8:00 p.m. on account of business in the district.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3549. An act to amend the Defense Production Act of 1950, to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional oversight with respect thereto, and for other purposes to the Committee on Financial Services in addition to the Committee on International Relations and the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9. An act to amend the Voting Rights Act of 1965.

H.J. Res. 86. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

H.R. 4472. An act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

H.R. 5865. An act to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on July 26, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 9. To amend the Voting Rights Act of 1965.

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. 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. 4101. 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''.

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. 4472. An act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

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 Pt 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.''

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, July 27, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8777. A letter from the Director, Defense Security Cooperation Agency, transmitting

pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-26, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8778. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-36, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8779. A letter from the Under Secreary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) David J. Dorsett to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8780. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8781. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amdt. of Pt. 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Intro. of New Adv. Wireless Services, Including Third Generation Wireless Systems [ET Docket No. 00-258]; Amdts. to Pts. 1, 2, 27 and 90 of the Commission's Rules to License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands [WT Docket No. 02-8] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8782. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arnold and City of Angels, California) [MB Docket No. 05-316; RM-11294] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8783. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Allegan, Otsego and Mattawan, Michigan) [MB Docket No. 05-269; RM-11267] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8784. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Churchville and Keswick, Virginia and Marlington, West Virginia) [MB Docket No. 05-292; RM-11281] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8785. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Keeseville and Morrisonville, New York) [MB Docket No. 05-162; RM-11227; RM-11295] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8786. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alturas, California) [MB Docket No. 05-123; RM-11191] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8787. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Weaverville, Palo Cedro, and Alturas, California) [MB Docket No. 05-125; RM-11176] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8788. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Louisburg and Hillsborough, North Carolina) [MB Docket No. 04-375; RM-11038] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8789. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wilburton, Okemah, and McAlester, Oklahoma) [MB Docket No. 05-166; RM-11228] received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8790. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-25, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

8791. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-24, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Bahrain for defense articles and services; to the Committee on International Relations.

8792. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period April 1, 2006 through May 31, 2006; to the Committee on International Relations.

8793. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed retransfer of defense articles or services to the Government of Gabon (Transmittal No. DDTC 022-06); to the Committee on International Relations.

8794. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

8795. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8796. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8797. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8798. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8799. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Auditor's Examination of Contracts for Four Consumers Under the Care of Mental Retardation and Developmental Disabilities Administration''; to the Committee on Government Reform.

8800. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2007''; to the Committee on Government Reform.

8801. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Auditor's Examination of Parking Meter Contract Administration and Financial Management''; to the Committee on Government Reform.

8802. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2005; to the Committee on Government Reform.

8803. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year ending September 30, 2005, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

8804. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 051014263-6028-03; I.D. 062706B] received July 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8805. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2006 Longline Fisheries in the Eastern Tropical Pacific Ocean; Fishery Closure [Docket No. 050719189-5286-03; I.D. 062706A] (RIN: 0648-AT33) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8806. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Listing Determinations for Elkhorn Coral and Staghorn Coral [Docket No. 050304058-6116-03; I.D. No. 060204C] (RIN: 0648-XB29) received June 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8807. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and Effort Controls [Docket No. 060216041-6137-02; I.D. 020206C] (RIN: 0648-AT72) received June 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8808. A letter from the Acting Deputy Asst. Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting; Tagged Pacific Halibut and Tagged Sablefish [Docket No. 040610180-6173-03; I.D. 030806A] (RIN: 0648-AR09) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8809. A letter from the Acting Deputy Asst. Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish, Crab, Salmon, and Scallop Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska [Docket No. 060223050-6162-02; I.D. 013006I] (RIN: 0648-AT09) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8810. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 11 [Docket No. 051028280-6160-02; I.D. 102105A] (RIN: 0648-AT11) received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8811. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources [Docket No. 060404093-6177-02; I.D. 033106A] (RIN: 0648-AU24) received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8812. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Crab Economic Data Reports [Docket No. 060420106-6163-02; I.D. 041706B] (RIN: 0648-AU44) received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 071006F] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8814. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 070706B] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8815. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 071106B] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8816. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 070606A] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8817. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 070506A] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8818. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship Scallop Access Area to General Category Scallop Vessels [Docket No. 060314069-6069-01; I.D. 071106A] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8819. 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 Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure [I.D. 070306A] received July 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8820. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4157. A bill to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health and information technology; with amendments (Rept. 109–601, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS. Committee on Ways and Means. H.R. 4157. A bill to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology; with an amendment (Rept. 109–601, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 951. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–602). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 952. Resolution providing for consideration of the bill (H.R. 4157) to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology (Rept. 109–603). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5830. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas (Rept. 109–600, Pt. 1); referred to the Committee on the Judiciary for a period ending not later than September 15, 2006, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JONES of Ohio (for herself and Mr. ENGLISH of Pennsylvania):

H.R. 5889. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Ways and Means.

By Mr. NUNES (for himself, Mr. CARDOZA, Mr. SHIMKUS, Mr. COSTA, Mr. POMBO, Mr. REHBERG, Mr. LEWIS of Kentucky, Mr. KINGSTON, Mr. ENGLISH of Pennsylvania, Mr. PICKERING, Mr. HALL, Mr. BARTON of Texas, Mr. WHITFIELD, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. ROSS, Mr. CRAMER, Mr. BOREN, Mrs. CAPITO, Mr. MELANCON, Mr. BOOZMAN, Mr. PETERSON of Minnesota, and Mr. MURPHY):

H.R. 5890. A bill to establish the American-Made Energy Trust Fund, to increase the tax credits for cellulosic biomass ethanol, to extend tax incentives for solar and fuel cell property, to promote coal-to-liquid fuel activities, to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of Alaska, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. CASTLE, Mr. MELANCON, Mr. MCHENRY, Mrs. MCCARTHY, Ms. HOOLEY, Mr. ACKERMAN, Mr. ISRAEL, Mr. BISHOP of New York, and Mr. CROWLEY):

H.R. 5891. A bill to establish a bipartisan commission on insurance reform; to the Committee on Financial Services.

By Mr. ADERHOLT:

H.R. 5892. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the exchange or installment sale of certain agricultural property; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5893. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to require the Secretary of Homeland Security to provide for National Crime Information Center criminal history records checks of the employees and prospective employees of providers of private security services and to require such providers to employ only those employees whose records checks do not show a history of certain offenses; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH:

H.R. 5894. A bill to amend title 5, United States Code, to establish certain protections for preference eligibles selected for involuntary geographic reassignment; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. LARSON of Connecticut, Mr. OBERSTAR, Mr. SERRANO, Mr. MORAN of Virginia, Mr. SNYDER, Mr. WELDON of Pennsylvania, and Mr. CASTLE):

H.R. 5895. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; to the Committee on Resources.

By Mr. HINOJOSA:

H.R. 5896. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Financial Services.

By Ms. HOOLEY:

H.R. 5897. A bill to extend the period during which members of the Armed Forces deployed in contingency operations may request and receive reimbursement for helmet pads, which are designed to better protect the wearer from bomb blasts than military-issued pads, that are purchased by or for the use of such members; to the Committee on Armed Services.

By Mr. KOLBE (for himself and Mr. GRIJALVA):

H.R. 5898. A bill to expand the boundary of Saguaro National Park, to study additional land for potential inclusion or removal from the boundary of the park, and for other purposes; to the Committee on Resources.

By Mr. LARSEN of Washington:

H.R. 5899. A bill to provide additional flood control storage at the Upper and Lower Baker Dams; to the Committee on Transportation and Infrastructure.

By Mr. KIND (for himself, Mr. SAXTON, Mr. THOMPSON of California, and Mr. CASTLE):

H.R. 5900. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY (for herself and Mr. SERRANO):

H.R. 5901. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 5902. A bill to prohibit the proposed sale to Pakistan of F-16 aircraft and related defense articles and defense services unless Pakistan has halted construction of a certain plutonium production reactor; to the Committee on International Relations.

By Mr. MARSHALL:

H.R. 5903. A bill to direct the Secretary of Education to extend the same level of increased flexibility to all rural local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. MATHESON (for himself, Mr. OTTER, Mr. SALAZAR, and Mr. UDALL of Colorado):

H.R. 5904. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Mr. SHAYS):

H.R. 5905. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Ms. ESHOO, and Mr. KENNEDY of Minnesota):

H.R. 5906. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Energy and Commerce.

By Mr. RAMSTAD:

H.R. 5907. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself and Mr. EHLERS):

H.R. 5908. A bill to amend title 49, United States Code, to permit certain revenues of private vanpool contractors received from providing public transportation to be used for the purpose of acquiring rolling stock that is not funded, in part, by Federal, State, or local government assistance, and to permit certain expenditures of private vanpool contractors to be credited toward the local matching share of the costs of public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. RYUN of Kansas (for himself, Mr. TIAHRT, Mr. MORAN of Kansas, and Mr. MOORE of Kansas):

H.R. 5909. A bill to promote public safety and improve the welfare of captive big cats, and for other purposes; to the Committee on Agriculture.

By Ms. LORETTA SANCHEZ of California:

H.R. 5910. A bill to amend the Homeland Security Act of 2002 to provide funding for emergency planning and management and emergency response providers, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 5911. A bill to establish the United States Commission to Monitor Slavery and its Eradication in Sudan; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. MATHESON, and Mr. MCINTYRE):

H.R. 5912. A bill to direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H.R. 5913. A bill to amend the Help America Vote Act of 2002 to require an individual to provide proof that the individual is a citizen of the United States and to present a government-issued photo identification as a condition of casting a ballot in an election for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5914. A bill to amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SHADEGG:

H. Con. Res. 454. Concurrent resolution providing for an adjournment or recess of the two Houses.

By Mr. POMBO:

H. Con. Res. 456. Concurrent resolution providing for a correction to the enrollment of the bill, S. 203; considered and agreed to.

By Mr. HYDE:

H. Res. 949. A resolution commending the people and Government of Romania, on the occasion of the visit of Romanian President Traian Basescu to the United States, for the strong relationship between Romania and the United States; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. MCGOVERN, Mr. STARK, Ms. NORTON, Ms. WOOLSEY, Ms. BALDWIN, Mr. CONYERS, Ms. LEE, Ms. MOORE of Wisconsin, Mr. HINCHEY, and Mr. MORAN of Virginia):

H. Res. 950. A resolution calling for the abolition of all nuclear weapons; to the Committee on International Relations.

By Mr. BILIRAKIS (for himself, Mr. LANTOS, Mr. RAHALL, Mrs. MALONEY, Mr. SHAYS, Mr. SIMMONS, Mr. WELDON of Pennsylvania, Mr. TERRY, Mr. ROTHMAN, Mr. CONYERS, Mr. HOLDEN, Mr. HOLT, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. MCNULTY, Ms. WATSON, Mr. PAYNE, Mr. MCCOTTER, Mr. NEY, Mr. PALLONE, Mr. SPRATT, Mr. FOLEY, Mr. PEARCE, Mr. CROWLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEHAN, Mr. YOUNG of Florida, Mr. ENGLISH of Pennsylvania, Mr. SHAW, Mr. ANDREWS, Mr. SCOTT of Virginia, and Mr. SCHIFF):

H. Res. 953. A resolution commending the Republic of Cyprus and thanking the Cypriot

people for their support and assistance in the evacuation of Americans fleeing Lebanon; to the Committee on International Relations.

By Mr. LEACH:

H. Res. 954. A resolution urging the President to appoint a Special Envoy for Middle East Peace; to the Committee on International Relations.

By Mr. FARR:

H. Res. 955. A resolution calling for sustainable peace in the Middle East; to the Committee on International Relations.

By Mr. MORAN of Kansas (for himself, Mr. TIAHRT, Mr. RYUN of Kansas, and Mr. MOORE of Kansas):

H. Res. 956. A resolution congratulating the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

422. The SPEAKER presented a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 750 urging the Congress of the United States to pass the Meth-Endangered Children Protection Act of 2005; to the Committee on Energy and Commerce.

423. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 750 urging the Congress of the United States to pass the Meth-Endangered Children Protection Act of 2005; to the Committee on Energy and Commerce.

424. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 141 memorializing the Congress of the United States to authorize appropriations for the cooperative enforcement initiative in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 for five years increasing levels of funding each year; to the Committee on Resources.

425. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 158 memorializing the Congress of the United States to enact the ''Constitutional Restoration Act of 2005''; to the Committee on the Judiciary.

426. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 911 urging the reauthorization of the special provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

427. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 138 supporting the passage of H.R. 4259, otherwise known as the ''Veterans' Right to Know Act'' and other similar acts pending before the Congress of the United States; jointly to the Committees on Armed Services and Rules.

428. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 117 memorializing the Congress of the United States to appropriate funding for the recovery of the shrimp industry and to vote against the repeal of the ''Byrd Amendment''; jointly to the Committees on Ways and Means and Resources.

429. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 117 memorializing the Congress of the United States to appropriate sufficient funds for the recovery of the shrimp industry and to vote against the repeal of the ''Byrd Amendment''; jointly to the Committees on Ways and Means and Resources.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. ENGLISH of Pennsylvania.
H.R. 111: Mr. BILBRAY.
H.R. 284: Mr. WHITFIELD.
H.R. 363: Mr. ETHERIDGE.
H.R. 500: Mrs. WILSON of New Mexico.
H.R. 517: Ms. GINNY BROWN-WAITE of Florida.
H.R. 552: Mr. KNOLLENBERG.
H.R. 583: Mr. MILLER of North Carolina.
H.R. 817: Mr. LIPINSKI, Mr. TIBERI, Mr. MICA, Mr. DEAL of Georgia, Mr. MCKEON, Mr. MCHENRY, Mr. KIND, Mr. CAMPBELL of California, Mr. KUHL of New York, Mrs. MUSGRAVE, Mr. FOSSELLA, Mr. HAYWORTH, Mr. WALSH, Mr. VISCLOSKY, Mr. RYUN of Kansas, Mr. YOUNG of Alaska, Mr. MCHUGH, Ms. HERSETH, Mr. HASTINGS of Washington, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. MCINTYRE, Mr. DAVIS of Alabama, Mr. BRADLEY of New Hampshire, Mr. ABERCROMBIE, Mr. KNOLLENBERG, Mr. LATHAM, Mr. HOLDEN, and Mr. CLEAVER.
H.R. 819: Mr. BOUSTANY.
H.R. 910: Mr. BROWN of Ohio.
H.R. 916: Ms. WOOLSEY.
H.R. 998: Mr. ETHERIDGE.
H.R. 1078: Mr. DINGELL, Ms. ESHOO, and Mr. BURGESS.
H.R. 1182: Mr. COOPER.
H.R. 1227: Mr. SOUDER.
H.R. 1288: Mr. FOLEY.
H.R. 1298: Mr. JACKSON of Illinois.
H.R. 1306: Mr. RENZI, Mr. HEFLEY, Mr. CAMP of Michigan, and Mr. FARR.
H.R. 1384: Mr. GOODLATTE and Mr. FOLEY.
H.R. 1431: Mr. MEEHAN.
H.R. 1438: Mr. WELDON of Florida.
H.R. 1471: Mr. OBERSTAR, Mr. EMANUEL, Mr. MEEK of Florida, Ms. KILPATRICK of Michigan, Mr. NADLER, Mr. PETERSON of Minnesota, Mr. VISCLOSKY, and Mr. KIRK.
H.R. 1498: Mr. GOODLATTE.
H.R. 1548: Mr. CANTOR.
H.R. 1632: Mr. GERLACH and Mr. HINOJOSA.
H.R. 1634: Mr. MILLER of North Carolina and Mr. CULBERSON.
H.R. 1876: Mr. DAVIS of Illinois.
H.R. 2345: Mrs. LOWEY.
H.R. 2421: Ms. HART.
H.R. 2429: Mr. BOSWELL.
H.R. 2488: Mr. HIGGINS.
H.R. 2562: Mr. CONYERS.
H.R. 2567: Mr. CAMPBELL of California.
H.R. 2568: Mr. ENGLISH of Pennsylvania.
H.R. 2679: Mr. FEENEY, Mr. BONNER, and Mr. GARRETT of New Jersey.
H.R. 2727: Mr. CAPUANO.
H.R. 2808: Mrs. NORTHUP and Mr. DANIEL E. LUNGREN of California.
H.R. 2832: Mr. ENGLISH of Pennsylvania.
H.R. 2861: Mr. POMEROY.
H.R. 2945: Mr. REHBERG.
H.R. 2989: Mr. RAHALL.
H.R. 3195: Mr. HONDA, Mr. STARK, and Mr. SOUDER.
H.R. 3427: Mrs. DRAKE.
H.R. 3625: Mr. BAIRD.
H.R. 3828: Mr. MCCOTTER.
H.R. 3957: Mr. COLE of Oklahoma and Mrs. SCHMIDT.
H.R. 4033: Mr. GUTKNECHT.
H.R. 4174: Ms. JACKSON-LEE of Texas and Mr. SERRANO.
H.R. 4235: Ms. DEGETTE, Mr. TANCREDO, and Mr. SALAZAR.
H.R. 4291: Ms. JACKSON-LEE of Texas.
H.R. 4366: Mr. MEEK of Florida.
H.R. 4517: Mr. SOUDER.
H.R. 4562: Mrs. CAPITO, Mr. OSBORNE, Mr. TAYLOR of North Carolina, Mr. BONNER, Mr. WALDEN of Oregon, Mr. FORD, Mr. DINGELL, Mr. PUTNAM, Mr. AL GREEN of Texas, Mr. DEFAZIO, Mr. SESSIONS, Mr. RADANOVICH, Mr. COSTELLO, Mr. YOUNG of Florida, Ms. GRANGER, Mr. CAMP of Michigan, Mrs. MILLER of Michigan, Mr. BOYD, Mrs. CUBIN, Mr. INGLIS of South Carolina, Mr. STUPAK, and Mr. NEUGEBAUER.
H.R. 4666: Mr. SHAYS.
H.R. 4725: Mr. POE.
H.R. 4766: Mr. PEARCE.
H.R. 4767: Ms. KAPTUR.
H.R. 4901: Mr. LANTOS.
H.R. 4927: Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Mr. KILDEE, and Mr. MOORE of Kansas.
H.R. 4956: Mr. KIND, Mr. LEWIS of Georgia, Mr. COOPER, and Mr. SHERMAN.
H.R. 4987: Mr. ENGLISH of Pennsylvania.
H.R. 5005: Mr. ORTIZ, Mr. ISSA, Mr. GOODLATTE, and Mr. BERRY.
H.R. 5022: Ms. WATERS, Mr. MCCAUL of Texas, and Mrs. TAUSCHER.
H.R. 5052: Mr. MARKEY.
H.R. 5056: Mr. HAYWORTH.
H.R. 5106: Mr. ANDREWS.
H.R. 5139: Mr. KIND.
H.R. 5140: Mr. KIND.
H.R. 5156: Mr. PEARCE.
H.R. 5171: Mrs. MILLER of Michigan and Mr. SOUDER.
H.R. 5230: Mr. EHLERS.
H.R. 5249: Mr. DEAL of Georgia, Mr. HAYES, Mr. MILLER of Florida, and Mr. ENGLISH of Pennsylvania.
H.R. 5292: Mr. PEARCE.
H.R. 5304: Mr. REICHERT.
H.R. 5312: Mr. KENNEDY of Rhode Island.
H.R. 5321: Mr. POMEROY.
H.R. 5371: Mr. SCHIFF.
H.R. 5382: Mr. PRICE of North Carolina.
H.R. 5453: Mr. MCCOTTER.
H.R. 5482: Ms. SCHAKOWSKY and Mr. DEFAZIO.
H.R. 5485: Ms. MATSUI.
H.R. 5539: Mr. FORD and Mr. ENGLISH of Pennsylvania.
H.R. 5552: Mr. MCKEON and Mr. OSBORNE.
H.R. 5575: Mr. HONDA.
H.R. 5587: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5597: Mr. POE.
H.R. 5598: Mr. JACKSON of Illinois.
H.R. 5602: Mr. WALDEN of Oregon.
H.R. 5608: Mr. PASCRELL, Mr. MORAN of Virginia, Mr. RAHALL, and Mr. JACKSON of Illinois.
H.R. 5635: Mr. SANDERS, Ms. DELAURO, Mr. GEORGE MILLER of California, and Mr. PASCRELL.
H.R. 5667: Mr. CASE and Mr. PASCRELL.
H.R. 5675: Mr. WALDEN of Oregon.
H.R. 5702: Mr. SCOTT of Georgia.
H.R. 5704: Mr. MCHUGH and Mr. POE.
H.R. 5733: Mr. REICHERT, Mr. MILLER of Florida, Mr. RANGEL, and Mr. FOLEY.
H.R. 5739: Mr. POE.
H.R. 5740: Mr. SHAYS.
H.R. 5755: Mr. RENZI, Mr. LATHAM, Mr. RYAN of Ohio, and Mr. ISRAEL.
H.R. 5757: Mr. HONDA.
H.R. 5770: Mr. WYNN, Mr. THOMPSON of Mississippi, and Mr. PAYNE.
H.R. 5772: Mr. LATHAM and Mrs. EMERSON.
H.R. 5805: Mr. WELLER, Mr. CHANDLER, Mr. SOUDER, Mr. FORTUÑO, MRS. MILLER of Michigan, Mr. CASE, Mr. PUTNAM, Mr. NEY, and Mr. LINDER.
H.R. 5806: Mr. JEFFERSON, Ms. WOOLSEY, Mr. MOORE of Kansas, Mr. PAYNE, Mr. MCGOVERN, Mr. FARR, and Mr. OWENS.
H.R. 5815: Ms. BERKLEY.
H.R. 5834: Mr. MCDERMOTT.
H.R. 5835: Mr. CAMP of Michigan, Mr. SOUDER, Mr. ENGLISH of Pennsylvania, Mr. YOUNG of Florida, and Mr. HIGGINS.
H.R. 5836: Mr. GENE GREEN of Texas, Mr. PAYNE, and Ms. LEE.
H.R. 5837: Mr. ISRAEL, Mr. HINOJOSA, and Mr. AL GREEN of Texas.

H.R. 5878: Mr. HONDA, Mr. CARNAHAN, Mr. MCGOVERN, and Ms. MOORE of Wisconsin.

H.R. 5887: Mr. MEEHAN and Mr. BURTON of Indiana.

H. Con. Res. 179: Mr. PITTS.

H. Con. Res. 415: Mr. PAYNE.

H. Con. Res. 450: Ms. MOORE of Wisconsin.

H. Res. 79: Ms. MCCOLLUM of Minnesota, Mr. TAYLOR of Mississippi, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Ms. LORETTA SANCHEZ of California, Ms. ESHOO, Mr. FILNER, Mr. WU, Mr. STUPAK, Mr. PASCRELL, and Mr. THOMPSON of California.

H. Res. 222: Mr. GARRETT of New Jersey.

H. Res. 295: Mr. MOORE of Kansas.

H. Res. 335: Mr. KENNEDY of Rhode Island.

H. Res. 533: Mr. BUTTERFIELD.

H. Res. 745: Mr. SESSIONS.

H. Res. 759: Mr. FOSSELLA.

H. Res. 776: Mr. POE.

H. Res. 790: Mr. DAVIS of Alabama and Ms. WATSON.

H. Res. 823: Ms. FOXX, Ms. HARRIS, Mr. CALVERT, and Mrs. DRAKE.

H. Res. 844: Mr. SERRANO.

H. Res. 888: Mr. STARK, Mr. JACKSON of Illinois, and Ms. NORTON.

H. Res. 894: Mr. FARR.

H. Res. 928: Mr. DAVIS of Illinois and Ms. MCCOLLUM of Minnesota.

H. Res. 931: Ms. WATSON, Ms. MCCOLLUM of Minnesota, Mr. BROWN of Ohio, Mr. MCNULTY, Ms. MATSUI, and Ms. LEE.

H. Res. 935: Mr. AL GREEN of Texas and Mr. JACKSON of Illinois.

H. Res. 948: Mr. WU, Mr. UDALL of Colorado, and Mr. CALVERT.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

133. The SPEAKER presented a petition of the City Council of Atlanta, Georgia, relative to Resolution 06-R-0928 recognizing the thirty one years of contributions made to the City of Atlanta by the Community Development Block Grant Program and supporting its continuation; to the Committee on Financial Services.

134. Also, a petition of the Legislature of Orange County, New York, relative to Resolution No. 133 opposing the construction of the New York Regional Interconnection Power Transmission Line and urging the Congress of the United States and the United States Department of Energy and the Federal Energy Regulatory Commission to deny the application of New York Regional Interconnect for designation of a certain route in New York as a national interest electric transmission corridor; to the Committee on Energy and Commerce.

135. Also, a petition of the Commission of Cook County, Illinois, relative to a resolution urging the President of the United States and the Congress of the United States to make universal healthcare a priority and to take the measures necessary for it to become a reality, which is consistent with the goals set forth in the ''Healthy People 2010'' initiative; to the Committee on Energy and Commerce.

136. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution 06-R-0932 urging the Congress of the United States to investigate atrocities of the harvesting of human organs in the United States and China; and urging the Congress of the United States not to accept denials at face value and requesting the President of the United States question Hu Jin Tao, the President of China; to the Committee on International Relations.

137. Also, a petition of the Board of Commissioners of Cook County, Illinois, relative to a Resolution urging the Congress of the United States to uphold the decree of equal justice for all through either extending or making permanent all sections fo the Voting Rights Act; to the Committee on the Judiciary.

138. Also, a petition of Mr. Gregory T. Howard, a Citizen of Toledo, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

139. Also, a petition of Mr. Gregory T. Howard, a Citizen of Toledo, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

140. Also, a petition of Mr. Gregory T. Howard, a Citizen of Toledo, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

141. Also, a petition of Rev. Wes Carroll, a citizen of Dallas, Pennsylvania, relative to a request for all records concerning lawsuits, criminal activities and violations of citizens consitutional rights; to the Committee on the Judiciary.

142. Also, a petition of Mr. Dennis L. Schultz, a citizen of Spokane, Washington, relative to a notice of treason, and petitioning the United States Congress for redress of grievances; to the Committee on the Judiciary.

143. Also, a petition of the Council of the Township of Rockaway, New Jersey, relative to Resolution AJR88 opposing the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign Proposals; to the Committee on Transportation and Infrastructure.

144. Also, a petition of the City Council of Northampton, Massachusetts, relative to a resolution requesting a congressional inquiry to investigate President George W. Bush and Vice President Richard Cheney for administrative abuses of power; to the Committee on Rules.

145. Also, a petition of the Veterans Federation of the Philippines, relative to Resolution No. 06-31 conveying its appreciation to the Members of the United States House of Representatives for honoring the Filipino Veterans of World War II by considering H.R. 4574, the Filipino Veterans Equity Act of 2006; to the Committee on Veterans' Affairs.

146. Also, a petition of Mr. James N. Thivierge, a citizen of Amesbury, Massachusetts, relative to a petition to the Congress of the United States to take certain action in regards to Income Tax; to the Committee on Ways and Means.

147. Also, a petition of the Board of County Commissioners, Franklin County, Ohio, relative to Resolution No. 361-06 urging reconsideration of the sign-up deadline for Medicare Part D beyond May 15, 2006; jointly to the Committees on Energy and Commerce and Ways and Means.

148. Also, a petition of the Legislature of Tompkins County, New York, relative to Resolution No. 63 supporting changes in Medicare Part D; jointly to the Committees on Energy and Commerce and Ways and Means.

149. Also, a petition of the Legislature of Tompkins County, New York, relative to Resolution No. 114 urging President Bush to stop Warrantless Surveillance of Americans and to Follow the Foreign Intelligence Surveillance Act; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, JULY 26, 2006 No. 100

Senate

The Senate met at 9 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Almighty God, source of wisdom and fountain of knowledge, we praise You for the gift of Your love. Guide our Senators with Your love. Do not permit the confusion of our time to confuse them. Empower them to contribute to the rightness of things. Let them be part of the answer to the problems in our world.

As they choose the hard right over the easy wrong, give them Your peace. May their lives count for good when even the best does not seem enough. Create within each of us clean hearts and renewed right spirits, that we may become instruments of Your love.

Lord, may the spirit of this prayer be acceptable to You. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK 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. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

GULF OF MEXICO ENERGY SECURITY ACT OF 2006—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate resumes consideration of the motion to proceed to S. 3711, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the two leaders or their designees.

Who seeks recognition?

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from the great State of Wyoming.

SCHEDULE

Mr. THOMAS. This morning we will have approximately 1 hour of debate prior to the cloture vote on the motion to proceed to the Gulf of Mexico energy security bill. The vote will occur at about 10 o'clock today, and immediately following that vote we will recess for the 11 o'clock joint meeting. I remind my colleagues to remain in the Chamber following that vote so that we may proceed at 10:40 this morning to the Hall of the House of Representatives to hear the address by the Prime Minister of Iraq. I thank all Senators for their attention.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand there are 15 minutes equally divided. I am not sure what equally divided means this morning, but we will do our best. I think Senator BINGAMAN may be here and might want the opposition's time. We will try to use our time in favor of it as judicially as we can. I start by yielding myself 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 6 minutes.

Mr. DOMENICI. Mr. President, today is a very important day. Let me explain why that is to all the Senators and those who are interested.

First, I am going to try to convince our colleagues today that this small lease sale that we are talking about is one of the most important issues spoken of in this Chamber this year. This morning, as the Sun rises over the majestic dome of the Capitol and families wake up across the land, whether it be in Albuquerque, NM, or in New Orleans, LA, or Miami, FL, as they wake up, millions of Americans around the great land find their homes cooled and after breakfast they start their cars, drive their children through their neighborhoods, in carpools or otherwise, to get some needed relief from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the heat. But for these families there is no relief from the high cost of energy.

For too long we have remained unable to provide a remedy for that. In the words of the man in charge of our Nation's monetary policy, ''one likely source of the deceleration [of economic growth] is higher energy prices, which has adversely affected the purchasing power of households and weighed on our consumer attitudes.''

In plain speak, that means if we don't take action, we are in trouble. I assure my colleagues, there is a growing chorus in America and this chorus demands energy relief. It demands our attention to the simple piece of property in the Gulf of Mexico.

We are here to talk about whether to proceed on an item that is critical to American jobs and to our Nation's economy. In the Gulf of Mexico we have a piece of real estate owned by the Government that is the subject matter of what we choose to call the Gulf of Mexico Energy Security Act. We direct the Secretary of Interior to lease the area commonly known as 181 within 1 year after the date of the enactment of this bill. We further remove the moratorium or restriction on the area to the south of 181 and we direct the Secretary to lease that area also.

Taken together, these are 8.3 million acres. I will explain them on the map here in a second, briefly, so I can have my fellow Senators, two of them who want to speak, have an opportunity to do so. They have been vital in getting this done.

But let me summarize. This 8.3 million acres contains 1.26 billion barrels of oil, American oil, and 5.8—or rounded out—6 trillion cubic feet of natural gas. These resources under the sea are American assets on American lands and the power to unleash these resources lies in the hands of the Senate. Or we can walk away and adopt an alternative and that is to continue to increase our dependence on foreign sources of energy from hostile regions of the world.

As American jobs hang in the balance, I remind my colleagues that between 1999 and 2005, a period of time equal to one term in the Senate, the price of natural gas in the United States increased 289 percent. At the same time we lost over 3 million jobs in the manufacturing sector.

In the words of the Federal Reserve Chairman:

> High prices of natural gas reflect strong demand and diminished supplies.

This vote today is a step toward correcting that imbalance.

Also, in this gulf coast bill we provide protections to the Florida coastline. Thanks to the skills and heart and concern of the distinguished Senator MEL MARTINEZ from the State of Florida, we have protected the Florida coastline in this legislation.

I say to those opposed to this legislation, these provisions are a compromise between those who seek additional access to new areas of development and those who do not want to develop off their shores. We struck a balance. Here in the Senate that balance has the overwhelming support of those who seek additional Outer Continental Shelf deep sea access, and the overwhelming support of those whose priority is coastal protection. I am proud of this balance and I defend it against those who challenge it and seek to undermine it.

Finally, the bill is both fiscally responsible and meets the needs of the coastal States that make the sacrifice of hosting our energy infrastructure. It takes care of them in a fair way.

I do not take my fiscal responsibility lightly and I do not make the fact of fiscal responsibility a light issue. I come at this issue with a vast experience in budget matters in the Senate and I can tell you this: The cost associated with sharing the OCS receipts must be weighed against the cost of inaction. I can tell you for certain, inaction would be devastating. When the destruction of the Hurricanes Rita and Katrina ravaged our Nation's gulf, it was a national tragedy, not simply a regional occurrence. Our response should continue to be national in scope and wide in its vision.

We have all heard the anecdotes of how this region hosts about half of our Nation's refining capacity and infrastructure. We heard statistics from the Mineral Management Service that showed that the Outer Continental Shelf plays a major role in supplying our energy resources.

Let me summarize. The Gulf of Mexico is the most prolific producing offshore region and we cannot leave one giant piece of it—one piece of real estate owned by the people that is probably more energy laden than any other piece of real estate in the lower 48—we can't leave it sit there. We have struck a fair balance in this bill and I can say for certain it deserves the sincere consideration of every Senator.

When we start voting, I believe every Senator should say, in fairness, let us proceed. A few days from now an overwhelming number of Senators should say proceed to permit this property, owned by the people, with supplies of gas for the people—let it be used by the people so we don't have to spend more money overseas, sending our dollars and our hard-earned currency to buy what we own, that we can produce in the next decade.

The production will be astronomical if we put our heads to understanding that it is America's property, it is America's resources. There is no risk. We ought to get on with changing 25 years of what started in California, of a fear that was irrational, and get on with reasonable, rational, safe, deepwater drilling.

I yield the floor.

The Senator from Louisana is here and when she is finished, I would yield the remaining time to Senator MARTINEZ.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I appreciate the introduction to this important measure by the chairman of the Energy Committee, Senator DOMENICI. No one has worked harder, in my view, in this entire Chamber, and perhaps in the entire Congress, to help us reach a reasonable, balanced energy policy. The Chairman knows, and I agree with him, we can't drill our way out of this situation. But neither can we conserve our way. We have to stay on parallel tracks to drill more where we can of oil and gas, and conserve more where we can.

The last Energy bill reached a pretty good balance of that. This is another step forward in that reasonable, rational, progressive road the chairman is trying to provide. He is providing excellent leadership and I am proud to support his efforts.

This bill, as the Senator from New Mexico said, will open up significant tracts of land off of the gulf coast for drilling of oil and gas that we need as a nation. I have spoken about this bill many times in terms of its benefits to Louisiana and the gulf coast, and I will again this morning. But before I do that, I would like to speak to the national issue.

Senator DOMENICI is correct when he said this country needs these reserves—and we need them now. This area of the gulf, 8.3 million acres that we have been able to negotiate based on the good work of Senator MARTINEZ and others in the Gulf Coast States, will provide more than six times the amount of natural gas that this country imports in the form of LNG each year. Let me repeat that—six times the amount of natural gas—liquefied natural gas—that this country imports every year. It has more oil than the proven reserves of Wyoming and Oklahoma combined. There is more oil here for our Nation that desperately needs it.

Our manufacturing sector is doing the best it can do to hold onto jobs in the United States. This is an issue that Senators on both sides of the aisle feel strongly about: keeping jobs in America. If we want to keep jobs in America, we need to follow the Chairman's lead and open up lease sale 181 and 181 South.

Only a year ago, the price of natural gas was $15 per million Btu. Today we are fortunate. It has gone down to $6, but 3 or 4 years ago it was $2. It is volatile and it is too high. We need to take it down and stabilize it for manufacturing and agricultural interests from which every single Senator in this body benefits.

We are competing internationally. Overseas they can produce natural gas for a fraction of what it costs us here. Our industries are struggling to hang on because the price is too high. This will help to get our price down, to stabilize it, and bring down the futures that are driving up our prices.

The same for oil: only a few years ago a barrel of oil was $35 a barrel. Today it is selling for about $75 a barrel.

We need to open up more domestic reserves—first, for the country because it is a smart and balanced energy policy. It is sound economic policy—to keep jobs right in the United States.

Second, we must open up these domestic reserves because it is sound environmental policy. Let me speak about the gulf coast for just a few moments.

I have come to this floor many times in the 10 years that I have been here to talk about the gulf coast where I was born and raised, part of the country that I think is the most beautiful and the most special. Of course, we all think the place we are born is that way. But I have also said this coast is America's only energy coast.

This is a satellite picture taken just recently. It shows the coast of Florida, the coast of Alabama, Mobile Bay, the great boot of Louisiana, the shore of Mississippi, and the great expanse of the shore of Texas. This area, since the 1940s, has been the only area in the United States that has allowed offshore oil and gas drilling. We have experimented there for 40 years. We made a lot of mistakes. But we have done a lot of things right. Now we have an industry that actually resembles the space program more than it does the old-time roughneck industry with oil greasy derricks of the old days, as seen in those black and white pictures. Today, the industry deploys technology that looks like a spaceship out in the Gulf of Mexico. We are proud of the gulf. Every widget, every gadget, every seismic device, every flange, every wellhead in large measure has been crafted, designed, and built by people along the gulf coast—and it is a trade that we are proud of. We do it without major spills. We do it simultaneously as we enhance our fisheries, and we do it proudly. We want to continue to do it.

We have laid thousands of miles of pipeline that send oil and gas not just to Louisiana but all over this country for people who live in New York, New Jersey, Maryland, places like Illinois, places in the Midwest. I want you to see where these pipelines start. They start in the Gulf of Mexico.

We drill for oil and gas proudly—and we don't use it just for ourselves, but we use it for everyone in America, to keep these lights on in this Chamber, to help cool people's homes. As we have seen many times after heat waves strike, people can die in large numbers when the utilities go off.

This is not a laughing matter. This is a very serious matter. We are proud to do it, but we cannot do it any longer without sharing in a portion—a very reasonable portion—of the revenues that are generated. We need those revenues to ensure the safety of the massive amounts of infrastructure that rest atop our rapidly eroding coast.

We generated this year from this section of the gulf about $6 billion. The projections are that it could go up to $12 billion. If we pass this bill, it will open up some other areas which will generate for the Treasury of the United States of America upwards of $15 billion a year.

The question to my colleagues is, do you think the people who help generate this revenue, the 10 million people who live along this coast, could share in a partnership with these great resources so we can provide some revenue stream to help protect ourselves and the nation's energy infrastructure from hurricanes that come our way; restore the vital wetlands that support this entire Nation; protect and support the mouth of the greatest river system in North America, the Mississippi, help drain two-thirds of the United States, the river that takes 70 percent of the grain from the Midwest?

Is it possible that we could set up a partnership that works for everyone? Or is that impossible these days in Washington?

My people at home can't even understand it. They say: Senator, who would be against revenue sharing?

We are not asking for all of it. We would like 50 percent, but we negotiated a good deal, at 37.5 percent the same percentage that onshore states used to receive from production on the federal lands in their states before it was raised to 50 percent. We are not trying to be hogs, but we are drowning down here.

If you think I am joking about drowning, I would like to show you a picture of one road. Senator DOMENICI has seen this. It made him shudder. This is the highway to Port Fourchon, which is the highway that links the United States of America to about 70 percent of U.S. offshore oil and gas production. This looks like a Third World nation.

I have come here and begged for money to help with this highway. We cannot, as a State of only 4.5 million people, support the entire infrastructure of the United States of America. We can't do it. We are not that rich. We are a Southern State that has serious challenges. I am not saying we are a charity case, but we can't build highways for everybody with only our money, particularly highways that basically carry the natural resources of the Nation. This is what it looks like.

This is the scientists' projected land loss of the Delta plains. This is from the USGS at the Department of the Interior. This map shows the projected land loss. From 1932 to 2050, this is the land lost and the projected land loss by 2050.

People wonder why New Orleans is flooding. This picture shows us why. The great marshland that protected us—up the great river system and the major ports which helped western expansion for the Nation—put it away from the water and protected it so it could help the Nation grow. Since then, we have not done our job using the revenues wisely and reinvesting in this great wetlands to protect it.

This is an opportunity to pass a bill that is balanced, that is smart, that is necessary, that is needed, and that will be put to great use by the coast of Louisiana, Mississippi, Alabama, and Texas to protect the barrier islands that protect the great energy resources of the Nation and the wonderful people who live there.

In conclusion, I will say this: I have taken Senators on planes, flying over these coastal wetlands. I look down at these ports and these bays. In the middle of hurricanes, people whose homes, schools, and churches were destroyed were sleeping on concrete in tents to keep these pipelines open for the Nation when they did not have homes for themselves.

I am not going to go home until a solution is found for the wetlands.

I see the Senator from Florida. I will yield my time. I thank him for his extraordinary leadership in finding the solution for the gulf coast. This is a gulf coast bill. It is not a Louisiana bill, nor a Florida bill—it is a gulf coast bill. We are Gulf Coast States. I am very proud to have Senator MARTINEZ's support.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I join my colleague, the Senator from Louisiana, and thank the chairman of the Energy Committee for his help in moving this bill today. I know it is a very important day for the United States but also for the people of Florida.

S. 3711, the Gulf of Mexico Energy Security Act of 2006, is a bill that will not only provide very needed resources for our Nation, but it also provides something that is very important to those of us who love and are from the State of Florida, which is protections for our State from encroachment by those who would wish to drill and explore for oil and gas in the Gulf of Mexico.

For many years, Members of the House and Senate from Florida have been joined in a struggle to ensure that Florida's economic and environmental interests be protected as exploration for oil and gas in the Gulf of Mexico took place.

I am pleased to say that as we have worked through this issue, one of the things that was paramount in our minds was providing some zone of permanent protection for the State of Florida. In this particular arrangement, which we have been able to reach thanks to the good work and understanding of the needs of Florida by Chairman DOMENICI and others, we have been able to find a zone of protection for the State of Florida—a zone of protection that begins in Pensacola and moves south 125 miles in Florida waters but provides an extraordinary zone of protection for the State of Florida, as we obtained not only 125 miles but frankly 237 miles from the coast of Tampa and almost 325 miles from the coast of Naples. The entire west coast of Florida is going to enjoy protection of well over 200 to 300 miles.

We are, in fact, going to be protecting the State of Florida's military mission line. The military in Florida have had a long and close working relationship. We value what they bring to our State and what they provide for our national defense.

The military mission line, in this area, is going to be observed and protected. That is what provides this extraordinary zone of protection beyond the 125 miles we see here. Why is this important? Because while we could not do this permanently—and there is no such thing as permanence—we have been able to provide this zone of protection, all of this in yellow, to the State of Florida until the year 2022, a long time from now.

In addition, a further protection of that, which is incredibly important for our State, there are any number of leases that were at a different time under different leadership and, perhaps, with not as much thought of the impact it could have on our State, our economy, our beaches, our environment. Many leases were given to oil companies, not much more than 3 miles off the coast of Florida, some 8, 10, 15, or 17 miles off the coast. The State of Florida has, in fact, purchased some of the leases in the past. I commend Governor Bush for leading the effort to do so.

Under this bill, under this arrangement, the leases that are interior in the area of Florida can then be swapped out for leases in the areas that will be explored. It is a great and wonderful opportunity for those who are holding leases close to the coast of Florida to swap them out for areas far beyond where they currently are, thus eliminating, beyond the year 2022, any threat on the gulf coast from drilling.

This is an important and good day for Florida. It is something we have battled for long and hard. Senator BILL NELSON and I—my colleague from Florida—filed a bill early this year which provides a 150-mile zone of protection. This is not 150 miles relating to the panhandle, but it is 125 miles and is, as others have said, the best deal on the table.

Is this the answer to our problems? Certainly not long term, certainly not forever. Certainly we have to understand that the future of America, as the President said in his State of the Union Message, is moving away from our dependence, our addiction to fossil fuels. We have to understand that this is at best a bridge into the future. This is at best a way to provide for now so that Florida industries that have been so dependent on gas, such as the phosphate industry, such as fertilizers, and the generation of electricity to cool and warm Florida homes, will not be imperiled.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MARTINEZ. I ask unanimous consent for an additional 30 seconds to conclude.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. I know Florida can play a significant role in the development of ethanol and other alternative fuels. I know this is an opportunity for us to bridge into the future. I am delighted that today we are going to provide Florida the kind of protection it needs.

I welcome the opportunity to move S. 3711. It is the last measure, it is the last line. There cannot be any other way but this way if we will have the support of Florida Senators.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks time? The Senator from the great State of New Mexico.

Mr. BINGAMAN. How much time remains?

The ACTING PRESIDENT pro tempore. Twenty-eight minutes on your side.

Mr. BINGAMAN. Is there time remaining for the proponents?

The ACTING PRESIDENT pro tempore. There is no time remaining for the proponents.

Mr. BINGAMAN. Mr. President, shortly I will be voting for cloture on the motion to proceed to S. 3711. I will be urging other colleagues to do as well. I am not casting my vote for cloture because I support the bill in its current form. On the contrary, I think the bill that has been brought before the Senate is seriously flawed on several grounds. I am voting for cloture on the motion to proceed because I want to have a chance to propose amendments to the bill, propose improvements to the bill. I want this bill to represent good, long-term energy policy and good, long-term fiscal policy for the country.

I am aware of statements made by some that once the Senate is on the bill, there will be an attempt to frustrate the ability of Senators to offer legitimate energy amendments. I will certainly oppose any attempt to prematurely invoke cloture on the bill. Our energy problems in the country are serious business. They cry out for thoughtful responses. They also deserve a process in the Senate that is serious and is thoughtful.

In this Congress, we made great progress on energy because we adopted an open, inclusive, and bipartisan approach on the issues. In my view, that record is at risk if we adopt a process on this bill that is a closed process.

I hope the Senate consideration of this bill will be in the vein of the consideration we gave to the last Energy bill. Americans want positive, forward-looking solutions to our energy problems. They want us to use America's technological know-how to come up with innovative solutions and approaches to our problems. We are only going to be able to find those forward-looking solutions if everyone is given a legitimate opportunity to help the Senate work its will on this legislation.

I yield the floor and retain the remainder of my time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I ask that the time during the quorum call be charged equally against both sides.

The ACTING PRESIDENT pro tempore. No time is remaining on the side of the proponents.

Mr. BINGAMAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. FRIST. Mr. President, this past weekend I was in Tennessee—in Nashville, my hometown. The visit was an opportunity for me to catch up with constituents. Again and again, whether I was in Nashville or over in Carter County at a wonderful pig roast or over in Jackson, TN, west Tennessee or Memphis, the concern of the high cost of gasoline, the high cost of cooling homes, and the impact on local businesses came up again and again and again.

As I was driving through the streets of Tennessee, the average price of gasoline in Nashville, I remember specifically, was $2.87 a gallon—kind of a bargain if you compare it to here in DC, where many metro area prices averaged over $3.08 a gallon this weekend. But people back home in Tennessee feel that it is anything but a bargain. They feel the pinch in their wallets, and it affects how they live every day—whether it is driving their kids to school or taking their vacation at this time of year or filling that tractor with fuel.

Across the Nation, Americans are compensating for these high gas prices and high energy prices by cutting back, feeling the squeeze and having to cut back in other areas. We think twice about going out for dinner or lunch at a restaurant. We select our vacation destinations based today on how far one has to drive from home rather than the appeal of that destination. And we wait a few weeks longer than comfortable before turning on that air-conditioner or heating our homes. That is the direct cost these high energy prices have on our everyday family life.

Many Americans fail to realize the indirect but the very real passthrough costs of high energy prices, the extra energy costs that are hidden in the

prices of the consumer goods and services we use every day. It is not just gasoline prices that are putting that squeeze on American consumers. Right now, American consumers and industries are paying the highest natural gas prices in the world. That translates into, yes, higher heating and cooling bills but also higher prices for farmers trying to buy fertilizer for their fields, higher prices for products made with chemicals, higher prices for paper products, higher prices for manufacturing jobs, which means those jobs ultimately are lost here in America.

Six years ago, America's natural gas bill was $50 billion. Last year, it was four times that, $200 billion. In countries competing for American jobs, the price of natural gas is often one-sixth—one-sixth—as much as it is here in the United States. Thus, when U.S. companies are having to pay more for the energy they need, it makes it harder and harder for them to compete in this global marketplace. When they can't compete, they have to make very tough economic decisions that many times result in American jobs having to move overseas—where energy supplies are much more plentiful and the costs are much lower.

The National Association of Manufacturers estimates that more than 3.1 million high-wage manufacturing jobs have been lost in this country over the last 6 years—largely as a result of those high energy prices. Of more than 120 world-scale chemical plants under construction around the world, only 1 is here in the United States. The high cost of natural gas hurts farmers because natural gas is used to make fertilizer. It is hurting the forest industry. It is hurting the paper products industry. Mr. President, 267 mills have closed, and 189,000 jobs have been lost since this runup in natural gas prices over the last 6 years.

We are all familiar with the energy challenges facing America. We are dangerously dependent on foreign sources of oil. We are dangerously dependent on foreign sources of oil—much of it coming from countries with unstable governments or with interests that are cleary contrary to those of our country.

This disparity will only increase if we do not take action. We have to act to increase the amount of American energy. And that, of course, we could use right here in America today.

The bill before us—the Gulf of Mexico Energy Security Act—is going to do just that. It is action. It will reduce our dependence on foreign oil and natural gas by opening up more than 8 million acres in the gulf to domestic exploration. The area opened under this bill is estimated to contain 1.26 billion barrels of oil and over 5.8 trillion cubic feet of natural gas. It will have an impact on the prices consumers pay at the pump and on their power bills, as we look to the future. It makes sense: increased supply, when we know that price point is ultimately a product of supply and demand.

I want to make it clear that while this is a first step toward addressing the energy challenges we face, it is an important step. There is a lot more we can and should do in the future to break what the President called our ''addiction'' to oil, to diversify our energy resources, to increase the use of renewables and alternative sources such as ethanol and biodiesel, clean coal technology, and nuclear power, and to decrease, to minimize, to lessen consumption by consumers.

One year ago this week, the Senate passed a comprehensive national energy policy which, over the course of the last 12 months, has achieved impressive results. As a result of the Energy bill, 27 new ethanol plants have broken ground, 150 more are in the works. The amount of ethanol and biodiesel we use in our gasoline will more than double over the next 6 years, saving 80,000 barrels of oil a day, and 401 new E–85 pumps have been installed. As a result of that comprehensive Energy bill passed last year, the nuclear industry is planning to build 25 new reactors in the United States, enough to power 15 million households with clean, emission-free electricity. Because of the Energy bill passed last year, 120 clean coal facilities are in the planning stages, enough to replace 2 million barrels of oil a day by the year 2025. And because of the comprehensive Energy bill of last year, wind power, solar power, and hydrogen fuel cells all got a major boost. The Energy bill was part of the solution.

The bill on the floor today is that next critical step. Once we pass this bill and begin producing more of America's energy, we will still have a lot more work to do. We need to do more to encourage development of innovative 21st century technologies that will break our addiction to foreign oil. Whether ethanol or hydrogen or coal-to-liquids or new approaches that we can't even imagine today, we must do all we can to support those new technologies, those advanced technologies that will move us beyond the debate over oil and over gas.

For the foreseeable future, we are going to be talking about oil and gas. That is why the bill before us today is so critical. The Gulf of Mexico Energy Security Act will substantially reduce our dependence on foreign oil and natural gas. It will increase moving toward energy independence. It will strengthen our national policy. It will reduce the cost of living for American consumers.

In a post-9/11 world, energy security is a matter of national security. Now more than ever America needs America's energy. That is what this bill does. It brings more American energy to American consumers. It is a bipartisan bill.

I especially thank Senators DOMENICI and LANDRIEU, VITTER, and MARTINEZ, and so many others for helping us get to this point. I hope the Senate will now vote to allow us to begin debate on this legislation so that we can continue to deliver meaningful solutions to the American people.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to a vote on the motion to invoke cloture on the motion to proceed to S. 3711. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 529, S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Bill Frist, Pete Domenici, Richard G. Lugar, Mitch McConnell, Kay Bailey Hutchison, Jim Bunning, Trent Lott, Christopher S. Bond, Tom Coburn, Wayne Allard, David Vitter, Mel Martinez, Thad Cochran, Jim DeMint, John Cornyn, Lindsey Graham, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is: Is it the sense of the Senate that debate on the motion to proceed to S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 86, nays 12, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—86

Akaka	Chambliss	Ensign
Alexander	Clinton	Enzi
Allard	Coburn	Feingold
Allen	Cochran	Frist
Baucus	Coleman	Graham
Bayh	Collins	Grassley
Bennett	Conrad	Gregg
Bingaman	Cornyn	Hagel
Bond	Craig	Hatch
Brownback	Crapo	Hutchison
Bunning	DeMint	Inhofe
Burns	DeWine	Inouye
Burr	Dodd	Isakson
Byrd	Dole	Jeffords
Cantwell	Domenici	Johnson
Carper	Dorgan	Kennedy
Chafee	Durbin	Kohl

Kyl	Nelson (FL)	Smith
Landrieu	Nelson (NE)	Specter
Leahy	Obama	Stabenow
Levin	Pryor	Stevens
Lincoln	Reid	Sununu
Lott	Roberts	Talent
Lugar	Rockefeller	Thomas
Martinez	Salazar	Thune
McCain	Santorum	Vitter
McConnell	Schumer	Voinovich
Mikulski	Sessions	Warner
Murkowski	Shelby	

NAYS—12

Boxer	Lautenberg	Reed
Dayton	Lieberman	Sarbanes
Feinstein	Menendez	Snowe
Harkin	Murray	Wyden

NOT VOTING—2

Biden	Kerry

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 87

Mr. MARTINEZ. Mr. President, I ask unanimous consent that at 12 noon on Wednesday, July 26, the Senate proceed to the immediate consideration of H.J. Res. 87, which was received from the House. I further ask unanimous consent that there be 30 minutes equally divided between the two leaders or their designees, and that following the use or yielding of time, the joint resolution be read a third time and the Senate proceed to a vote on passage without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

RETURNED AMERICANS PROTECTION ACT OF 2006

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5865, which was received from the House.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5865) to amend the Social Security Act to increase the limit on payments for temporary assistance to U.S. citizens returned from foreign countries.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, recent events in the Middle East have led to the evacuation of thousands of U.S. citizens from Lebanon. This evacuation is being conducted by the U.S. State Department.

However, the Department of Health and Human Services, or more specifically, the Administration for Children and Families, ACF, is responsible for assisting U.S. citizens upon their return to the United States.

Over the past several days, ACF has established repatriation facilities at the Baltimore/Washington airport, the Philadelphia airport, and McGuire Air Force Base in New Jersey. More than 5,000 Americans have been offered assistance at these facilities in recent days. Thousands more are expected within the week.

These repatriation facilities are staffed by Federal and State employees who provide assistance with travel, lodging, and access to medical facilities, as necessary. These employees are doing a tremendous job assisting all of the evacuees.

Unfortunately, under current law, this critical assistance is subject to a statutory cap of $1 million dollars. Given the expected number of evacuees, the statutory cap could be reached at any moment. Unless Congress acts quickly to raise the cap, the ongoing repatriation efforts will be suspended. We must not allow that to happen.

The legislation I have offered today, along with my colleague from Montana, Senator BAUCUS, will raise the cap to $6 million through the end of this fiscal year. This increase is expected to fully cover the anticipated costs of the evacuation this year, as well as provide for the continued operation of the repatriation program next year.

In addition to temporarily raising the cap, this legislation would provide the States with the option to use the National Directory of New Hires to verify eligibility under the Food Stamp Program. This language is similar to the provisions in current law now being used to verify eligibility for the SSI Program and to collect delinquent child support payments.

According to the Congressional Budget Office, the utilization of this option in the Food Stamp Program would save roughly $1 million a year, thus offsetting the cost of raising the cap.

In contrast to the legislation passed by the House yesterday, this legislation does not sunset the repatriation program. The repatriation program has been in operation, in one form or another, since the 1930s. There is no reason to believe this program should be abolished. Thus, the sunset provision contained in the House bill is merely a gimmick to create the appearance that the bill is paid for when in fact it is not.

On another matter, the House language includes a requirement for an IG report on the repatriation program. However, it does not appear such a report is necessary.

According to ACF, under the emergency repatriation program each State has an approved plan which they implement when needed. They are allowed to assume costs for all of the activities contained in their approved plan. The States then submit a detailed explanation of how the funds were spent, along with supporting documentation.

Finally, it should be noted that the language in the House bill was intended to lift the million-dollar cap for the current fiscal year. But it is not entirely clear it accomplishes that goal. Under current law, the cap is effective for fiscal years beginning after September 30, 2003. Under the House-passed language, the cap is effective for fiscal years beginning after September 30, 2006. Since the current fiscal year occurs after 2003 but before 2006, that begs the question—what is the cap for this year? The answer to this question should not be ambiguous. The Senate language clearly states the cap for the current fiscal year is $6 million.

Given all of these concerns, I urge my colleagues to reject the House language and support the Senate alternative. The Senate alternative will maintain the critical assistance now being provided to evacuees, while at the same time offsetting the cost of this assistance in a reasonable and responsible manner.

I urge its adoption.

Mr. BAUCUS. Mr. President, I urge the Senate to adopt the Grassley-Baucus amendment to the bill H.R. 5864—The Returned Americans Protection Act of 2006. This bill provides needed resources to the United States Repatriation Program, which is currently assisting U.S. citizens who are returning to United States from Lebanon.

The United States Repatriation Program was established by title XI, section 1113 of the Social Security Act to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State as having returned, or been brought from a foreign country to the U.S. because of destitution, illness, war, threat of war, or a similar crisis. The program is currently being used to provide assistance to citizens returning from Lebanon, but estimates indicate that the program could reach its statutory spending cap at any moment. The cap is currently $1 million per fiscal year. We have been asked by HHS to increase the cap for fiscal year 2006 to $6 million.

The Grassley-Baucus amendment lifts the cap for fiscal year 2006 from $1 million to $6 million. The amendment also includes an offset from the President's fiscal year 2006 budget to use the National Directory of New Hires, NDNH, to improve the administration of the Food Stamp Program. Access to the NDNH will help USDA verify wage and employment information on food stamp applications. That proposal was scored by CBO has providing $11 million in savings over 10 years.

We have worked with the Department of Health and Human Services and other Government agencies in creating this legislation. We believe we have a reasonable and fiscally responsible solution to this relatively minor problem. We urge the Senate to adopt our amendment, pass the bill, and send the bill to the House for their immediate consideration.

This bill involves a small and, thankfully, seldom-used Federal program. But as recent news events have made clear, this is a program that can provide much-needed assistance to our constituents during difficult circumstances. We should not allow these

important resources to be needlessly delayed.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Grassley-Baucus substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4695) was agreed to, as follows:

Strike all after the enacting clause and insert:

SECTION 1. PAYMENTS FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

(a) INCREASE IN AGGREGATE PAYMENTS LIMIT FOR FISCAL YEAR 2006.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by inserting '', except that, in the case of fiscal year 2006, the total amount of such assistance provided during that fiscal year shall not exceed $6,000,000'' after ''2003''.

SEC. 2. DISCLOSURE OF INFORMATION IN THE DIRECTORY OF NEW HIRES TO ASSIST ADMINISTRATION OF FOOD STAMP PROGRAMS.

Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended—

(1) by redesignating the second paragraph (7) as paragraph (9); and

(2) by adding at the end the following new paragraph

''(10) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF FOOD STAMP PROGRAMS.—

''(A) IN GENERAL.—If, for purposes of administering a food stamp program under the Food Stamp Act of 1977, a State agency responsible for the administration of the program transmits to the Secretary the names and social security account numbers of individuals, the Secretary shall disclose to the State agency information on the individuals and their employers maintained in the National Directory of New Hires, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE BY THE SECRETARY.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE AND DISCLOSURE OF INFORMATION BY STATE AGENCIES.—

''(i) IN GENERAL.—A State agency may not use or disclose information provided under this paragraph except for purposes of administering a program referred to in subparagraph (A).

''(ii) INFORMATION SECURITY.—The State agency shall have in effect data security and control policies that the Secretary finds adequate to ensure the security of information obtained under this paragraph and to ensure that access to such information is restricted to authorized persons for purposes of authorized uses and disclosures.

''(iii) PENALTY FOR MISUSE OF INFORMATION.—An officer or employee of the State agency who fails to comply with this subparagraph shall be subject to the sanctions under subsection (l)(2) to the same extent as if the officer or employee were an officer or employee of the United States.

''(D) PROCEDURAL REQUIREMENTS.—State agencies requesting information under this paragraph shall adhere to uniform procedures established by the Secretary governing information requests and data matching under this paragraph.

''(E) REIMBURSEMENT OF COSTS.—The State agency shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.''.

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

The bill (H.R. 5865), as amended, was read the third time, and passed.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF THE REPUBLIC OF IRAQ

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 12 noon for a joint meeting with the Prime Minister of Iraq.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon, and the Senate, preceded by the Secretary of the Senate, Emily Reynolds; the Deputy Sergeant at Arms, Lynne Halbrooks; the Vice President of the United States; and the President pro tempore, Mr. STEVENS, proceeded to the Hall of the House of Representatives to hear the address by Prime Minister Maliki of the Republic of Iraq.

(The address delivered by the Prime Minister of the Republic of Iraq to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12:02 p.m., the Senate having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Ms. MURKOWSKI).

BURMESE FREEDOM AND DEMOCRACY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 86, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 86) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The PRESIDING OFFICER. There will now be 30 minutes of debate equally divided.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the debate from 12:30 to 6:30 this evening on energy security be equally divided between the two leaders or their designees with respect to the motion to proceed to S. 3711; provided further that following any opening remarks of the two leaders on Thursday, July 27, the motion to proceed be agreed to, and the Senate then begin the consideration of S. 3711.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS OF IRAQI PRIME MINISTER NOURI AL-MALIKI

Mr. MCCONNELL. Madam President, before speaking on the Burmese Freedom and Democracy Act, I want to make a few comments about the speech of the Prime Minister of Iraq which we just had an opportunity a few moments ago to hear in the joint session over in the House Chamber.

Today we mark a step forward in the war on terror. A mere 3½ years ago, the dictator, Saddam Hussein, would have addressed his regime's legislature of lackeys. Today, the democratically elected Prime Minister of Iraq addressed a joint meeting of the U.S. Congress.

A mere 3½ years ago, the dictator, Saddam Hussein, ruled Iraq. He terrorized his own countrymen with murder, torture, and weapons of mass death. He posed a security threat to the entire region and to the United States. The international community decided he had to face serious consequences.

In March of 2003, America, as we all well know, led a multinational coalition of forces to depose the dictator and to liberate Iraq. Since then, the country has made remarkable progress as it throws off the shackles of tyranny and embraces democracy.

Iraqis have held three successful national elections, ratified a constitution, elected a permanent unity government, and formed a cabinet with a strong prime minister at its head: Prime Minister Nouri al-Maliki, whom we had the pleasure of hearing from just an hour or so ago.

It took our country 13 years to go from independence to the implementation of our Constitution. Iraqis have done it in 3—and under the glare of the 24-hour news cycle coverage and the threat of terrorist attacks.

When Prime Minister Maliki ascended to the podium today, it was hard to deny the importance of the moment. His presence in this Capitol represents a victory for democracy. And his country is, and will continue to be, an important ally in the war on terror. Of course, there will be many tough days ahead in Iraq. There is no denying that the security situation represents a real challenge. But America does not avoid challenges, and we do not abandon our allies when the going gets tough.

We are moving forward in Iraq. The country recently realized its highest oil production and export levels since before its liberation, and during the past 3 years, per capita income in Iraq has doubled.

I would also like to call to my colleagues' attention an article titled ''Iraq as a Sovereign Nation'' written by the Prime Minister that appeared in Monday's Wall Street Journal. It points to very tangible proof that Iraq is moving forward.

The Iraqi province of al-Muthanna, located at the southernmost border of that country, has become the first province in which local Iraqi forces have taken full responsibility for law enforcement and security, taking over for our coalition forces. President Bush has frequently said: As Iraqis stand up,

we will stand down. That is exactly what has happened in al-Muthanna, home to over a half million Iraqis.

Local Iraqi police and military have stood up and taken the place of 1,400 coalition troops. The Governor of al-Muthanna has command of the provincial police. Iraqi national police and Iraqi Army troops will operate in the province under the control of the Prime Minister and the National Government.

The transfer of power in al-Muthanna is only the first step. The Prime Minister writes that ''current estimates envision half of Iraqi's provinces transferring security responsibility before the end of 2006''—this year. He and I agree that this process should not be driven by an arbitrary timeline but by the situation on the ground; nevertheless, this is an encouraging sign.

He goes on to write that the decisions for future transfers of power will be made based on the threat assessment in the province, the readiness of the local Iraqi forces, the readiness of the local governmental authorities, and overall coalition force posture.

The historic achievement of local control in al-Muthanna represents an important step forward in our mission in Iraq. As Iraqis stand up, we will stand down, and we will leave behind a proud and free Iraq.

The Prime Minister ends his article by saying:

> With God's help, and continued assistance from the coalition, our regional neighbors and the larger international community, our people will unite and prosper. Together, we can and will succeed.

I think we should all commend the Prime Minister for his vision and leadership. America will and must continue to stand by Iraq. None of what has been achieved in the last 3 years there has been at all easy, but we have succeeded and we will continue to succeed because freedom and democracy are stronger than the terrorists' tools of mayhem and fear.

Great credit must go to President Bush for his strong leadership in the war on terror which has enabled us to reach this transfer of power in al-Muthanna, and soon, in other provinces as well. I also commend the Iraqi Government, Iraqi police, and Iraqi security forces for their hard work in promoting stability in the country.

Of course, Madam President, I know our colleagues join me in thanking the men and women of America's Armed Forces for their courage, dedication, and sacrifice.

Stability in Iraq means stability in the region and greater security at home. As the Prime Minister said in his speech just delivered, according to translation:

> Do not imagine that this problem [of terrorism] is solely an Iraqi problem, because the terrorist front represents a threat to all free countries and free peoples of the world. . . .The responsibility of facing this challenge lies on the shoulders of every country and every people that respects and cherishes freedom.

The Prime Minister is exactly right. For that reason, America must stand firm in the war on terror, and we must stand side by side with our Iraqi allies in their war on the terrorists.

Before I finish, let me say a few words about the current situation in the Middle East regarding Israel and Hezbollah. Israel is America's longstanding friend and an ally in the war on terror. In fact, the horrors of September 11 awoke many in this country to what Israelis face daily and have faced daily for literally years. That country has been and continues to be on the front lines of the war on terror. I, for one, support Israel's efforts during this intense time to do whatever it takes to defend her people and her borders.

Maybe some have forgotten, but the terrorist group, Hezbollah, killed 241 American service men and women in Beirut in 1983. Hezbollah's love of death and destruction is on a par with al-Qaida. They are enemies to every peace-loving, democratic country. They are a threat, and Israel has a right to pursue them wherever they exist.

Now, Madam President, if I may, I would like to turn to speak in support of the Burmese Freedom and Democracy Act, which is the bill before us this afternoon.

This May, along with a number of cosponsors, including my good friends, Senator FEINSTEIN and Senator MCCAIN, I introduced this bill for Senate consideration. Passage of this bill would mean continued sanctions against the illegitimate, dictatorial regime that currently holds Burma literally in its grip—the Orwellian-named State Peace and Development Council, or SPDC. This Senate will be acting on behalf of those in Burma who are being repressed. The Burmese people want these sanctions because they want democracy, justice, and freedom, and we stand with them.

I see my friend, Senator MCCAIN, here to speak on this issue as well. He has actually had the privilege of meeting with Daw Aung San Suu Kyi, the hero of Burmese independence, an opportunity that has been denied to most because she has been essentially under house arrest for 10 of the last 17 years.

The broad, bipartisan coalition in this Chamber for this legislation indicates America's firm resolve to oppose the tyrannical SPDC regime, and America's recognition that Burma, under the SPDC, poses an immediate threat to its region. To put it simply, the allies of the Burmese people have a moral obligation to continue to stand up against the SPDC. I take great pride that we are continuing to do so.

As many of my colleagues are well aware, last year, the extension of sanctions was signed into law by President Bush on July 27, 2005. It enjoyed strong, bipartisan support and passed this body by a vote of 97 to 1. Unfortunately, recent events have reminded us of the need to keep up the pressure on the villainous SPDC regime.

Ibrahim Gambari, the United Nations Under-Secretary-General for Political Affairs, visited Burma in May as a representative of Secretary-General Kofi Annan. He met with the ringleaders with the SPDC as well as Nobel Peace Prize winner, Daw Aung San Suu Kyi, who, as I indicated earlier, is a political prisoner and has been the leader of that country's democracy movement for quite some time. Suu Kyi, as I indicated earlier, has spent 10 of the last 17 years in detention or under house arrest for her efforts to bring freedom and democracy to her people. Many other members of her party, the National League for Democracy—the NLD—have been detained as well.

After returning, U.N. Diplomat Gambari wrote a column for the International Herald-Tribune titled ''A Crack in the Burmese Door.'' After acknowledging the SPDC's years of repression and misrule, Gambari wrote:

> Last month, something seemed to change. Burma's locked door popped open a small crack.

Gambari wrote this based on his discussions with the SPDC. But I think we should judge actions rather than words, and those actions tell an entirely different story. In fact, nothing fundamentally has changed in Burma. Suu Kyi remains under house arrest and the regime continues to engage in outrageous behavior.

I do not share Mr. Gambari's optimistic view that the SPDC is ready to, as he puts it, ''turn a new page.'' In my view, the junta is only interested in deflecting growing pressure from the international community to change its repressive ways—and in avoiding the U.N. Security Council's consideration of a nonpunitive resolution that addresses the threat the SPDC poses to its own people and the entire region.

Shortly after Mr. Gambari's visit, Suu Kyi's house arrest was extended for another year—double the length of the extensions she typically receives, under the regime's perverted concept of a legal process.

Even worse, Suu Kyi's life. was threatened in a state-run newspaper. The New Light of Myanmar, a mouthpiece for the SPDC junta, printed the following in a story on July 6:

> The days of Daw Suu Kyi and NLD are numbered. They are heading for the tragic end . . . Daw Suu Kyi and the National League for Democracy (NLD) pose the most dangerous threat to the nation.

That is an ominous threat. And the people who make it have the power to see it carried out.

They have made an attempt on her life before, and are apparently threatening to do so again.

In addition to the immediate danger its misrule poses to the Burmese people, we cannot forget for a single moment that the military regime in Rangoon poses a significant and non-traditional threat to the entire region. Their litany of abuses is well known.

Refugees spill into Thailand, fleeing the SPDC's brutal war against ethnic minorities.

Illegal drugs pour across Burma's borders into China, India, and Thailand, and destroy the lives of the region's youth.

And an unchecked HIV/AIDS virus closely follows drug trafficking routes, leaving disease and human tragedy in its wake.

It is worth noting that the SPDC spent $70,000 in 2004 to combat HIV/AIDS. This is in stark contrast to the millions of dollars spent on weapons from China and Russia—and, according to recent news reports, North Korea.

This is no time for the international community and multilateral organizations, including the Association of Southeast Asian Nations, ASEAN, to soften its stance on Burma.

I want to emphasize for my colleagues one very important point. This Senate has already done much on behalf of the Burmese people. Now it is time for the U.N. to do its part.

We need less talk and more action at the U.N. in support of democracy, freedom, and justice in Burma. We must keep in mind that the situation is so dire in Burma that the U.N. has already adopted 28 nonbinding resolutions regarding that country. It is now time for the U.N. Security Council to act.

The criteria and justification for bringing a country before the Security Council was outlined in a report commissioned by former Czech President Vaclav Havel and South African Archbishop Desmond Tutu. There is no one in this Chamber who does not applaud their sustained efforts to bring about a peaceful solution to the Burma problem.

In fact, the Senate passed in May a measure that I sponsored calling on the U.N. Security Council to discuss a binding, nonpunitive resolution on Burma that calls for the immediate and unconditional release of Suu Kyi and all other political prisoners in that country; an end to abuses against minorities, including the use of rape as a weapon of war; and the beginning of a meaningful national reconciliation process that includes the unfettered participation of the NLD and ethnic minorities with the SPDC.

It is time for the U.N. Security Council to take such action. It is time for free nations to stand for freedom.

I specifically call on the respective governments of Ghana and the Republic of Congo, current nonpermanent members of the Security Council, to support this resolution.

Ghana, in particular, is a country that values freedom and the rule of law, and support for the resolution would unequivocally demonstrate that they stand on the side of justice in Burma.

I urge our Representative to the United Nations to continue efforts to move toward Security Council consideration of a nonpunitive resolution on Burma. To do any less would be to take a step backward.

Mr. President, the Congress has stood with the people of Burma in their quest for freedom and democracy. It is time for the U.N. Security Council to do the same.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank Senator MCCONNELL and Senator FEINSTEIN for their leadership once again in renewing the sanctions contained in the 2003 Burmese Freedom and Democracy Act. I am proud to cosponsor and support this resolution.

I again thank the Senator from Kentucky and the Senator from California for their leadership and their advocacy. I thank Senator MCCONNELL for his very strong and inspirational remarks that he completed.

As we renew these sanctions, the situation inside Burma continues to worsen still. The military junta in that country controls the population through a campaign of violence and terror, and the lack of freedom and justice there is simply appalling. The Burmese regime has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Political activists remain imprisoned, including elected members of parliament. And that courageous woman, Aung San Suu Kyi, has spent yet another year in captivity.

Aung San Suu Kyi's resolve in the face of tyranny inspires me and, I believe, every individual who holds democracy dear. Because she stands for freedom, this heroic woman has endured attacks, arrest, captivity, and untold suffering at the hands of the regime. Burma's rulers fear Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run the country have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shine brightly for the millions of Burmese who hunger for freedom and for those of us outside Burma who seek justice for its people. The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule. The Burmese people deserve no less.

And, while we see encouraging signs that the world is no longer content to sit on the sidelines, not everyone has gotten the message. Nine years after Burma joined ASEAN, the Southeast Asian nations remain too passive in the face of Burma's outrages. The European Union has recently announced that it will waive a travel ban on Burma's top leaders so that the Burmese foreign minister can attend the Asia-Europe meeting in Finland this September. It is hard to see what new actions the Burmese junta must commit in order to induce the world to treat the junta like the pariah it wishes to be.

At least there should be no mistaking where the United States stands when it comes to repression in Burma. The U.S. Congress has been in the forefront of efforts to isolate that country, and we stepped up these measures significantly in 2003 with the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country. Today's renewal of the import restrictions—sanctions that are supplied by supported by the National League for Democracy—is just one of those steps. I believe that these restrictions must remain in place until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities.

But the import ban must not be the only step. The U.S. has pushed for a resolution at the United Nations Security Council, and this step should garner wide support. The Europeans and ASEAN too should take up the Burma issue and put it on their front burners. Every responsible member of the international community must realize that the desire of people to be free is universal, and it does not stop at the gates of Rangoon. The people of Burma desire freedom and democracy, they have expressed this desire, and they shall one day have it. The question is not ''if'' but ''when.'' We shall help them get there, and we shall never forget their brave struggle.

Again, I thank the Senator from Kentucky and the Senator from California for their leadership on this very important issue.

There are many issues that are before America's attention today and that dominate our television and our newspapers. But this struggle for freedom on the part of the Burmese people has been there before and, unfortunately, will be after. We must be steadfast in our advocacy until they attain the freedom that they deserve under the leadership of this magnificent, Nobel Prize-winning hero for men and women throughout the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. If I can say to my friend from Arizona before he leaves the floor, it is hard to imagine that the world simply doesn't pay any attention to this outrageous regime. I ask my friend, if they had a weapon of mass destruction, probably we would be paying a little more attention to this pariah regime—does my friend from Arizona not agree?

Mr. MCCAIN. I agree with my friend from Kentucky. Let me respond by referencing, again, this struggle carried out by this magnificent woman. She has endured 17 years of house arrest. When her husband was in England, he was dying of cancer. She has two sons, by the way. He was dying of cancer, and she wanted, of course, to go to be with her husband in his last hours. The

junta said: Yes, you can go, but you can never come back.

Among the incredible sacrifices she has made, she was not even allowed to be with her husband as he died.

One time she was surrounded by these thugs who killed some of her supporters. She was in a car for a week—inside of her car for a week, surrounded by these unspeakable, brutal thugs who were the goons of this regime.

The things she has undergone. Yet, incredibly, whenever she is with these thugs from this junta, she treats them with the utmost courtesy. She serves them tea. She treats them as only a woman of her caliber can treat her mortal enemies.

Her story needs to be told and retold throughout the world, thousands and thousands of times. As a person who is a hero worshiper, an admirer, I believe that heroes have an important place in our Nation and the world. When I see her, she ranks in the first ranks of heroes in the world. It seems to me, with all due respect to the other nations of the world—our European friends, our ASEAN friends, and others—that we should be far more energetic in her advocacy and advocacy of freedom for her people.

I thank the Senator from Kentucky.

Mr. MCCONNELL. I thank the Senator as well. He makes a very important point.

The United Nations has not responded to efforts to prod them into moving this item up on the agenda. It could well be because of the lack of enthusiasm, shall I say, of the Chinese and the Russians—two permanent members of the Security Council. Nevertheless, the efforts persist. This U.S. sanctions bill is important, but it is not going to get the job done. We know that. It would require multilateral sanctions of a dramatic basis, such as were imposed against South Africa, to get the job done. At least at this point, the ASEAN countries seem to be more interested in doing business there than they are squeezing the regime.

There was, however, one encouraging sign. Burma was scheduled to host the ASEAN meeting this year. That did, I think, embarrass the members to the extent that they were unwilling to do that. So ASEAN obviously is not meeting in Burma in 2006.

The struggle continues. I thank our colleagues. This is going to pass on a voice vote shortly. I thank our colleagues for their awareness of this issue. I think it is one that will be before us for some time to come.

I don't know if there are other speakers. I see the Democratic leader. Does he wish to speak on this bill?

I yield the floor.

Mr. BAUCUS. Madam President, 3 years ago, Burma's military junta arrested democracy advocate Aung San Suu Kyi and returned her to the house arrest that she has endured with only intermittent periods of release since 1989.

Three years ago, Congress enacted the Burmese Freedom and Democracy Act of 2003, and we have renewed the sanctions called for under that legislation every year since then.

That legislation is set to expire this summer, and we are now considering whether to extend its provisions for another 3 years.

Tragically, Burma's human rights record has worsened, rather than improved, in the 3 years since Congress enacted the Burmese Freedom and Democracy Act.

Earlier this year, the detention of Aung San Suu Kyi was extended for another year. More than 1,100 political prisoners languish in jail in Burma, prevented from expressing their aspirations for a democratic government.

The military junta ruling Burma still refuses to enter into a dialog with the opposition National League for Democracy. Its brutal treatment of ethnic minorities and advocates of democracy remains unabated. Forced labor is a widespread problem, and labor activists are regularly imprisoned for trying to combat it.

The failure of Burma's dictators to address the HIV/AIDS and avian influenza situation in the country contributes to the horrific situation of the Burmese people.

And the regime's effects are not confined to Burma's borders. Thousands of refugees have fled to Thailand, Malaysia, India, and Bangladesh. Burma is the world's second largest opium producer, supplying 90 percent of the heroin from Southeast Asia. It is also the single largest producer of methamphetamine in the region.

One year ago, nearly to the day, I stood on the Senate floor and questioned whether these economic sanctions were the most appropriate tool for bringing about the kind of change we need to see in Burma.

The arguments against economic sanctions continue to be quite compelling. First of all, they have a very poor record of success. The kinds of governments that merit this sort of treatment are not sensitive to international opprobrium, nor are they swayed by it to make changes. Second, economic sanctions tend to hurt the people that they are intended to help. Ordinary people lose their jobs, while the military and its leaders are left untouched. Third, severing economic ties shuts off an important avenue of dialog that can promote change.

Those who support the sanctions point out, rightly, that Burma's rulers are not willing to engage in dialog, either at home or with its neighbors. It is plain that Burma's military dictators are not interested in being members of the international community. They have rebuffed the United Nations. And they have refused to allow U.N. Special Rapporteur on Human Rights Paulo Sergio Pinheiro to visit Burma since November 2003.

They are equally uninterested in improving the lives of their people, or participating in the global economy. While more and more nations have turned to freer markets to bolster their growth, Burma has actually worked to dismantle fundamental economic institutions like property rights, contract enforcement, sustainable fiscal policies, and a reliable currency.

It is difficult to imagine an environment less conducive to growth and less attractive to foreign investment. Revenues from oil and gas exports flow to the regime. Businesses and farmers are routinely shaken down. And productive assets are concentrated in the hands of the regime's cronies.

In December of last year, America led the effort that produced the U.N. Security Council's first-ever discussion of the human rights abuses in Burma. I welcome the administration's efforts to increase international pressure on the military dictatorship.

But if we are serious about trying to isolate the junta through sanctions, we cannot act alone. The European Union has also imposed sanctions on Burma, but neighboring countries continue to trade with Burma and to direct investment there.

The administration needs to work with other countries, especially the countries in the region Thailand, China, India—that are still economically engaged with the dictatorship to intensify the pressure on the regime.

The countries in the region have the most to lose from the worsening of the situation in Burma. As the oppression and abuse continue, more refugees will flee across the borders. As the junta focuses on enriching itself and ignoring the needs of its people, more drugs will flow across the border, and the risk of diseases like HIV/AIDS, malaria, antibiotic-resistant tuberculosis, and avian influenzas will increase in the region.

Despite my reservations about the effectiveness of sanctions to effect change, I will support this resolution, extending the Burmese Freedom and Democracy Act for a further 3 years.

This extension adds our voice to the voice of the Burmese people, muffled by the oppressive regime, in calling out for democracy and human rights. It is my hope that our action today will increase the awareness of the worsening human rights situation and bolster international support for democracy in Burma.

Mr. GRASSLEY. Madam President, I rise in support of H.J. Res. 86, which will renew the import ban we first imposed on Burma in 2003.

The Burmese Freedom and Democracy Act was our response to the reprehensible attack on the National League for Democracy which occurred on May 30, 2003, and the arrest of many NLD officials, including their leader, Daw Aung San Suu Kyi.

I worked with my colleagues, Senator MCCONNELL and Senator BAUCUS, to develop and pass that legislation. We authorized a ban on imports from Burma for 3 years, subject to annual renewal by Congress.

Well, the 3 years are about to end, and unfortunately the situation in

Burma has not improved. The latest report from the State Department notes the continuation of killings and rape, use of forced labor, forced conscription, arrests and disappearances of political activists, and other abuses by the ruling military junta. And on May 23, 2006, the ruling junta extended for another year the unjustified house arrest of Daw Aung San Suu Kyi. To renew trade with Burma now would send exactly the wrong signal. We need to renew the import ban as a visible demonstration to the ruling junta that their actions are unacceptable and that they must change their ways.

We also need to encourage other nations to take strong action. The European Union has imposed some sanctions. Canada, Australia, Japan, and Norway also have some restrictions in place. I think they should each join us in doing more. Other nations should be acting as well, in particular, China. I urge the administration to continue engaging our trading partners to join us in strengthening sanctions against the ruling military junta. We need to work together in order to spur meaningful democratic reform in Burma.

For these reasons, I support authorizing the import ban for another 3 years, and I support the outright renewal of the import ban for another year. I, therefore, urge my colleagues to join me in supporting passage of H.J. Res. 86 and getting it to the President's desk for his signature as soon as possible.

Mrs. FEINSTEIN. Madam President, I rise today in support of legislation to renew the ban on all imports from Burma for another year.

The House unanimously passed this bill earlier this month and I urge the Senate to follow suit today.

This bill amends the original Burmese Freedom and Democracy Act of 2003 to allow the sanctions to be renewed, 1 year at a time, for up to 6 years.

Simply put, the ruling military junta, the State Peace and Development Council has done nothing over the past 3 years to warrant a lifting of the sanctions.

It has failed miserably to make ''substantial and measurable progress'' towards recognition of the 1990 elections—decisively won by Aung San Suu Ky's National League for Democracy—and a full restoration of representative government.

If we vote to lift the sanctions prematurely, we will only reward Rangoon for its rejection of democracy, human rights, and the rule of law.

Let us review the facts.

Aung San Suu Kyi, Nobel Peace Prize recipient and leader of the National League for Democracy, is confined to her home by orders of the military junta. She recently celebrated her 61st birthday under house arrest and on June 9, 2006, her detention was renewed for another year.

She has spent the better part of the past 16 years imprisoned or under house arrest.

The human rights situation in Burma is deplorable and demands a clear, unified response from the international community: 1,300 political prisoners are still in jail; according to a report by the Asian human rights group, Assistance Association for Political Prisoners, 127 democracy activists have been tortured to death since 1988; 70,000 child soldiers have been forcibly recruited; the practice of rape as a form of repression has been sanctioned by the Burmese military; use of forced labor is widespread; human trafficking is rampant; and the government engages in the production and distribution of opium and methamphetamine.

Given this substantial list of abuses, it is no surprise that a recent report by former Czech President Vaclav Havel and retired archbishop Desmond Tutu of South Africa—''Threat to Peace: A Call for the UN Security Council to Act on Burma''—confirms the need for United Nations intervention.

It details how the situation in Burma fulfills each of the criteria used for past intervention by the Security Council: overthrow of an elected government; armed conflicts with ethnic minorities; widespread human right violations; outflow of refugees—over 700,000—and drug production and trafficking and the spread of HIV/AIDS.

The report should be required reading for all members of the United Nations who doubt whether or not the Security Council should take up Burma immediately.

Some may argue that because the sanctions have not achieved their desired goals—the release of Suu Kyi, the restoration of a free and democratic Burma—they should be terminated.

I could not disagree more. First, Aung San Suu Kyi and the democratic opposition continue to support a ban on all imports from Burma.

Second, the international community is coming together to put pressure on Burma: In July 2005, ASEAN forced Burma to forgo its scheduled rotation as chairman of the organization; on December 16, 2005, the U.N. Security Council debated the situation in Burma for the first time.

Last month, the United Nations Under Secretary for Political Affairs briefed members of the Security Council on his meeting with Suu Kyi, her first meeting with a foreigner since 2004; a group of legislators from member countries strongly urged ASEAN last week to take concrete measures to resolve the political situation in Burma; Malaysian Foreign Minister Syed Hamid Albar, whose country currently chairs ASEAN, blasted Burma in an op-ed in the Wall Street Journal this week for undermining the credibility of ASEAN by not moving closer to democracy.

And, finally, I believe we are making progress on having a majority of the United Nations Security Council support adding Burma to the agenda of the Security Council for debate and possible passage of a binding, nonpunitive resolution on Burma.

By taking a leadership role on this issue, the United States has inspired other countries in the United Nations to put pressure on Burma to respect the wishes of its people and the international community to release Suu Kyi and restore a democratic, representative government.

They have begun to recognize that—as the Havel-Tutu report documents—Burma's actions not only represent a threat to the rights and freedoms of the Burmese people, but to the region and international community as a whole.

I strongly urge those members of the Security Council who have not done so to add their names to the growing list of countries who support adding Burma to the council's agenda. Passage of this legislation today will serve as another beacon of hope for the Burmese people and another example of leadership that will bring other countries to their side.

I remind my colleagues that under the provisions of this legislation, we will have the opportunity to debate sanctions on Burma every year. That is how it should be.

Sanctions are not a panacea for every foreign policy dispute. But, when they are backed by a robust international response, they can be effective and they can compel change.

Archbishop Desmond Tutu has rightly said, ''As long as [Suu Kyi] remains under house arrest, not one of us is truly free''.

Today, I urge the SPDC to release Aung San Suu Kyi, recognize the 1990 elections, and engage in a true dialogue with the National League for Democracy.

I urge the United Nations Security Council to debate and pass a binding, nonpunitive resolution on Burma that recognizes the threat the regime poses to the region and calls for Suu Kyi and all prisoners of conscience to be released.

And, finally, I urge the Senate to renew the sanctions on Burma for another year.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Madam President, the Senator from Kentucky has been working on this matter for years. I appreciate his vigilance and diligence. I also say to my friend from Arizona, for the Senator from Arizona to stand and talk about brutality and suppression means a lot. He understands it. We all know he understands it, having been a victim of that for years when he was a prisoner of war. I appreciate the leadership of these two fine Senators moving this matter forward.

I am going to speak on another issue at this time, Madam President. Are there others from either side who are going to speak on this matter?

Mr. McCONNELL. I say to my friend from Nevada, I am not aware of any other speakers on either side.

Mr. REID. Then we should pass it, and I will get the floor and move on.

Mr. McCONNELL. How much time remains?

The PRESIDING OFFICER. There is 14 minutes.

Mr. MCCONNELL. I yield the remainder of the time on this side.

Mr. REID. I yield all of our time.

The PRESIDING OFFICER. All time is yielded back. The question is on third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 86) was ordered to a third reading, was read the third time, and passed.

Mr. MCCONNELL. 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.

GULF OF MEXICO ENERGY SECURITY ACT OF 2006—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The minority leader.

Mr. REID. Madam President, today the Senate is considering a bill that represents a positive step for our Nation's energy security. The Gulf of Mexico Energy Security Act can play a role in building a better energy future for our country and especially a better future for the people of the gulf coast.

I want the record to reflect my deep appreciation to Senator BINGAMAN, who is the ranking member of this Energy Committee, for working with us on this issue. Senator BINGAMAN has—at least to my understanding—no problems with where this bill will allow drilling. He has concerns as to how the money is going to be allocated following the drilling. I understand his concern and appreciate it. Senator BINGAMAN is the epitome of a gentleman. Even though he has concerns about how we are moving this bill forward, he has not been an impediment, and we are moving forward as quickly as we can so, again, I want the record to reflect my deep appreciation for Senator BINGAMAN, what a good friend he is and a good Member of the Senate.

I am going to say more about the specifics of this legislation. Prior to doing that, I ask unanimous consent that during the consideration of S. 3711, there be a limitation of five first-degree amendments, energy-related amendments, in order on each side.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, reserving the right to object, I say to my good friend, the Democratic leader, as he knows the development of this bill was done on a bipartisan basis. It is narrowly targeted but represents a delicate compromise between the gulf coast Senators, Senators from Florida, and it is the feeling of all those involved in developing this legislation, as I say, again, on a truly bipartisan basis, that if we open this bill up to amendments—we have lots of good ideas on this side of the aisle, and I expect there are lots of good ideas on that side of the aisle. I recall when we were doing the major Energy bill last year about this time, we spent several weeks on it as we considered virtually everybody's good idea about what to do, either on the conservation side or the production side.

So I say to my good friend, the only way to achieve success, it strikes the sponsors of the bill, is to keep it very narrowly crafted and to pass it as is out of the Senate.

I know that is not what we customarily do, but this is an unusual situation. We are trying to respond to high energy prices in America. Even though natural gas prices have subsided somewhat in recent months, we anticipate them going up again next fall. There is a good chance that the futures market in natural gas will actually respond favorably to this measure, if we can get it out of the Senate. Natural gas prices, we all know, are set in America. It is not a global price setting. It could provide immediate relief to natural gas customers all over America.

For all of those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I am disappointed that the majority has objected. I think the proposal I made would permit the Senate to make improvements to the bill. We limited the number of amendments and we certainly would be willing to limit the time on them. But I understand the objection of the majority.

This legislation opens approximately the same area President Clinton proposed when he was President. This would be opening an area of oil and gas exploration in the Gulf of Mexico. But when President Bush came into office, he narrowed the consideration at the request of his brother, the Governor of Florida. This bill moves us back closer to President Clinton's proposal with some additional deepwater acreage opened south of the 181 area. It satisfies the concerns of the State of Florida. It is also a positive step for those who want to see the restoration of the gulf coast wetlands. I can remember the first time Senator Breaux spoke to me about the State of Louisiana and what was happening to his State.

During the time I am going to be here on the floor, which will be a few minutes—I came here 15 minutes ago and listened to the remarks of the two Senators from Kentucky and Arizona, and I hope to leave in 10 or 15 minutes—there will be an area the size of three football fields washed into the gulf, gone forever. Huge tracts of land are being washed into the ocean every day. We must have coastal restoration. We can do this, but it is not easy.

We learned with Katrina that had Katrina hit several decades ago—50 years ago—the damage would have been much less than it was because it would have had a barrier and the storm would not have hit the City of New Orleans as it did, and other coastal areas. I have been there. I saw what happened in New Orleans. I have been there a number of times. I saw what happened in Pass Christian, MS. I will always remember that in my mind's eye—the devastation from the wind.

But this legislation gives New Orleans, LA, hope because it provides a source of money to restore the wetlands that are being devastated. That is the basis for my strong support of this piece of legislation. This bill will help them get the resources which are needed to rebuild in a sustainable manner.

Everyone in Louisiana should know that they have a tireless champion in Senator MARY LANDRIEU. I wish I could express to her father, Moon Landrieu, former mayor of New Orleans, a Cabinet Secretary here in Washington, as I have done in the past. I wish I could express my support and admiration of his daughter MARY LANDRIEU, a wonderful family of 10 children. She has done so much work in this regard. If it weren't for her efforts, without any question the Senate would not be considering and passing this bill, which we will do in a few days. I am not going to be able to say this to Moon Landrieu today, but I am sure I will in the near future, and tell him about the good work his daughter has done here. Her whole family should be proud of her, and the whole State of Louisiana should be happy and satisfied with the work she has done in this regard.

For the first time in the history of this country, the delta area of the Mississippi River, because of the work we have done on it through the Corps of Engineers, and all the other governmental entities, which is one of the reasons the gulf is washing away, that we will be able to for the first time have a long-term project to restore the coastland. It is expensive and hard, but it is so important for our country.

Having said all the good things about this bill and about Senator LANDRIEU, I want it to be very clear in my remarks here today that this bill is not going to fix America's energy needs. It is not going to solve America's energy crisis. We have a failed energy policy in this country. The Bush-Cheney failed energy policies—simply more for big oil—won't work.

British Petroleum announced yesterday that their profits have gone up. In Reno, NV, the price of gasoline is $3.12 a gallon today. The price of gasoline in Nevada on an average has gone up more than 50 cents a gallon in the last year. The Bush-Cheney energy policies do nothing to alleviate the problems we are having in Nevada and around the country.

This bill will do nothing to bring down the price of gasoline or diesel. It won't come down as long as demand keeps growing and big oil companies are not investing their billions and billions of dollars in profits in new American energy jobs and manufacturing and in developing alternatives to oil.

As my friend from Oregon said better than I, we are marinating ourselves in oil. The country is being marinated with fossil fuel. We need to bring much

more fuel-efficient cars and trucks quickly to market and to promote as a country energy efficiency and conservation.

That is the one real difference between Democrats and Republicans—speed. We have been ready for months and months and months, going into years, to fund and uphold a project like energy. If we can get to the Moon, we can solve our energy crisis. But we can't do it by continuing to do something we have done for 50 years. The Sun is there producing energy every day. The wind is there blowing every day and producing energy. We need to capture that energy. We need to capture geothermal energy. We are not doing it.

It appears to me the majority is not interested. The Republicans have proposed emergency spending on energy and underfunded even the mediocre Energy bill from last year. The administration still has not gotten around to issuing loan guarantees to build new biofuels plants.

Democrats want to transform the Nation's energy policy, and we want to do it now. But the Bush administration and the Republican Congress is content to let the market and Big Oil crush consumers, squeezing every last coin out of their pockets.

I had a press event across the hall in the LBJ Room this morning. I had with me a family from Colorado. They have a little 5-year-old boy. He is little, but he is a husky little kid, Johnathan. They have to fill their two vehicles. One drives a lot to his job, and the other doesn't drive as much. But they fill their cars on average of twice a week. It costs them $45 every time they fill their gas tank. It is $180 a month which they cannot afford. They have no health insurance. It is true all over America.

This morning the majority leader said there was a lot more we can do relating to energy, and we should do it in the future. I make this point to the majority leader through the Republicans and to the President, the future is now. Americans are suffering from an energy crisis, and have been since well before last year's energy bill.

In Reno, NV, it's $3.12 a gallon for regular unleaded. The future is now. What are we waiting for? Is this the best we can do? I hope we can do better before we finish this congressional term. We are not going to do it before August. That is what we have demanded, but we have tomorrow and a few days next week, and that is it.

We have good ideas. In May, the Democrats introduced the Clean EDGE bill. That stands for Energy Development for a Growing Economy. That describes the problems we have in America today. We need to do energy development. We have to do it if we want to keep our economy growing. It is a bill to accelerate development in commercialization of energy efficiency technologies, renewable energy production and alternative fueled vehicle market penetration.

Isn't it a shame that the Federal fleet, the biggest we have in America, is not one which we are using with alternative energy? And we are not. The Clean EDGE bill adds important provisions to make the Federal Government a real leader in energy instead of just the largest consumer.

The Clean EDGE bill contains important provisions to set a national oil savings goal, increases penalties to punish price gouging, and reigns in energy market speculators who are driving up the price of natural gas.

Let me say this. On public radio this morning—I enjoy listening to public radio every morning; I love that medium—I can't remember the name of the man who was there in ANWR, but he was there 50 years ago with the people who first pushed to set that aside as pristine wilderness. What he said today was remarkable. He said, I was there more than 50 years ago. He said it is the same today as it was then. He is 73 years old now. He was a young man 53 years ago when he was there.

I know how strongly the Presiding Officer feels about that. America feels just as strongly that we did the right thing in protecting ANWR. In listening to that radio program, I felt in my heart we had done the right thing.

We need to move forward with innovative, good legislation. The Clean EDGE bill does that. A few days ago, 41 Democratic Senators sent a letter to the majority leader stating our desire to move legislation such as the Clean EDGE bill before we recess to bring down prices and give consumers affordable alternatives. Unfortunately, it seems we will have to continue looking for other legislative opportunities since we need to pass S. 3711 as soon as possible, and send it to the House where they can send it to the President.

But let us not kid ourselves; this bill is good for the gulf coast and will contribute to the Nation's energy security and, more importantly, for coastal restoration. It will not affect gas prices and just extends our addiction to oil.

I again compliment the very good work of MARY LANDRIEU in moving this bill forward.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, I want to commend the distinguished leader from Nevada. He has for a long time championed the needs of consumers. In the West, we understand the devastation gasoline prices have had on our consumers. And his case for a new energy policy, a red, white, and blue energy policy that makes us free of our dependence on foreign oil, is a case he has eloquently made, and made frequently. I want him to know how much I appreciate his leadership before he leaves the floor.

I want to start the discussion about the legislation which is before us now by acknowledging the enormous pain and hurt so many citizens of our Gulf States have endured since Katrina struck their communities. Pictures of this tragedy are seared into our minds at this point. In the Senate, I sit next to the distinguished Senator from Louisiana, Senator LANDRIEU. She has brought passion, energy, and eloquence to the cause of securing help for those she represents so well as folks in the Gulf States try and get on their feet.

My view is that the challenge for the Senate is to reconcile the need to help those folks hurting in the Gulf States with the urgent need for Congress to legislate fresh, bolder energy policies for our entire country. My understanding is the distinguished majority leader from Tennessee, Senator FRIST, will not allow amendments to this legislation. If that is the case, my view is this legislation does not balance the need to help folks in the Gulf States with the urgent need to get that fresh red, white, and blue energy policy for our country's future.

Does the Senate truly believe more shouldn't be done to promote renewable energy? Does the Senate truly believe more shouldn't be done to promote automobile efficiency? Does the Senate truly believe more shouldn't be done to protect consumers from exploitive practices? Does the Senate truly believe taxpayer dollars should be used to subsidize oil companies even though the President, to his credit, has said subsidies aren't needed when the price of oil is over $55 a barrel?

If no amendments are allowed under this legislation, which is my understanding from the statement made by the distinguished majority leader, essentially what the Senate will be saying to the country is if we go off and drill in the gulf a bit, then the country can call it a day as far as getting a new energy policy. I don't think that is good enough.

I support responsible drilling in the gulf. We obviously need more energy production. By any realistic calculus, we know oil will be part of our future and we are going to need to encourage production in a responsible way. In the Senate Committee on Finance, again, working on a bipartisan basis, the Senator from Wyoming, the distinguished Senator who sits on the Committee on Finance, Senator THOMAS, has some excellent ideas in terms of encouraging production, particularly getting more oil from existing wells. We do need more oil production. But drilling alone is not the new energy policy this country needs. It is more business as usual.

We have been down this road before. In the 1990s, for example, the Congress passed a royalty program that was supposed to stimulate energy production and be good for the Gulf States and for our country as a whole. What it has done is something very different than what was envisioned. In fact, the sponsor of that legislation, our respected colleague from the State of Louisiana, former Senator Johnston, has said the program, as it has developed, is nothing along the lines of what he envisioned.

The Government Accountability Office has said with the royalty program created in the 1990s when oil was about $19 a barrel—it is over $70 a barrel now—that program that was created in the 1990s is going to cost taxpayers a minimum of $20 billion and possibly as much as $80 billion.

That is the royalty program we have on the books now. As we start this discussion about setting up a new program, I want to make sure the Senate is up on how much money is being frittered away under the mismanaged program that is on the books today. One would think it is common sense to fix the old program before we start a new program. One would think it is common sense to take the savings generated by fixing the old program and applying those savings to paying for the new program before the Senate this afternoon. However, neither of those commonsense steps is being taken. A new program is being considered by the Senate today when Congress has not corrected the old program which even the oil companies acknowledge is not needed today, and even the sponsor, our former colleague, Senator Johnston, has indicated is not working.

I have talked with Chairman DOMENICI about this. Chairman DOMENICI has indicated he wants to fix this old program, this old, mismanaged program that has wasted so much of the taxpayers' scarce resources. We all know Chairman DOMENICI is a straight shooter and forthright and I have appreciated his discussions with me.

However, I don't think the oil companies are going to easily give up this multibillion dollar boondoggle, this sweetheart deal they have obtained. Time is not on the side of those who want to put a stop to the billions of dollars being needlessly dispensed under the 1990s program.

The legislation before the Senate now is one of the last opportunities the Senate will have to permanently fix the broken royalty program that began in the 1990s. Senator KYL and I have been working in a bipartisan way to change this. There has been action in both the other body, the House, and in the Senate, in the Senate Committee on Appropriations where the distinguished senior Senator from California, Senator FEINSTEIN, has done an excellent job of trying to advance the cause of stopping these subsidies, but my guess is the legislation the Senate has been able to at least start in the appropriations process may not even hit the floor of this body, and even if it does, the oil companies are very well positioned to run out the clock on the effort in this session of Congress to stop the needless subsidies that were granted in the 1990s.

For example, there is mediation now going on between the companies and the Government, but it is nonbinding, so the oil companies hold all the cards. The appropriations process, of course, only lasts for a year so the companies can run out the clock on that, as well.

Senator KYL and I spent a lot of time in the Senate making the case for why this was a needless expense, particularly at a time when we have so many other needs in our country. That day, despite the fact I stood in this spot for almost 5 hours, we could not even get a vote on a measure to stop these subsidies that the General Accounting Office has calculated is at least $20 billion and possibly $80 billion.

Put me down as pretty skeptical that the oil companies are going to voluntarily give up these huge sums of money. As of now, in this session, one measure after another has failed in terms of potential steps that could protect the consumer. Let's review: The Federal Trade Commission, the agency that is supposed to protect the consumer and to deal with concentration and mergers in the oil industry, a big goose egg from the Federal Trade Commission. In fact, the chair, Deborah Majoras, has all but said that high prices are essentially good for the consumer because by her theory that will promote more energy production. That is a pretty astounding theory of consumer protection, but Senators can look it up. That is what she said before the Energy Committee.

The agency that regulates commodities? Zip, with respect to dealing with speculative practices, practices that contribute very significantly to the cost of oil. In fact, when oil company executives came before our committee—the distinguished Senator from Alaska will recall—one oil company executive said speculative practices are a big factor in driving up the cost of oil for our consumers. We have not seen anything to reign in those speculative practices.

How about stopping needless tax breaks? When the oil company executives came before the Energy and Natural Resources Committee, I went down the row and asked each one of the executives whether they needed all these tax breaks. They now have record profits, consumers have record prices, so I made the point, why in the world would you need record tax breaks? The executives, when they had to answer in broad daylight, said they did not need them. Ever since then, I have been trying to roll back some of those tax breaks. The President, to his credit, said tax breaks are not needed when the price of oil is over $55 a barrel, but we have taken only the most modest step. A tiny bit of the tax relief that the oil companies are getting has been rolled back under a proposal I made involving a drilling writeoff that the companies get.

So, Federal Trade Commission, zip; anti-speculative efforts, zip; tax breaks that are needless expenditures that the oil companies say they don't need, virtually nothing. So put me down as pretty skeptical given the fact that in each of those areas the Government has ducked taking on the oil companies. Put me down as pretty skeptical that somehow these oil companies are going to come to the table and walk away and leave behind $20 to $60 billion worth of breaks in royalty relief from the 1990s. I don't think it is going to happen. I hope it does.

Chairman DOMENICI is very sincere in his views, but given the track record in this Congress of the oil companies being able to escape any kind of effort at those various agencies I have outlined, I don't think the oil companies are going to voluntarily clean up a program in the 1990s that has been so mismanaged. My sense is it is going to be necessary to pass legislation in this Congress to force the companies to give up these needless subsidies.

There is a compromise with respect to how it could be done in a bipartisan way. It is a compromise that I and the distinguished Senator from Arizona, Senator KYL, have been talking about. We actually proposed it to the distinguished chairman of the committee, Senator DOMENICI. I suggested what we might do is allow the negotiations between the companies and the Government under the 1990s royalty program to proceed for a bit longer. Possibly that will work. I am skeptical, but possibly it will.

But if those negotiations did not produce the savings for taxpayers and the cleansing of this old program that is so important, then we have to be tougher. After a period for negotiations, I would propose as part of a bipartisan compromise that the Senate then insist the companies get no new leases until the old program has been cleaned up. That would bring together some of the ideas advanced by the distinguished chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and some of the ideas Senator KYL and I and others have offered on a bipartisan basis.

We suggested that be done in this bill. We said: Here is an opportunity in this legislation to permanently fix the old program before you start a new one. We thought it was a chance to take two approaches Senators have been talking about and bringing them together and permanently fixing the program. I believe if the Senate does not do that, the clock is going to run down on the program, and I think, in all likelihood, the Senate, in the beginning of 2007, will be in much the same place it is today. I do not want to see that happen.

I think it is time for a fresh approach with respect to how our country makes energy policy. I think we need to be much bolder and much more creative. I have advanced ideas in this area; a number of Senators have. But we have seen precious little of that kind of bold thinking. What we have seen is essentially business as usual.

I hope colleagues will take a look at the analysis that has been done by the Senate Budget Committee of the impact of the legislation before us today. This is, of course, S. 3711. I asked the Democratic staff of the Senate Budget Committee to do an analysis of the impact of the bill before us today. The

legislation before us now authorizes at least a 50-year commitment. The oil companies, in my view, under this legislation have been able to parlay the suffering of our citizens in the Gulf States into something that I believe could become an unaffordable gravy train.

What the Budget Committee staff found is that between 2017 and 2055, the U.S. Treasury and Federal taxpayers would be out almost $20 billion beyond what is already going out the door under the broken royalty relief program from the 1990s that I have described once again on the floor of the Senate. But beyond that, all bets are off. Lost revenues after that could be as much as $12 billion to $15 billion each year.

So I would ask the Senate: At a time when clearly folks in those Gulf States are hurting, and the Senate ought to step in and be of assistance to them, does it make sense to authorize a 50-year program that, particularly after the initial period, will involve additional sums, additional untold billions of dollars of revenues that could be lost?

The challenge for the Senate now, it seems to me, is, first and foremost, to get some amendments to this legislation. I hope the majority leader, the distinguished Senator from Tennessee, Mr. FRIST, will change his mind. I hope the distinguished majority leader will allow amendments on automobile efficiency, on renewable energy, on protecting consumers from exploitive practices, and protecting taxpayers from needless subsidies. We would not be talking about hundreds of amendments. I think amendments in those four areas would provide an opportunity to strike a balance in this legislation to make sure that urgently needed help is directed to these Gulf States, that efforts are being made to get a new energy policy for our country.

It does not make any sense, to me, for the Senate to say: Let's go drill a bit in the Gulf—and pretty much call it a day. But that is what the legislation in its present form essentially says. It says: At a time when the country desperately needs a new energy policy, when people are clamoring for it at townhall meetings and in chambers of commerce and in virtually every other place a Senator goes, what we are going to say is nothing doing. We are going to say a bit of drilling in the Gulf will cover it, and a bit of drilling in the Gulf can take place, even though billions of dollars are being wasted under a program—a previous program—that was directed to the Gulf States from the 1990s.

I think the Senate can do better. I think the Senate can do better on a bipartisan basis. Senator KYL and I are ready to propose what we believe could be a bipartisan initiative that would involve recommendations made by the chairman of the Energy Committee, Senator DOMENICI, ourselves, Senator FEINSTEIN, and others. We think we could save a big chunk of money—billions and billions of dollars—that could be applied to the new program that is being considered by the Senate today.

That is the kind of bipartisan work the Senate should focus on. I look forward to the discussion and particularly hope the distinguished majority leader, Senator FRIST, will change his mind. This subject is too important to bar Senators from offering meaningful amendments and allowing the Senate to get a more balanced energy policy and securing the needs of our citizens.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Without objection, the quorum calls will be equally divided.

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to express my strong support for S. 3711, the Gulf of Mexico Energy Security Act of 2006.

This is an important and timely piece of legislation that deals with an issue that is very near and dear to Floridians, which is protecting our gulf coast from drilling.

Protecting Florida's coastline is an issue of monumental concern to me and to my constituents, and I commend Chairman DOMENICI and his staff, as well as Leader FRIST and Senator MITCH MCCONNELL, for their hard work in forging a strong bipartisan compromise that allows us to do just that. I also thank the distinguished Senator from Louisiana for her work in bringing about this bill.

As Floridians know, and many of my colleagues have learned over the past several months, our beaches are extremely important to our way of life. We value their unique and fragile ecosystem. Our State's special scenery and fragile environment bring millions from across the Nation and the globe to enjoy its sugar-sand beaches and world class angling and boating.

I have spent a great amount of time and energy since arriving in the Senate fighting to protect Florida's treasures from the threat of offshore drilling, together with my colleague, Senator NELSON, as well as with the Members of the Florida delegation in the House of Representatives.

Several different pieces of legislation have been introduced over the past year in the House and the Senate that the Florida delegation has found extremely worrisome, and we have been successful up to this point in keeping drilling at bay. But the drilling battle has gotten fiercer and the stakes have gotten much higher as our Nation struggles to meet our energy demands in an increasingly uncertain world.

Pressure continues to mount in Congress to develop Federal deepwater resources in the Outer Continental Shelf. And because high oil and natural gas prices are not a Republican or a Democrat problem but they are our Nation's problem, there is a bipartisan majority that grows stronger each day behind the effort to open the Eastern Planning Zone of the Gulf of Mexico to more drilling.

So our options are whether to be part of a solution—a real solution that provides concrete protections for our State—or watch our protections be eaten away year after year by those who do not share Florida's values. I chose to be part of a solution for Florida.

I want to assure Floridians that Florida is protected under this bill. This legislation, which I was proud to help negotiate, will provide unprecedented protections for the gulf coast of Florida. This bill establishes in law a 235-mile buffer from Tampa and a minimum of 125 miles of protection from the Panhandle of Florida south through the year 2022. It provides over 300 miles of protection from Naples west. And it protects our very important military mission line. The military mission line is important to Florida because we are also blessed in Florida to host a great number of military facilities and the very important facilities in the Florida Panhandle. Eglin Air Force Base, Hurlburt Field, and the Pensacola Naval Air Station are facilities that rely on the Gulf of Mexico for training and for firing ranges, all of which would be incompatible with drilling.

Any lease within 125 miles of the coast, inside the no-drill zone, can be exchanged for new leases in deepwater in the Gulf of Mexico. In addition, the critical ''Stovepipe'' area located in extreme proximity to Pensacola will be protected from oil and gas exploration through the year 2022. These are historic protections that Floridians can count on for years to come.

I would like to make clear that this is not an opening for negotiation. I am firmly committed to this deal. Anything else that subtracts from the protections for our State as laid out in this legislation is not enough for our State. This is it.

To me, this compromise is a bridge to the future. It is my hope that by 2022, and maybe long before then, we will have developed a long-term energy strategy to lessen our dependence on oil. It is that simple and something I feel very strongly about for our future.

Just last year, the Senate passed a large, bipartisan Energy Policy Act that doubled the amount of ethanol in our fuel mix to 7.5 billion gallons. The bill also included provisions that I supported that increased funding for sugarcane and cellulosic ethanol development, as well as $50 million in loan guarantees to build alternative energy plants. We must buckle down and advance the use of renewables and alternative sources of energy. We are only

scratching the surface of our future potential, and we should not limit the capacity or ingenuity of America's scientists to tackle this energy problem. However, we need a bridge to get to that future. S. 3711 is a way to keep our industries and utilities running while we find new ways to power our cars, heat and cool our homes, and create our energy—America's energy.

As important a priority as it is to Floridians that we protect our coasts and our environment, we must be realistic about our own energy demands. It is a difficult thing—and it has been a difficult thing as I have tried to fight for Florida's environment—to stand here and say we want no new drilling, we want no drilling anywhere in the gulf, when Florida's size alone makes it one of the Nation's largest consumers. And these consumers are Florida's families who are struggling to fill their cars and heat and cool their homes. These are struggling families who sit around the kitchen table while they balance their family budget and find the budget busted by ever-increasing energy costs. The rising cost of fuel and the strains that this is placing on their pocketbook are dominating talk of America's families.

In addition, we have to keep in mind how critical energy is to many of our industries that help drive the economies of our State. As a member of the Energy and Natural Resources Committee, I have heard countless testimony from our Nation's chemical, fertilizer, and manufacturing industries that are vitally dependent on increasing natural gas supplies within our Nation. Unlike petroleum, which is traded globally, much of the natural gas market is traded on a regional basis, and U.S. natural gas prices are among the highest in the world. For example, Florida provides 75 percent of the phosphate fertilizers used by American farmers and gardeners every day. The Florida phosphate industry is one of the State's oldest and largest economic engines, accounting for more than 6,000 direct jobs. The Tampa Port Authority estimates that that industry has created more than 41,000 indirect jobs and $5.9 billion of economic impact in the Tampa Bay region alone.

Prior to the significant increases in natural gas prices, the U.S. nitrogen industry typically supplied approximately 85 percent of U.S. farmers' nitrogen fertilizer needs. As a result of the continuing natural gas crisis, farmers have been forced to import more than 50 percent of the nitrogen fertilizers they use. In total, at least 21 nitrogen fertilizer production facilities have closed since July of 1998. Sixteen of those plants have closed permanently. That represents a 25-percent drop in total U.S. production capacity, while five plants remain idle even today. S. 3711 will provide over 5.8 trillion cubic feet of natural gas for our impaired industries, utilities, and also my constituents who are dealing with soaring heating and cooling bills.

I would like to focus now on a series of concerns that have been raised regarding this bill, how it is different and, in my opinion, better than OCS legislation recently passed in the House of Representatives. Let me say, first, that my colleagues in the Florida delegation worked tirelessly to find and obtain the best protection possible for our State under very difficult circumstances. Some have questioned the protections afforded to the buffer zone around Florida. The buffer zone provided by S. 3711, in my opinion, is clearly preferable to any other one that has been offered as an alternative. This legislation ensures that the Federal Government will continue to have jurisdiction over the Federal waters off each State's coast. We do not cede the responsibility of energy development, environmental protection or military preparedness to the desires of State legislatures. The buffer zone in the Gulf of Mexico is good through the year 2022 and also prohibits drilling in our military critical training areas.

Some have asked why Florida's Atlantic coast is not included in this bill. I would say, quite simply, that Florida's Atlantic coast has been under relentless attack for the last year and a half by those who want to drill. The Atlantic coast of Florida is still under a Presidential withdrawal until 2012, as well as the entire eastern and western coasts of the United States. This means that until the year 2012, the eastern coast of Florida is safe. Our compromise legislation in no way weakens the existing coastal protections. The House-passed OCS bill removes the entire Presidential withdrawals off of every coast and forces State legislatures to pass legislation every 5 years to keep or extend those protections.

Other coastal Senators have raised their objection to S. 3711 because they want to increase coastal buffer zones in their own States. This is a focused piece of legislation that deals only with the Gulf of Mexico. Adding additional protections to areas that frankly are not promising to the energy industry should not be an impediment to moving forward with this compromise bill. To quote the old bank robber, when asked why he robbed banks, he replied: Because that is where the money is. The area being opened for exploration is the most promising area of discovery for the industry and can be leased right away.

During negotiations, I chose to focus on protecting the area of Florida under greatest pressure, and I thank my colleagues, Senator DOMENICI, Leader FRIST, and Senator MCCONNELL, for honoring me and Florida's environmental concerns.

The last major concern that has been raised is objection to revenue sharing with western Gulf States and targeted revenues to the stateside Land and Water Conservation Fund. It is perfectly fitting and appropriate that we share revenues with the States that produce our Nation's energy and deal with its corresponding onshore repercussions. We in Florida do not want to participate in the development of this extensive oil and gas infrastructure but recognize that others in the western gulf pay the price to bring reliable energy to the country. We share 50 percent of revenues on public land within a State's boundary, and it is fitting that we provide energy-producing States with at least similar treatment. Sharing 37.5 percent of the new OCS revenues will not bankrupt the Nation, nor increase the Nation's national debt. Currently, these areas off the coast are not being leased and are providing no revenue to the General Treasury. Keeping 100 percent of zero revenues is just that—nothing.

Finally, for those concerned with funding the Land and Water Conservation Fund, S. 3711 will provide a real boost for the program. The mandatory funding stream established under this bill does not replace appropriated funding and does nothing to disadvantage the program in the appropriations process. The President's budget request has been zeroed out the last 2 years for this program and under our compromise bill, the Land and Water Conservation Fund will provide up to $450 million or 12.5 percent of the revenues generated from the new leasing each year.

This compromise was delicate and difficult to forge. Some argue more could have been done for Florida. Others protest that Florida is afforded far too many protections, given that our State consumes nearly 20 million gallons of petroleum per day. High oil and natural gas prices are not a Republican or Democratic problem, but they are our Nation's problem. It is imperative that we pass the Gulf of Mexico Energy Security Act to provide Florida with the critical environmental protections it needs, as well as bringing 1.25 billion barrels of oil and 5.8 trillion cubic feet of natural gas to keep our industries and Nation afloat as we develop future sources of alternative energy. Failure to act is not an option. I urge my colleagues to support this well-crafted, bipartisan measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am proud to follow Senator MARTINEZ from Florida, who has truly gone the extra mile in realizing his responsibility to his home State of Florida but also recognizing his responsibility to the Nation and trying to balance the two in a very intricate way. There isn't a Senator on this floor who doesn't appreciate the value and beauty of Florida's vast coastlines and recognize that they are not only a Florida treasure, they are a national treasure. We know we have the technology today, as has been clearly demonstrated over the last two decades, to drill not very far offshore anywhere and make sure that it is done in an environmentally sound way to

protect the beauty of those beaches and the vistas of those marvelous coastlines that make up the great State of Florida.

For Florida or any State to suggest that the oil that lies off its shore is not a national asset and, therefore, should be treated only as a State asset is simply wrong. It would be as though my suggesting, as a Senator from Idaho with millions of acres of Federal forest lands, that not one tree should be cut for the sake of building homes anywhere in our Nation. Why? Because of the environmental consequences, when we know today we, in fact, can cut trees in a clear, clean, and precise way, preserve the environment, and provide the fiber to the national fiber market, be it paper or 2 by 4s to build homes. It is also true of the minerals that lie under the subsurface of my property—but not my property, the Nation's property—on the Federal lands of the State of Idaho.

There is an intricate and important balance between what is a State's responsibility and a State's right and what is a Federal property and, therefore, the responsibility of the Congress in exercising the authority over that Federal responsibility, that Federal resource that we are today talking about in an important piece of legislation that is now before the Senate.

Embodied in S. 3711 is an effort to very carefully go at part of the resource that lies in the Gulf of Mexico that is a Federal asset and a Federal resource and do so in a way that clearly benefits the State of Florida but, more importantly, benefits every consumer in America today.

Here is the current situation that Americans face and that America simply cannot understand. Every area of this red zone around our country is a designated area by a Federal action in which we are not allowing our companies to develop and explore for gas and oil. I call it the no zone—no, you can't go there; no, you can't touch it; no, you can't drill; and, no, you can't develop. What does it mean to our country? Well, it means literally billions of barrels of oil and trillions of cubic feet of gas all around this area—Alaska, ANWR, the west coast from the State of Washington down to the border with Mexico off the coast of California, all around Florida, all the way up to the State of Maine. It is difficult to determine how many billions of barrels of oil are there, but we know that it is significant and it is phenomenal.

Let me give an example. On this little piece of paper is a green strip. It is a green strip that recognizes S. 3711. We are going to place it in its proper location in this debate. I am going to put it right there. That is all this bill does. How big is this spot? This spot is 8.3 million acres out of the Gulf of Mexico. This little spot, by this perspective, represents 1.6 billion barrels of oil, we believe, based on a U.S. Geological Survey, and 5.83 trillion cubic feet of gas right there, this little, tiny spot. Is it significant? In the mix of all of this, yes, it is. But more importantly, it says that a comprehensive broad policy under sound environmental guidelines could make this Nation tremendously less dependent on foreign oil and gas coming out of Canada.

The industries that the Senator from Florida talked about that are losing their base, agriculture and nitrogen fertilizer, the petrochemical industry and natural gas that is now going offshore, and we are losing those jobs, all of that would stop if this Senate and this Congress and this Government got their heads on right about national energy policy. S. 3711 is a step in the right direction. Is it a big step? No, it is not. It is a rather small step. But it is a tremendously important step, as we head down the road of beginning to recognize that this Nation could, in fact, become very much self-sufficient in many ways in its energy needs through its own energy production.

You have heard some rather tired and old debate about needing a comprehensive energy policy, and we shouldn't do S. 3711 without it because it simply isn't broad enough. How can any Senator stand on the floor today who stood on the floor a year ago today and debate the Energy Policy Act of 2005, the most significant, broad-ranging energy development, energy conservation, new technology for energy bill that this Congress has ever passed? It is now law. It is now being implemented. And whether you are in the Midwest or the upper Midwest or in Idaho, we have ethanol refineries going up all around us. Twenty percent of the corn crop this year will be used in the production of ethanol and into the future. Why? Because of new technology and national energy policy. You don't need to reinstate or restate what we did last year. All you need to do is keep adding to it and strengthening it in a way that allows us as a nation to become increasingly self-sufficient.

S. 3711 does just that. Let me bring your eye back to the chart, back to this little, tiny spot on the map, this 3.8 million acres. That is a lot of land, isn't it? In this case, it is a lot of water. Under that water and in that land rests an opportunity to bring down the energy costs to the average American consumer by a significant amount and to make us less dependent on foreign sources for our oil today in areas of the world that are politically very unstable.

I could go on about a lot of facts, statistics, and figures. But let me take you to the real important part of this debate. It is called security for the average American family. America is frustrated today, and the average consumer and average mom and dad are tremendously frustrated because their cost of living is not keeping pace with their paycheck. Why? Because instead of driving to the gas pump and filling up for $10 or $15, they are paying $40 or $50 each time, or more. What does that do to a family budget? You may say that is one energy cost; they can surely abide that. Did you check their thermostats and their other energy bills, the cost of electricity to turn the lights on and keep their computer on for them and their kids? What about the temperature in the home in the cold winter months? All of that has costs significantly more in a very short period of time.

In 6 years—that is the life of one term of a Senator—natural gas prices that heat the homes of America have gone up 286 percent. While I know we ought to be concerned about all of the politics and all of the surrounding land and doing it environmentally sound, what we are talking about today is beginning to understand the burden and the sense of insecurity that the American consumer is suffering from and doing something about it. It would be one thing to say there isn't any more gas, there isn't any more oil, and we are shifting to a bunch of alternatives, and in the meantime you are going to have to pay the price.

The reason the American consumer is paying more at the pump today, more for their electrical bill and heating is because of politics, because the American politician for the last two decades has denied the American consumer the right to have access to the resources they are entitled to have. I hope we got the message.

S. 3711 begins to say to American consumers that we hear you. We may be a little late, but we hear you. In hearing you, we are going to bring 5.83 trillion cubic feet of gas online in a relatively short period of time—18 months to 2 years at the very latest. And we have the potential of bringing 1.6 billion barrels of oil into the gulf coast refineries. That is billions of barrels that we will not buy from Venezuela, Saudi Arabia or any other place that is politically unstable. We are going to produce it in this country. That should help bring down or stabilize the cost of gas at the pump.

The American consumer ought to be able to rely on its Government not to stand in the way of the private industry sector of our country and its ability to produce for that American consumer. But for decades upon decades, we have done just that, all in the name of environment—in most instances, even when we knew that the environment wasn't going to be damaged. And now we know for sure.

Remember Katrina? Remember what happened a year ago, as one of the most powerful storms in the world surged up the Gulf of Mexico and across the coast of Louisiana and Mississippi and Arkansas? It tipped over oil rigs out in the gulf, shut down thousands of wells that are in this green area. And no oil was spilled. Why? Because of the safety mechanisms, the environmental ability that our industries have today to do it right.

Few of you remember what happened off of the coast of California in the late 1950s and early 1960s; it was an oil spill

known as Santa Barbara. From that day forward, the environmentalists' call was: Remember Santa Barbara. The reason we had so much difficulty with this little sale was the ghost of Santa Barbara. Let me tell you, Santa Barbara is dead, buried, and gone. From that day forward, the American oil-producing industry learned lessons, developed technologies, wellhead shutoffs, did all of the right things not only in a voluntary way but also because of mandates of public policy from our Federal Government. We began to get it better, and it is the best it is today. Americans ought not fear drilling off their coasts because it is done right. Remember Katrina and not one drop spilled.

Let me talk about something else that simply demonstrates the reality of where we are. Let's dial up your scope and not look at the whole of the United States; let's go right to the gulf on this chart. Here we are. Here is 181. This is what S. 3711 talks about, this 8.3 million acres. We provide excellent buffer for the State of Florida all around. Yet we are going to allow production to come off in that area so that the American consumer can feel a little more secure, hoping that the price at the pump will not go up anymore and might go down a little, and their energy bills this winter may go down a little bit. But the reason I bring this to the floor is because of the speech I gave some months ago on the Senate floor about what is going on right here, the Northern Basin off Cuba, 50 miles from the Florida coastline. We have five foreign countries drilling there today. That is 50 miles off of our coastline; it is property that belongs to the Cuban nation. China is there drilling, as are Spain and Canada. It is not 120 miles away, not the big buffer zone we created to protect the Florida coastline from our own effort, our own expertise, from the world's best deep-sea drillers, the U.S. petroleum companies. In some instances there, it is nations that know little about the technology and are borrowing it from others and don't have our quick shutoff systems and our wellhead protection systems. They are not 120 miles off of our coast, they are 50 miles off of our coast, and we cannot do a thing about it.

Let me rephrase that. There is something we could do. Right now, we have prohibition that no U.S. company can go there. It is Federal policy, U.S. foreign policy. Why? Because it is Cuban. Yet the Cubans would love to have us there. Why? Because of our expertise and talent. They want their beaches protected. This particular area of Cuba has beautiful, sandy white beaches being developed by foreign interests today for resorts, so foreign tourists can come there from all over the world. They don't want those beaches at risk, but they also want oil developed. They would love to have us do it, but we have a prohibition against that. We will debate that on the floor.

I have a bill that 20-plus Senators are cosponsors of. It would change the policy and allow U.S. companies to play in that area, to bid, and to become the producer—not for a Chinese market but for a U.S. market. Isn't it phenomenal? Here we go, again. Here is the ''no zone.'' We say: No, you can't. No U.S. company can touch any of this. But right down here, we say: China can come and drill. We say that by the absence of good foreign policy; we don't say it in reality. But by denying ourselves the opportunity, we invite the world to come.

The reason it is important that I say this in the context of S. 3711 is for the American people to understand that, as we struggle to get it right, with lease sale 181 embodied in the Senate bill, it is but a small step in the right direction—albeit the right direction—with potentially a very significant impact to the consumer's pocketbook. At the same time, we have a long way to go as a country, as our economy struggles under dramatically increased energy costs, as the average family struggles to balance their budget, their household budget.

There is no way that mom's or dad's salary is going to go up 280 percent in a few months' time. It will not happen. Yet everything that is tied to energy, everything that is tied to the petrochemical industry, their costs have gone up dramatically, and all of those are put off on the American consumer. Did you hear the Senator from Florida? Twenty-five to thirty percent of our nitrogen production has gone offshore. Now, we are so silly that we are stepping on our food bills. Nitrogen goes on the ground, nitrogen produces crops, crops produce food, and food gets to the consumer shelf. By our public policy, we are suggesting that food costs will even go up, or at least the producer's costs will go up. If the producer's costs will go up, they will attempt to pass that through to the market shelf, to the grocery store. So not only by the absence of good policy are we going to cause mom to pay more to get to the grocery store, we are going to ask that she pay more when she gets there, all because of an incoherent lack of policy that doesn't fit the absolute needs of the American consumer.

I could go on a lot longer about national security and our dependence on foreign oil and, when that dependence is at risk, then we have to suffer or we put our military in harm's way, in part, to protect our foreign interests and keep rural stability. We will argue that it is in the name of human freedom, but in the process it holds down energy costs by creating a stable world.

Senator DOMENICI chairs the Energy Committee, and he has worked now for a year to produce the legislation that is before us. He recognizes, as do many of us who serve on the Energy Committee, the reality of where we are today and where we have to go. The American consumer will, I believe, feel the positive result of this legislation when it becomes law, when the drilling starts, when the marketplace recognizes that the potential of bringing 5.83 trillion cubic feet of gas to the market and 1.6 billion barrels of oil is very significant, and it is done in a safe way and environmentally sound way and it is out of harm's way from the rest of the world that is growing increasingly unstable, which happens to be one of the primary producers of crude oil for the world market. No, finally the Senate gets it.

Senator DOMENICI and I and members of the Energy Committee and this Senate struggled for 5 years to craft the Energy Policy Act of last year, a very significant bill.

A lot of work is underway. Billions are being invested in all forms of new technology and energy and energy development. But in the interim, in the next decade or two, as we transition this great economy of ours to different forms of energy, you don't turn off the energy you have, you don't tell the consumer not to drive the car for 5 years until we can get them a hydrogen fuel cell car that doesn't do any emission, or maybe is supplied by energy that is going to cost less. Our country doesn't work that way and it never has.

S. 3711 begins to put us in sync with reality. I say to the American consumer that we hear you. We hear you loudly and clearly and we grasp your sense of frustration and insecurity at this moment. Passage of this bill will help stabilize energy costs and, in some instances, especially in natural gas, it may well bring down those prices for the winter months and the heating months of 2006 and 2007. If we can accomplish that—and I think we can—then this Senate ought to vote unanimously for S. 3711. We ought not get caught up in the minutiae of the politics of the past because the minutiae of the politics of the past have produced $3 gas, have produced $10 and $12-per-million-cubic-feet gas, and have caused the American consumer to develop a sense of insecurity about themselves, their families, and their futures like none we have ever had.

The chairman of the Energy Committee gets it. That is why he has worked as hard as he has. I believe I understand those issues, and I am proud to be a cosponsor of this legislation.

Let us say to the American people: Let's take a step further. Let's erase this red area from surrounding the American coastline. Let's look at new offshore policy that says to the American consumer: Here is an opportunity, and we ought to deal with it in an environmentally sound way, instead of just saying no. You can't just say no and be able to deal with that at the gas pump the next day because when you do, that means the American consumer pays more.

I see that as the essence of this bill. And in supporting S. 3711, albeit a strong step, it is clearly a step in the right direction. Let's remember the responsibility we have to the consumer

as we effectively deal with and develop these resources because that consumer is also an environmentalist who wants it done in a safe and sound and environmentally clean way. That is what we are about.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, before the distinguished Senator leaves the floor—I see he is still here and I am glad he is—I thank him very much not just for me or for that speech, for that statement, for that set of thoughts, but I thank him for the American people for his thoughtfulness.

If anyone wants to read the text of something that summarizes from beginning to end the problems we are having and why in the areas of high costs of natural gas and crude oil and insecurity and lack of consistency and fluctuation in prices that are frightening and scaring everybody, read the speech that was just delivered by the distinguished Senator from Idaho. It is a tremendous introduction to the problem and then a total summation and wrap-up of what we can do for ourselves and why we should do it and why with the problem of energy supply in the fields of natural gas and crude oil, wherever America can, we must use our resources, especially these days when insecurity in the world causes such a problem. Even if they are supplied, the price is totally out of focus, and everybody should know that if we have our own supplies, that is what we ought to use—it is sitting right off our coast—with no damage, as the Senator from Idaho indicated.

We saw the little piece of property out of acres and acres and miles—this little piece of property, 8.3 million acres. He showed it to us on a map. It is loaded with natural gas. How do they know? They have already proven it. Part of it was ready to be leased; isn't that right, I say to the Senator? Part of it was ready to be leased in the regime of the Governor of the State of Florida, a former Senator, Lawton Chiles. As a Floridian, he, years ago, acknowledged this must happen, that part of this property was prepared. We know it. When we put it to bid, it will be ready to go.

Not only that, as the distinguished Senator indicated, to have an impact on the cost, we don't have to wait until they drill—right?—because it is such a big supply that the marketplace will take cognizance, will be aware of, will respond to the fact that we are ready to do it.

Once this bill leaves here, even that might have an impact. But I am not sure, until it is signed, as I think of it, that will have an impact because there is always a chance for a slip between the cup and the lip.

We have to get it done, and we have to get it voted on. It is ours. It is ready to go.

I once again thank my good friend and valued member of the Committee on Energy and Natural Resources—and many others around here—for his terrific speech summarizing the problem we have and the way this American solution to an American problem should be addressed and why.

I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise today to join in the conversation and the discussion about energy and in support of S. 3711, the Gulf of Mexico Energy bill.

We are coming up on the anniversary of the Energy Policy Act which we passed sometime back. It is comprehensive energy legislation that recognizes the difficulties we have in this country, recognizes the directions we need to go, recognizes in general terms where we have to be, whether it is increased production, whether it is efficiency and conservation, whether it is alternative methods, whatever. All those issues are excellent, and I am glad we did that.

Of course, now we are in the position of implementing those policies and implementing the policies, of course, is what will have an impact on people in this country, what will have an impact on the costs.

Despite the Energy bill, prices, of course, have risen. They have increased because we haven't been able to implement the bill to bolster production. There are a number of things going on, and I think we have to continue to remember that there are at least two aspects of the future in terms of energy.

One is, out 20 years, we will be looking at all new kinds of sources, all new kinds of supplies, whether they be wind energy, sun energy, but those are down the road. We are not there yet. On the other hand, we need to be talking about how we are going to supply our cars and how we are going to take care of the costs for American families this year, next year, and 5 years from now. So there are two aspects that are very much involved.

One of the reasons, of course, is we haven't been able to move. There has been some resistance to including production in measures. The recent jump in prices has been linked directly to that resistance. It is time to do something about U.S. production.

I echo the comments the senior Senator from Louisiana made earlier today that we cannot drill our way to energy independence and we cannot conserve our way to energy independence. We have to do both. We have to have production, we have to have efficiency, we have to have conservation. Oil and gas is the easiest way we know to do this.

I come from Wyoming, one of the large production States of oil, gas, and coal, the largest producer of fossil fuels. We know how to do these things, but we have to find new sources, new ways of moving toward the energy that is there.

For the sake of security, we must do more. We must reduce our increased reliance on foreign sources of energy. Obviously, as the world changes—and we see every day on the TV how difficult it is to continue to do that—the Outer Continental Shelf holds great promise for accomplishing that goal.

The higher prices we have seen recently are the result of many factors, and we need to address those factors. We all agree increased supply lowers prices. We need to produce more energy in the United States, and, of course, this is a politically charged issue.

Many people have proposals they believe will help. I have my own bill to reduce prices that Americans pay for energy, increase efficiency, new refineries, and better infrastructure and all the things we must do.

We cannot deny the basic economic principle that increased supply reduces cost. It is simple. The bill we are debating today will increase domestic supplies of gas and oil. It will do so in ways that are sensitive to the environment, that will make us more secure and bolster economic opportunities. And it represents an agreement between the States that are most directly impacted by gulf coast production.

Too often people complain about the high energy prices and attempt to blame others. We have an opportunity to do something about that cost of energy today. In 6 months' time it will be winter. I am certain that Members will complain about the cost of energy then, too. I am also sure there will be a call for more money to spend on LIHEAP and other programs. I ask that we deal with those problems now and not later.

The American people are paying close attention to this bill and want us to continue with this debate and make some improvement in domestic production.

If we do not increase supply now, the American people will know who to blame. There are, of course, other things that Congress needs to be doing on energy. Coal conversion technologies need our full support. We have over 200 years' worth of coal in the United States that can be cheaply produced. Wyoming supplies a third of our Nation's current coal needs.

We put this coal on railcars and send it across the Nation. That is increasingly becoming expensive. We want to put the coal in pipelines and convert it to diesel and electric power for cleaner power.

Our electric transmission grid needs to be modernized. Several hundred thousand people lost power this last week in California, Missouri, Illinois, and New York. The grid is stressed, and we need to encourage investments to strengthen it.

I would like all of our coasts opened to responsible production. This bill makes 1.3 billion barrels of oil and 5.8 trillion cubic feet of natural gas available. That is a good thing. Let's not forget there is an additional 19.3 billion barrels and 83 trillion cubic feet of oil

and gas off our coasts that are currently off limits. This bill does not make those areas available.

Yes, I prefer that revenues from these activities be used to reduce our Nation's debt. There is continued resistance to all of these broader approaches, however.

I hope that lease sale 181 can serve as an example to other coastal States that offshore production works. What we need now is a bill on which we can agree, and we have it before us. We need something that can make a difference in the short term. This bill is a pragmatic approach that achieves these goals. This is something we know can happen. We know how to produce it. It is available. It recognizes the value of increased production and strikes the necessary balance to make those activities a reality.

We are faced with a broad challenge in energy, of course, a long-term challenge. We have all kinds of approaches to it. But here is one before us that we know how to handle, that we can handle, it has an impact, and it is prepared for us to do today. I urge my colleagues to support the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I will be glad to defer to the distinguished ranking member of the committee. I won't be long. I will go ahead and address this very important issue.

I begin my remarks by thanking the distinguished senior Senator from New Mexico, Mr. DOMENICI, for his leadership in this area. He is one of our more knowledgeable Members. After years of watching him at play, I now refer to him as our No. 1 utility player. Whatever the problem was, he can be helpful. He is knowledgeable on budget issues, energy issues, and also has a practical side: Let's find a way to get it done. Once again, he has done that with this bill.

I know he wants to work with his committee. I know he wants to work with Members on both sides of the aisle. But I know more than anything else he wants to do the right thing for our country. So I thank Senator DOMENICI for his leadership. He has agreed to do some things in ways he would not do it if he could do it in a vacuum. But that is what leadership is all about. In the legislative process, you don't get it 100 percent the way you want it. You have to give a little and get a little to do the right thing, to produce a product for the American people. So that is the main reason I am here. I want to thank you for that.

I also acknowledge the leadership and encouragement of Senator MARTINEZ, the Senator from Florida, and others from Florida who have been helpful in this effort. I have a great admiration for Florida. It is more or less a neighboring State—a little bit of Alabama intervenes between my State, where I actually live, and the Panhandle of Florida—and I haven't been able to understand why they have been so opposed to oil and gas production in the Gulf of Mexico. I understand the concern about coastal areas—the beaches. But there has to be a reasonable and practical way to protect the American people and their needs for this production, and shield our beaches and our tourist industry from harm.

It is easy to say: No, no, I am not going to have it at all. It takes courage and leadership to say: Well, let's work this out in a way that would be the right thing for our military bases in the Panhandle of Florida, and for our tourist industries in Florida, Alabama, Mississippi, Louisiana, and Texas—we all have that—and take advantage of the tremendous resource that will help the American people, that will reduce our dependence on foreign oil. This is what this is all about.

It is not just the prices at the pump today; it is about the long-term plan. We have a problem here. It is a growing problem. Are we going to do something about it? This is a step in the right direction. That is the message here. Will this bill solve the problem tomorrow? No. It will have an impact almost immediately, because people will see we have taken some action and they will act. And it probably will have some impact on natural gas pretty quickly. But it is a clear statement to everyone that we realize there is a problem here and we are going to do something about it.

So I thank Senator MARTINEZ for stepping up. Senator NELSON has been involved, and I hope we are going to have a unified group of Senators from the entire Gulf of Mexico area to endorse this concept. We have worked at that. Florida, Alabama, Mississippi, Louisiana, and Texas, have met and talked on a bipartisan basis about doing the right thing. I have been proud to be a part of that.

Senator LANDRIEU of Louisiana has been relentless—relentless—has she not, I ask the Senator?

Mr. DOMENICI. You bet.

Mr. LOTT. She has worked this issue hard. Senator VITTER has made sure we have done it in the right way. He has looked at the language very carefully. I commend them in particular. Their State has probably been more active involving this issue than any other Gulf States. Their State has also taken some of the negative impact—on the coastal areas—in recent years. Therefore, it is only right that they get a higher percentage of the coastal impact fees and that they be recognized for their effort. Senator HUTCHISON and Senator CORNYN, Senator COCHRAN, Senator SHELBY and Senator SESSIONS also deserve to be recognized. We have all been involved.

The next point I want to make is I don't quite understand why we are finding it harder and harder to produce a result. It is has become so hard to be bipartisan. I admit it is almost impossible to get a bipartisan agreement that is bicameral. Maybe it is just a sign of the times; maybe it is the political season we are in which may be a little more testy than normal. But here we have a perfect example of a bipartisan bill. A wide margin of you vote earlier on the motion to proceed to this bill, and we are now in the debate time on that. I predict when we get to the final vote, it once again will be bipartisan, probably higher than anybody would have thought. But this is the way it can happen. This is the way it should happen. So I am glad we are working in a bipartisan way.

I want to say: Look, we made some progress last year with our Energy Policy Act of 2005. It didn't entirely address our energy needs, obviously, but it was a step in the right direction. Now, here is the next step. For years, I have been stressing that our energy policy in this country has to be balanced. I would prefer to produce our way out of our energy situation. I believe we can have more: more oil, more gas, more hydrogen, more nuclear, probably more wind and solar energy too. We can do it all. But I finally came to the conclusion we are not going to be able to just do one part of this equation; we are going to have to produce more, we are going to have to conserve more, we are going to have to look for alternative fuels, and we are going to have to be innovative. I have made that concession. After all, it makes sense. Why don't we do the whole package?

That is what last year's Energy Policy Act began to do, it made some improvements in nuclear and in hydrogen and alternative fuels. However, we can't do all of those things instantly. Very few places are ready to build a new nuclear plant. My State of Mississippi may have been one of the first to build a new nuclear reactor. That is great. We need to move towards alternatives such as liquefied natural gas, and once again, we have to build the facilities. And that won't happen tomorrow.

In the meantime, while we need to make stronger conservation efforts and come up with more alternatives and innovative ideas, and we need more oil and gas. It is that simple. Now, we can get it some way or the other from Iraq, Venezuela, Nigeria, Iran or we can get our own safely. When I go to my State of Mississippi, people scratch their head and say, why is it that people from a certain part of the United States are determined we are not going to get oil out of ANWR? What is it to them, and what does it mean to the country?

For whatever reason, without impugning anybody's motives, we haven't done it. But we can do it in the gulf. We can do it in the Gulf of Mexico because we know it can be done. We think it will be in the best interests of our States and our people and we think it is in the best interests of America. It is there, it can be obtained safely, miles off the coast.

I want to emphasize right up front: This is not about putting oil rigs or

natural gas wells within the sight of the beach, although there have been natural gas wells in plain view from my front porch in Pascagoula, MS. It is not about that. We do not want our beaches to be threatened. This is going to be at least 100 miles away—in the case of Florida 125 miles away from this 181 and the other areas we are going to open. I think it can be done and it will produce very early results.

Look at what we are talking about here, freeing up 1¼ billion barrels of oil that we won't have to get from some unstable government overseas, and almost 6 trillion cubic feet of gas, that is huge. Others in this country ought to be willing to do the same thing in other coastal areas. But I want to emphasize that this is not about any other coastal area; this is just about our area. We are prepared to step out, do the right thing for our country, take the risks. But we also want to get a little of the benefits, a little help in trying to deal with some of the problems we have in the coastal region.

By the way, one little aside: This bill will reduce the Federal deficit by almost $1 billion over 10 years—$1 billion—probably more. I think all of the numbers are understated. I think we are going to get more oil, more gas, more benefits, more money coming into the Federal Treasury and our States. We will do it without raising taxes or fees on anybody. So we get the benefit of additional supply, we get the benefit of impacting our Federal budget, drilling will produce hundreds of jobs, good-paying jobs. I know the people who work on those rigs out there in the Gulf of Mexico, and I know the kind of money they make. Yes, they work hard and they take risks and they are away from their families, but these will be good, new jobs for good, hard-working people—people who need a little help right now, these are the people who have been hammered by Hurricanes Katrina and Rita.

For decades, almost every dime generated from leasing of Gulf of Mexico areas for oil and gas all came to Washington—all of it came to Washington. Mississippi, Louisiana, Texas, and Alabama, the States which permit energy exploration off their coasts, reaped very little benefit, but they incurred a lot of the risks, some of the damage and some of the threats. We provide the infrastructure. These boats don't just take off from nowhere; they have to be built somewhere. All of this goes on—it is not all perfect, let me be honest about that. There are certain challenges. So we feel there should be an equitable distribution of the royalties from the Outer Continental Shelf to those of us who are on the front line.

For years States that allow energy production on Federal land receive 50 percent of the Federal revenues from these activities. Those of us in the gulf: zip—other than what we get indirectly through the Land and Water Conservation Fund and through Federal largess, which, in our area, is not much.

So we think this is important. We are trying to stand up and do what we think is right for our country, but we want to also do the right thing for our States. There is a coastal impact. We all know that. This is an acknowledgment of that. The Gulf States which will be producing this would get under this agreement 37½ percent of the Federal revenues from the new leases entered into after the date of enactment. Twelve and one-half percent, though, of the revenues would go to the Federal Land and Water Conservation Fund, for all of the States to use. We are not greedy, but we want our fair share for a change. There was a time when we wouldn't stand up, speak up, and fight for what is right for our people. This time, we are going to. It is a win-win. It is right for our country and it is right for us. I think this is a good arrangement.

The money that goes to the States—Senator LANDRIEU and I have felt it shouldn't all go to the States. Our State capitals and our State Governors are quite often not from the marshes of Louisiana or the beaches of Mississippi. We have to make them understand where we are and who we are. Once again, part of the problem over the years has been our own fault because the attitude in the south of Louisiana and the south of Mississippi is: Oh, well, we will do it ourselves. Well, we are trying to get a better rate. We are trying to make more sense. So 20 percent will go to the coastal counties that are impacted.

I know the Senator from New Mexico, Senator BINGAMAN, is here, and he cares about those areas. I want to tell him what these monies will be dedicated to. They will not be frivolously squandered on some project that is not along the coastline. The funds are going to go to coastal conservation, coastal protection, and restoration. Hurricane protection—hello—do we need to do that? By the way, if we don't do it, we know who is going to pay our bill because when we are flat on our back the Federal Government will have to come in again with hundreds of billions of dollars. Let's be proactive. Let's try to do a better job in protecting our coastal areas and our marshes. If we do not take action, the impact on fisheries could be absolutely detrimental. If you don't have these areas of brackish water, you are not going to have the shrimp and the fish we have been trying to develop there. This money will provide for mitigation of natural resource damage.

I firmly believe this will have a great impact in our area. It is the right thing to do. These areas will be better, and in some instances they will be restored. Louisiana is losing land every hour, and although we may not have that big a problem in Mississippi yet, this problem is only going to get worse. We can take action to protect the future.

We have a chance to do some innovative work. In my State of Mississippi, we are not trying to put things back as they were before Hurricane Katrina; we want them to be better. We are coming up with innovative ideas. We are thinking about how can we be better prepared to withstand a hurricane. These funds will make a huge difference in the long run.

I want to make this clear: I think this is a great effort that we will all be able to point to in the future and say that we did something great. This is something that will make a difference. We will be saying to the American people: We understand your pain, we feel it, and we are taking steps to do something about it.

This will not be the last effort. We are going to have to do more. But now is the time to do this. Now is when the people are suffering due to higher prices for oil and for natural gas. It has made it very difficult for people. This legislation will reduce our dependence on foreign oil, it will help us with our budget needs, it will provide more money to protect natural resources, and it will bring much needed funds and jobs to the gulf area which was hammered by Katrina and Rita. This is truly a plan which Congress should pass and be proud of and the President should adopt.

I look forward to working with my colleagues as we go forward in the next couple of days to complete action on this important legislation.

Mr. LOTT. Obviously, people who have the time to look at this believe it has been a very unfair situation, one that for some reason or another we have tolerated for years. When they realize the way it is handled in other parts of the country, they feel very strongly it is time we step up and get some benefit.

It is also further exaggerated and exacerbated by the fact that if we believe that we are on the line, dealing with all the costs and all the potential problems that could go along with this, we ought to get some of the benefits so we can prepare for that.

I want to say that the people in the Senate and the American people have been very concerned, sympathetic, and helpful to us after the hurricane. But they know we have coastal impact problems. We need to address some of those problems now, not later, because they have become very serious. There are areas we are losing that are basically going into the Gulf of Mexico, and we can also take steps to preserve what we have and to better prepare for hurricanes, use for protection and mitigation for the future.

The people feel very strongly about it. It is not just our Governors who see this obviously as one way to help us deal with the future needs we have, but also just the rank-and-file people. We understand we need to get it done.

This proposal, which would give our Gulf States some share for our coastal impact, will give us the benefit of getting some help. Also, the people understand this is something we need to do for our country and are willing to do it

in the gulf. I wish the rest of the country would follow our lead. However, we are not going to fuss about that, we are just going to step up and do the job.

Our people do feel very strongly about it. They believe we have not been treated fairly and it is time to do something about it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains on the two sides?

The PRESIDING OFFICER. The Senator from New Mexico controls 2 hours 23 minutes, and the majority controls 1 hour 50 minutes.

Mr. BINGAMAN. Let me speak for a few minutes to give my view of the legislation.

First, let me just say energy issues are very much on the minds of the American people. Rightly so. We have oil trading at above $75 a barrel. We have the price of gas at the pump above $3 in most parts of this country today. Clearly there are a lot of explanations for that, but that is part of the reason we should be focusing on this set of issues.

We have high and growing demand for energy in the world. We have high prices because not only do we have high demand, we have constrained supply, and we have great uncertainty in the world. All of that affects the price of oil and the price of natural gas as well. Whether the uncertainty is in the Middle East, whether it is in the Nigerian Delta, whether it is threats of curtailed imports from Venezuela—there are all kinds of reasons the price of oil is high.

We need to focus on how do we begin to pursue a strategy that helps solve these problems. The truth is, our country is on the wrong track when it comes to oil and gas. According to the Energy Information Administration Annual Energy Outlook, our projected future demand for oil and natural gas is going to far outstrip our domestic production capabilities, and that circumstance is getting worse, not better. All of the projections are that after the passage of this bill, it will continue to get worse, not better.

We have the opportunity, the Members of the Senate and Members of Congress, to try to make some decisions to get the supply/demand equation better into balance. How can we use oil and gas more efficiently and thereby need less than the projections would indicate we might wind up needing? How do we substitute the alternative fuels in our energy mix on a faster basis, on an accelerated basis? How do we produce more and how do we find ways to be more efficient?

A year ago this coming Saturday, we had final passage of the comprehensive Energy bill we passed last year, the Energy Policy Act of 2005. On balance, I believe—I still believe and believed at that time—that was a good piece of legislation. Mr. President, 74 Senators voted for it. We had a majority of Republicans voting for it. We had a majority of Democrats voting for it. The bill was put together on a bipartisan basis in the Senate Energy Committee under the leadership of its chairman, Senator DOMENICI, from my home State of New Mexico.

When the bill came to the floor, of course, Senators on all sides of the many issues in that bill were given an opportunity to bring their amendments to the floor, to debate those amendments, to have them voted on, and despite the broad sweep of that legislation, we completed that process in 2 weeks.

After passage of the bill, we went ahead and had a very fair and open and inclusive conference with the House of Representatives that resulted in a conference report that enjoyed broad, bipartisan support.

The Energy Policy Act addressed energy production. It addressed energy conservation. It addressed energy technology and renewable energy, and it addressed oil and gas and coastal impact assistance, including assistance to the States which are most interested in this legislation. It made significant strides in the right direction on a host of issues.

I had hoped, frankly, that we could continue to move forward in the energy policy area this year by acting on a series of measures to address the remaining issues. There are clearly remaining issues that need attention. One of those is the lack of effective steps to increase efficiency in the use of oil and natural gas.

We did not do what we should have done in last year's Energy bill to deal with that issue. The Senate version of the bill had some good ideas in it. Unfortunately, they were dropped in the conference. We were not able to persuade the House to agree to those. For that reason, this past May, I joined with a bipartisan group here in the Senate to introduce S. 2747, the Enhanced Energy Security Act. That bill addresses oil savings and alternative fuel infrastructure and provides for a renewable portfolio standard and various other efficiency and conservation measures.

Another energy measure I hoped we could act on this year is S. 2253. That is the bill which would have required the Secretary of the Interior to offer for lease lands within this original lease sale 181 area we have been discussing as part of this legislation. Early this year, I joined with Senator DOMENICI to develop and introduce the bill on a bipartisan basis. The bill would have opened portions of the original lease sale 181 area that had been proposed for leasing in 1997 by the Clinton administration. That proposal by the Clinton administration was made after negotiations with then-Governor Lawton Chiles, our former colleague here in the Senate, Governor Lawton Chiles from Florida.

Those areas had been taken off limits by a decision by the Bush administration. I think some may not realize that we would not even be here today talking about opening lease sale 181 for possible drilling if the Bush administration had followed through on the Clinton administration's schedule for leasing. They proposed to do that, and it was on their schedule when this administration came into office.

The bill Senator DOMENICI and I introduced did nothing to affect areas under congressional moratoria or areas that had been withdrawn by Presidential decree or order. No part of the area to be leased was closer than 100 miles from any point in Florida.

We have a map here that will give people an idea of what was involved with lease sale 181. This is the bill which was reported out of the Energy Committee with bipartisan support. You can see the line there, which is the 100-mile line, showing we are not getting within 100 miles of Florida and showing the additional area that would be open for leasing.

I should point out that between the time Senator DOMENICI and I introduced S. 2253 and the date our committee had a hearing on that bill, the administration published its own draft proposed program for oil and gas leasing for the period 2007 through 2012. That 5-year plan called for a lease sale in the 181 area in the fall of 2007. The area the administration proposed for leasing contained about 3.07 trillion cubic feet of natural gas and 620 million barrels of oil.

The current state of play under current law is that even if this legislation does not become law, the administration plans to open that area for leasing beginning in the fall of 2007. It was good news when we learned the administration intended to proceed to lease this new area. It meant that a substantial new development of oil and gas would take place even if we didn't succeed with the bill Senator DOMENICI and I introduced.

At the hearing we had on S. 2253, I asked the Director of the Minerals Management Service, which is the agency with responsibility for this leasing, Ms. Johnnie Burton, whether the administration's plans would wind up coinciding with what the bill envisioned if passage of the bill was delayed. She replied that that certainly would be the case.

After the Energy Committee reported the bill in early March, we received additional evidence that the plans for leasing new areas in this draft 5-year plan were on fairly solid ground, and the new evidence was that the Congressional Budget Office booked the expected revenues from royalties and bonus bids in the budget baseline for this 10-year period, 2006 through 2016.

Even though a good portion of the oil and gas contemplated in the original bill reported by the Energy Committee was incorporated into the developing plans of the Minerals Management Service, I thought it made sense that with the balance of the initial area

opened by S. 2253, we go ahead with the bill and try to enact it. Unfortunately, at least from my perspective, events since the committee reported the bill to the full Senate have changed the bill in very substantial ways. In my view, this is not the bill that we worked on in committee. Several of our colleagues in the Senate took the position that S. 2253 should not move forward without certain modifications.

My colleagues from Florida expressed a desire for a long-term moratorium off the coasts of their State. My colleagues from other Gulf Coast States indicated that they would object to S. 2253 being considered without those States receiving a fixed percentage of the revenues from the oil and gas produced in the Federal Outer Continental Shelf off their coasts.

Both of these demands, which were satisfied in this bill, which has now come to the Senate floor, S. 3711, in my view, have undermined the goals of the original bill. Because S. 3711, which is the bill now pending in the Senate, locks up vast areas of the Outer Continental Shelf off Florida, and because the bill provides for the ceding to 4 of our 50 States billions of dollars of Federal revenues, I find myself in the position of having to oppose the bill.

The chairman of the Energy Committee will point out that S. 3711 opens two new areas in the Gulf of Mexico. That is true. Beyond the area proposed for opening by the new 5-year plan that I talked about, Minerals Management Service, S. 3711 opens a triangular sliver in the area known as ''the bulge.'' You can see that sort of orange area on here. That is new under this legislation. The legislation also opens the so-called 181 south area, which is currently under a congressional moratorium that expires this September 30.

There is also a Presidential withdrawal for that area which is 181 south. That is the lighter orange area down below the area that we have been talking about.

In order to get these additional resources that are provided for in this bill, which amounts to 2.76 trillion cubic feet of gas, S. 2711 puts 21.83 trillion cubic feet of natural gas in the eastern Gulf of Mexico off limits until 2022.

I don't think it is a very good trade for the people of America for us to give up access to 21 trillion cubic feet of natural gas in order to gain access to 2.76 trillion cubic feet. Some of that 21 trillion cubic feet of natural gas that is being put under a 16-year moratorium in this bill is in areas that have never been controversial in Congress. These areas were part of the original lease sale 181 area that every annual congressional moratorium had exempted.

We are talking about this entire yellow area. I think this chart is very similar to the chart that the Senator from Florida, Mr. MARTINEZ, has been using. It shows a very much larger area that is being subjected to this 16-year moratorium than we have ever put under moratorium before.

These yellow moratorium areas that are within the blue of the original lease sale 181 area shown on the chart, these three resource-rich areas are not now under moratorium. If Congress does not enact S. 3711, these areas could be leased under the next 5-year plan, if the administration decided to include them, instead of being locked up until 2022.

Let me, also, for a moment show a chart that our colleague, Senator CRAIG, was using earlier this afternoon. He has a chart showing what is happening south of the area that we are locking up for the next 16 years. This is the thatched area down near Cuba. I think looking at his chart sort of brings home the unfortunate handicap we are putting ourselves under with this legislation. In fact, Senator CRAIG's bill, of which I am a cosponsor, would allow U.S. oil companies to participate in the development of this thatched area, the oil and gas resources in this thatched area down near Cuba, some of which is as close as 50 miles from the State of Florida. But at the same time in this legislation, we are saying we are going to prohibit drilling for the next 16 years in areas as far as 230 miles from the State of Florida. To my mind, that doesn't make good sense.

It would be ironic if Cuba proceeded with drilling in its waters to extract at least 4 billion barrels of oil under its territory, while at same time we were passing legislation saying there would be no drilling in the waters we control through 2022. That is exactly what this legislation says.

Referring again to Senator CRAIG's statement, he talked about the ''no zone''—the large ''no zone'' all around the country, where nobody wants to allow drilling. I will say we are adding to the ''no zone'' very substantially with this legislation by putting in this yellow area areas that had not been subject to moratorium and certainly have not been subject to anything such as a 16-year moratorium, as we are about to enact here.

In addition to being bad energy supply policy for the long term, S. 3711 is also, in my view, bad fiscal and budgetary policy for the long term.

The bill directs, as I think many have mentioned, 37.5 percent of revenues from new leases to the four States, Texas, Louisiana, Mississippi, and Alabama. Starting in 2017, a second royalty diversion using the same percentage would be applied to new leases in existing areas of the Gulf of Mexico open to production.

We have a chart which makes the case as to what we are talking about. We are saying, in the western Gulf of Mexico and the middle Gulf of Mexico, that we are, in fact, going to cede 37.5 percent of the royalties from production on new wells in those areas to these four States as well; that those are funds which otherwise would go into the Federal Treasury.

In order to avoid a point of order under the Budget Act, S. 3711 purports to cap the revenue sharing, from 2016 to 2035, at $500 million per year. And then it has a very interesting provision. It says ''net of receipts.'' Rather than actually capping the revenue sharing, the bill allows receipts from the 181 and the 181 south area to be added to the $500 million cap. That makes the so-called cap, in my view, at least much higher. However, even with the cap, the amount flowing to the four Gulf States is estimated to be somewhere between $27.5 billion and $30.5 billion during this period. After 2056, the full entitlement comes into play with estimated losses to the Federal Treasury of between $12.5 billion per year and $15 billion in 2056 alone.

This underscores the point which people need to understand—that this legislation calls for this sharing of revenue or ceding of revenue to these four States in perpetuity. This is not in any way sunset. There is no time limit. This is from now on. The legislation says these States will be entitled to the money.

As many of my colleagues know, I have strongly opposed diverting revenues from the Outer Continental Shelf. It is clear to me, in reading the history of this country and the laws of this country, that this is a Federal asset and that ceding of these revenues to State and county treasuries of coastal States is bad policy. The resources of the Outer Continental Shelf belong to the entire Nation. Over the years, there have been several attempts by coastal States to assert some form of ownership rights over the Outer Continental Shelf. In the 1940s, coastal States tried to issue leases to oil companies in these Federal waters. That led to a landmark decision in our Supreme Court in 1947. The Supreme Court ruled in 1947 that offshore lands were, and always had been, owned by the United States as a feature of its national sovereignty.

Having been stopped by the courts, the States turned to Congress to request that it turn these so-called submerged lands over to the States themselves. President Truman strongly objected to this. He vetoed the legislation that was sent to him. Let me read the quotation from his veto statement. He said that he could not:

> approve this joint resolution because it would turn over to certain States as a free gift very valuable lands and mineral resources of the United States as a whole; that is, all the people of the country. I do not believe such an action would be in the national interest. I do not see how any President could fail to oppose it.

That was the basis for his very veto.

President Truman left office and Eisenhower took a different view. He signed the Submerged Lands Act of 1954 that granted the coastal States title to submerged lands within 3 miles of their coasts.

Later that year, Congress also passed the Outer Continental Shelf Lands Act, asserting Federal control over the subsoil and the seabed of the Outer Continental Shelf. The legislative history of

these acts is clear. They were intended as a final settlement of the issue of who owned what on the Federal Outer Continental Shelf.

In recent years, as the resources of State waters which were granted under the 1953 act have been depleted, and as the great resource potential of the Federal waters has come into full review, a new drumbeat has arisen. The claim is that coastal States should have a preferential share of the resources of the Outer Continental Shelf over and above other States that, under current law, are equally entitled to these receipts, and under the Supreme Court's view are entitled to these receipts.

We are not talking about trivial sums of money. Oil and gas receipts from the Outer Continental Shelf are the third largest source of income to the United States after taxes and Customs duties.

Over the next several decades, it is estimated that oil and gas royalties from the Outer Continental Shelf will exceed $1.2 trillion. As we look to the future, a future in which we will have large bills coming due at the Federal level, with the retirement of the baby boomer generation, it is unwise, in my opinion, to consider permanently diverting these revenues away from the Federal Treasury to these four coastal States.

I have often heard the argument that we ought to give a percentage of Federal royalties to the Outer Continental Shelf, to the nearby States because Western States, such as my own, New Mexico, receive a portion of the royalties from the Federal lands within their borders.

Let me address what I believe is a false comparison head on. The first obvious point is that the Mineral Leasing Act which has been adopted made provisions for my State to receive 50 percent of the royalties for production on Federal lands. This Mineral Leasing Act does not discriminate against Louisiana, Mississippi, or any other coastal State. To the extent that the Federal Government reduces oil and gas and collects royalties on Federal land within their borders, the Federal Government pays 50 percent of those revenues to the States just as they do in my State, just as they do in Wyoming, just as they do in every other State in the Union.

Indeed, according to the Minerals Management Service, between 1982 and 2003 the Federal Government distributed $14.8 million to Louisiana from onshore Federal leases under the Mineral Leasing Act. The reason Louisiana did not get more was because there is very little Federal land in Louisiana that produces oil and gas. Most onshore oil and gas development in Louisiana takes place on State or private land and not on Federal land.

Louisiana, like any other State, receives 50 percent of the royalties collected by the Federal Government from Federal oil and gas leases. Western States, such as New Mexico, and eastern States have very different histories when it comes to patterns of life ownership. A long time ago, in the 19th century, a large part of States such as Louisiana consisted of public land. But the laws at that time allowed that Federal land to be patented and bought into private ownership or given to the State where it now forms the tax base for those States. That explains why there is relatively little Federal land in a State such as Louisiana. The State enjoys the ability to levee taxes, including severance taxes on all the oil and gas that is produced within the State, which is considerable.

The development of the western States took a very different turn in 1920 when it became clear that there was a significant amount of Federal land that had oil and gas potential. Instead of allowing that land to be patented and brought into private ownership under the mining laws, as had happened in earlier years in States further east, Congress passed a new law—and that is the Mineral Leasing Act I was just referring to. This act forges a very different bargain.

In return for keeping the lands with rich oil and gas resources under Federal ownership, therefore, out of the State's tax base, the Federal Government agreed to give the States a share of the Federal royalties as compensation for the lost tax revenue involved. This compromise represented no injustice to any State that had previously had all of its Federal lands converted into private land through land patents. These eastern States already had what the western States were giving up; that is, the ability to tax all of the economic activity within their borders.

If you read the legislative history of the Mineral Leasing Act of 1920, it is clear that the split of revenues between the Federal Government and the State governments was in compensation for removing lands from the tax base of the States.

So when you recognize the reason for the 50–50 split of royalties on Federal lands within the boundaries of States under the Mineral Leasing Act, it is clear to me that transposing this system to the Outer Continental Shelf makes absolutely no sense. Federal ownership of the Outer Continental Shelf takes nothing away from the tax base of any coastal State. To the contrary, Federal development of national assets on the Outer Continental Shelf actually results in enhanced economic activity, increased tax revenues in adjacent coastal States.

One report that illustrates this fact is published in 2002 by Louisiana Midcontinent Oil and Gas Association. It is entitled ''The Energy Sector Still A Giant Economic Engine for the Louisiana Economy.'' That title is a pretty good thumbnail description of the true impact Outer Continental Shelf activity has on the Gulf Coast States. That activity is a giant engine for their economies.

Here are some of the facts in that report. The report says the energy sector has a $93 billion impact in Louisiana and employs 62,000 people. The energy sector in Louisiana supports $12.5 billion in household earnings. It pays $1.14 billion in State taxes. Workers employed by the offshore oil and gas industry can expect to earn salaries between $75,000 and $100,000 a year. That was in 2002 when the report was issued. Oil exploration and production value-added income already exceeds $17 billion and refined value-added income is nearly $5 billion.

The same facts can be told for each of the coastal States that border the Gulf of Mexico. They derive substantial economic benefit from their strategic location next to these oil and gas deposits that are still owned by the United States.

For these reasons, I cannot support the current proposal to set in motion a permanent and a very large diversion of Federal royalties from the Outer Continental Shelf to these four States. I am sympathetic to the environmental damage that has been caused over the years to coastal wetlands. Much of that damage in the past was from causes other than oil and gas activities. An important source of the future threat is from factors such as global warming.

Last year, in the Energy Policy Act, we enacted a Coastal Impact Assistance Program that directed $1 billion be paid as mandatory spending over 4 years to the Gulf Coast States. I strongly supported that measure. I have strongly supported funding for reconstruction of the gulf coast in the tragic aftermath of Hurricanes Katrina and Rita last summer.

The policy rationale for the permanent revenue diversion proposed in this bill, in my opinion, is highly flawed, just as the energy policy rationale for the bill is also flawed. If you want to have a strong and fiscally solvent Federal Government, you need to be very careful about new spending entitlements and claims on Federal revenues being created by the Congress. The provisions of this bill do not reflect that kind of concern.

If we are to cope with the rising demand for energy, and particularly for natural gas, we must also approach that matter. Strictly giving up, for the long term, access to 21 trillion cubic feet of natural gas just to obtain just over 2 trillion cubic feet is shortsighted, in my view. Undertaking to solve our long-term problems with natural gas supply and demand by focusing just on the supply side I also see as shortsighted.

Let me talk a little bit about the precedent of what we are doing. I see that as another and somewhat separate reason for opposing this legislation. S. 3711 sets bad precedent both in the energy policy area and in the fiscal policy area. There is no reason I can think of why coastal States up and down our seaboards will not demand the same kinds of treatment being demanded by the States that are insistent upon the provisions in this legislation.

Let me put up the chart that shows what we are talking about. The Outer Continental Shelf is the blue area surrounding the country. Of course, this bill just deals with the gulf. We all understand that. But let's just think about the precedent we are setting that will come back to haunt us when we have this issue revisited in the future.

My sincere concern is that if we take the steps that we are proposing to take in this legislation that lock up Florida until 2022, or the areas off the coast of Florida going out at least 125 miles until 2022, we are well on our way to making these other resources unavailable also until 2022.

We are also setting a bad precedent in the fiscal arena, as well. Where production is allowed, other States are likely to demand the treatment that we are here affording to Texas, Louisiana, Mississippi, and Alabama.

Take Alaska, for example. If you do a little reading on where our undeveloped natural gas and oil resources are, much of it is off the coast of Alaska. The Federal Outer Continental Shelf off the coast of Alaska covers a vast area, some 600 million acres. The Outer Continental Shelf off Alaska's coast is more than twice the size of Alaska itself.

To give an idea of the immensity of this OCS area, the onshore lands of the State of Alaska comprise some 366 million acres. The Federal Outer Continental Shelf off Alaska contains vast resources, an estimated 26.6 billion barrels of oil, and 132 trillion cubic feet of gas.

If we start down this road, as this bill does, in my opinion, with respect to the Gulf Coast States, we will certainly be asked to give 37.5 percent of the revenues of producing these Federal resources off Alaska's coast to the State of Alaska. In fact, such a proposal has already been developed. Other States are likely to follow. This is a precedent that I think we will all come to regret.

I know there are strong feelings on the other side of this issue. I understand the sentiments that some have, but I am persuaded this is bad energy policy for the country, that this is bad fiscal policy for the country, and I hope that we are able to make some changes in this legislation before we finally dispose of it so we can correct these problems.

I yield the floor.

Mr. DOMENICI. Mr. President, I will yield quickly, but I want to try to get the record straight with Senators so they will know where we are timewise. We are in postcloture where every Senator has a certain amount of time. By consent today, we are taking 6 hours, 3 hours to those in favor and 3 hours to those against. I am in charge of the 3 hours in favor, and Senator BINGAMAN, so far, has been the only one who has spoken. But he is in charge of the time on the opposition. He might give us some of his 3 hours today if we run out, or we would ask the leader. I have a lot of speakers.

In any event, Senator BOND asked to be next. He is here. Senator SESSIONS is speaking for our side. We will go back and forth. Senator SESSIONS asked he be next on our side. And the senior Senator from Alabama who is here, also, would like to speak next.

How much time does Senator BOND want?

Mr. BOND. Seven minutes.

Mr. DOMENICI. Senator SESSIONS?

Mr. SESSIONS. Fifteen minutes.

Mr. DOMENICI. Senator SHELBY?

Mr. SHELBY. Ten minutes. I will try to do it in less.

Mr. DOMENICI. I have 1 hour 50 minutes; is that right? And Senator BINGAMAN has how much?

The PRESIDING OFFICER (Mr. MARTINEZ). One hour forty-five minutes.

Mr. DOMENICI. Senator LANDRIEU wants to speak 10 or 15 minutes. We will welcome that. If we add that up, we have plenty of time.

I want the Senators to know we have a schedule. It is not me; Members have to follow each other.

I take a minute and say to Senator BINGAMAN, I am not going to answer now the detailed allegations today. I think two or three are significant, but I am just going to say to the Senate I have the most respect for my colleague. I think everyone knows we work together, shoulder to shoulder. It is good to work with him. I think he must feel the same. We got something great done.

However, I believe there is one flaw in the argument that is imperative. That is, plain and simple, do you want to hang tight with an ideology of the past and get no bill and no new development or do you want to adjust to change and get something significant?

Now, he might not agree, my friend might not agree that I am correct in saying what we are getting, but I truly believe the final product of the path we were going to follow—which was to not share the revenue; and we had not made any arrangement with Florida—was doomed to yield nothing, and we would be back where we were.

Secondly, if we want to wait around for MMS to do their plans and assume that they end up with what they started with, then just look at history. They hardly ever come out anywhere close to what they started with, and they probably would have done it again on this one. We are better off, in my opinion, adjusting a bit to the reality of getting something real than to stand rigid on the philosophy of the past.

Revenues: If you do not drill, you do not get any revenues. We have been in a no-drill posture for the American Treasury for almost 20 years. I do not know how many more years we will be with no revenues and no drilling, so I am not worried about the fiscal policy because I am worried about the effect on the economy and on people of not using the resource.

I can hardly measure that, I say to Senator BOND. It is too big for me to measure as a budgeteer. So I wanted to make that point just in kind of a summary manner, which is part of what my friend and great colleague has been arguing in derogation of this bill on the Senate floor.

Then I had one more observation. As to the big piece of land we are not going to be able to drill in in the future that my friend has alluded to, if you just look at that map, the perpendicular line is a line established in a letter from the military which said they needed, for future use, everything beyond that line. And everybody had been agreeing we would not, without the military's consent, ever drill there. And that is essentially why most of that property is off limits. Now, there is more to the story than that, but that is the biggest portion of the story.

Having said that, I would certainly like to say to my colleague, Senator BINGAMAN, I trust that we are back together soon to get another great Energy bill; and we will. I would feel much better if you and I were together on this, but I feel just as confident, or more so than I did on the Energy bill, that the way to get Outer Continental Shelf drilling is to start with this new precedent and get it going. And I think the ball will roll. If you get this, you will get offshore drilling in real quantities. You will get more than ever to the Treasury and more than ever to the bounty of production. That is what the real ball game is about. And you either do something like that or you sit around and wish. We have been wishing, and it never happens.

So with that, I yield to Senators. I will be off the floor. You can take time in your sequence. I will come back in an hour and a half or so, and if there is time, I will wrap up this afternoon.

Thank you very much.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just ask that my and Senator SHELBY's time slots be reversed.

Mr. DOMENICI. Sure.

Mr. SESSIONS. He has another appointment, and I would be glad to yield to him and take the slot you originally had for Senator SHELBY.

Mr. DOMENICI. Sure. Senator SHELBY would go right after Senator BOND on the proponents list. And they would be followed by Senator SESSIONS.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I just indicate for my colleague, I appreciate his comments. We do have a couple of Senators who are in opposition who are coming to the floor and will wish to speak, too, at some stage. I do not want to line up so many proponents that they are not able to make their statements within a reasonable period of time. So if we can fit them in at some stage in the proceedings, that would be great, as soon as they arrive.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to my colleague, that is fine. I

noted your staff had apparently gone and checked, and there might be somebody. I would like to ask that they let you know as soon as possible so you do not have people with the expectation of being next because they are right here, and all of a sudden somebody drops in and says: I am next because I am in opposition. I think that would be a little unfair. I wish the Senator would work with us on that.

All right, having said that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise to offer a compromise and support a compromise. I have agreed to limit my remarks to 7 minutes in the hope, however faint it might be, that people might listen to me.

Secondly, I am here to support a compromise. I am here to support a compromise led by our good friend, Chairman DOMENICI, involving the occupant of the Chair, the Senator from Louisiana, and a distinguished bipartisan group of Senators who are coming together to bring out a compromise that is going to solve a major problem.

We hear—on the floor, and wherever politicians gather, and pundits gather, and at coffee shops—people complain about the high cost of gasoline, the high price of natural gas, and our unhealthy dependence on foreign oil. Well, my gosh, they are all right. They are all correct. We are importing over 60 percent of our petroleum.

We hear lots of people pontificate about the skyrocketing costs of natural gas, heating homes, and how that affects the need for low-income heating assistance programs, and how it squeezes all of us who, like me, depend upon natural gas to heat a house. Once again they are right. Over the last few years, natural gas prices in America have been some of the most expensive in the world. Some people cry out for the need to do something to reduce these high oil and gas prices.

Well, in the past, when it has come down to it, too many people have stood up and said: No, we are not going to do it. The reasons range from ''not in my backyard''—they do not want anything produced right near them, whether it is oil or minerals or a manufacturing process—that is called the NIMBY approach. Others are pushing environmental concerns to the extreme, not realizing that modern-day exploration of oil and gas is done with new techniques that are designed to be as friendly to the environment as possible. Then of course, there are others who think that high gas prices make a great campaign issue in an election year, and that it is in their best interest to do nothing before November.

Well, there is a way to begin to reduce the price of oil and natural gas; and that is to increase domestic supplies. Let me point out to my colleagues that for all the laws we pass, we have not been able to repeal the law of supply and demand. If you have more demand than you have supply, the cost goes up. And that is what we have.

Now, we are trying to reduce the demand by conservation, but people continue to make choices, and the economy grows. Not only our economy grows, but the economies of India and China, which are putting real pressure on demand, grow faster. But we are not keeping up with the demand from production in the United States. Thus, our percentage of contribution to supply continues to decline.

The area specified in S. 3711 will open up 8.3 million acres of the Outer Continental Shelf for oil and gas leasing as soon as practicable, but no later than one year from the date of enactment. This area, which includes Lease 181 and an area south of Lease 181, is estimated to contain roughly 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas. The natural gas supply alone made available under this bill is enough to heat and cool 6 million homes for 15 years. That is a good start. We would like to have more, but with the demand for energy so high, and the supply limited, we need to take what steps we can.

With the price of gasoline over $3 a gallon, all of us are looking at the need to conserve, and that is one way we can make a difference: stop driving so much, carpool, walk. People still get there. I used to walk to school, ride a bicycle to school. That is not a bad idea for a lot of kids. It keeps you in better shape.

In addition to the growing demand for energy, disruptions in supply due to geopolitical instability in the middle east and South America have caused energy prices to spike upward. All of these factors have caused the price of gasoline to increase by over 125 percent since 2000. As fighting continues in the Middle East and political instability remains in South America and North Africa, energy analysts warn that $100 barrel oil could indeed be a reality in the future.

The situation with natural gas is no different. To say that we are in a natural gas crisis is an understatement. Why is this the case? Again, the answer is quite simple. Over the years demand for natural gas has skyrocketed while domestic supplies have dwindled. And when that happens, simple economics tells us that prices soar as they have in recent years for natural gas.

We have a lot of demand for natural gas because of the increasing demand for this resource in the generation of electricity. More and more electric utility generation plants have been forced to switch to natural gas. Natural gas is also in short supply because of all the restrictions on its production and delivery, including restrictions on access to these gas supplies and strict environmental regulations, which have pushed a massive expansion of natural gas usage as opposed to the use other energy resources such as coal.

According to a Wall Street Journal editorial, there has been a 40-percent increase in the use of natural gas since 1986, and that accounts for nearly 25 percent of our energy. And it is set to increase by another 40 percent by 2025. We cannot afford to do that. Our production of natural gas has fallen from 19.2 trillion cubic feet to 18.2 trillion cubic feet. That is a 7.2-percent decline. We cannot afford to do that.

We need to liquefy and gasify coal so coal gas can fit in, too. That is some ways down the line. But in the meantime, we have to go ahead with lease 181 and the adjacent areas.

Price increases hurt our economy. They hurt people who drive cars. U.S. consumers spent $200 billion on natural gas in 2005, which is four times as much as we spent in 1999. This has caused both Federal Reserve Chairmen Greenspan and Bernanke to repeatedly warn that ''natural gas bottlenecks endanger economic expansion'' and ''pose risks to both economic activity and inflation.''

High natural gas prices cost us manufacturing jobs. The National Association of Manufacturers says that roughly 3 million manufacturing jobs have been lost due in large part to natural gas price increases. Chemical plants are moving overseas along with and fertilizer plants.

According to the U.S. Chemistry Council, it is estimated that from 2000 to 2005, the chemical industry saw the loss of 100,000 jobs and $50 billion to overseas competition. Furthermore, the magazine Business Week reported that of the 120 major chemical facilities in the planning and construction stages around the world, only one is in the United States—50 plants are going up in China.

Job loss due to increased natural gas prices has also had a devastating impact on the fertilizer industry because natural gas is a key component in the production of nitrogen fertilizer. Late last year, Ford B. West of the Fertilizer Institute informed the Senate Appropriations Subcommittee on Interior that sixteen U.S. production facilities have closed permanently and an additional five have been idled due to rising natural gas prices—this represents a 35 percent decline in U.S. fertilizer production

The agricultural sector is also taking it on the chops. The president of the Missouri Farm Bureau, Charlie Kruse, on March 17, 2005, testified that in the last 4 years, the retail nitrogen fertilizer prices, because of the shortage of the supply of natural gas, have skyrocketed from $100 per ton to $350 per ton. These are real costs being put on our farmers.

Analysis from the Food and Agricultural Policy Institute, FAPRI, at the University of Missouri-Columbia indicates that fertilizer prices paid by agricultural producers increased by almost 50 percent between 2002 and 2006, with fuel prices increasing over 100 percent in the same time frame. This leads to cost increases of over $80 per acre for rice, $50 per acre for corn and $10 to $25

per acre for soybeans, wheat and cotton.

Farmers are hurting. These increased costs are going to curtail the availability of our food supply and raise the cost of our food as well. Transportation costs will also rise.

Well, the concern has been raised by the distinguished Senator from New Mexico that this legislation is not the best deal.

I might agree with him, but I will tell you something. Standing here on the floor of the Senate, it is the best looking one of the whole ugly bunch because I have been waiting for a long time to find a way to increase the supply of oil and gas produced in the United States. This is a start. He has pointed out, we need to do a lot more things. Well, I will be there to support whatever we can do to make a reasonable compromise to overcome the objections, so we can start producing gas in deep sea offshore drilling.

I hope one of these days we can go back up to the barren reaches above the Arctic Circle in ANWR. I have been up and watched them drill in Prudhoe Bay. There is no harm to the environment. I will tell you, the caribou and the birds love it. The mosquitos are great. They are just as healthy as they are in southern Alaska.

Tapping the energy resources in the areas specified in this bill can have an immediate impact on both the price of oil and natural gas because these areas are located in the Gulf of Mexico near existing oil and gas production infrastructure. With its proximity to major oil and natural gas transport terminals and pipelines, these new energy resources could be quickly shipped to the market for use.

Well, in closing, I commend Senator DOMENICI for putting together a bipartisan group to support this bill. I laud his efforts. It is going to be done in an environmentally friendly manner. Last year's devastating category 5 hurricane did not cause any significant oil or gas spillage. And this new technology can produce this oil and gas from offshore areas in an environmentally friendly manner and begin to break the logjam where supply cannot keep up with demand.

I urge my colleagues to support S. 3711.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOND. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, at this point I rise to discuss the legislation currently before the Senate, S. 3711, the Gulf of Mexico Energy bill. I am an original cosponsor of this bill and strongly support its passage.

Over the last few years, we have seen drastic increases in the prices of crude oil and natural gas. While demand for these products in our country continues to grow, the domestic supply of these commodities remains stagnant at best. This lack of domestic productivity and the volatility of the global energy market are causing the everyday lives of Alabamians and people all across this Nation to become increasingly difficult.

I have no doubt that my colleagues have heard the same stories that I have heard from my constituents in Alabama—that they are having trouble making ends meet because of the prices at the pump. They tell me they cannot afford to commute to and from work, pay their monthly bills—particularly with record high temperatures—or run their small businesses.

These are not luxury costs. These are the basic costs of everyday life. Alabamians have asked that the Congress do something to alleviate the burden of rising energy prices, just as constituents have all over America. While the Gulf of Mexico energy bill will not immediately lower gas prices, it will take a significant step forward in addressing many of the problems that cause rising prices. Whether short or long-term effect, one thing is abundantly clear: The status quo is unacceptable. More importantly is the fact that because we have neglected to tap domestic resources that are currently available to us, we are forced to purchase energy sources from foreign nations that are often hostile to U.S. interests. Economic security is the underpinning of national security. Energy independence, as I have said many times, is vital to economic stability.

To achieve a higher level of energy independence, we must increase domestic capacity and production. While no single solution will immediately solve our current problem, there are immediate steps we can and must take toward that end. I believe the legislation before us, crafted by Senator DOMENICI, myself and other Senators, represents a critical step in that direction.

According to the Minerals Management Service, MMS, S. 3711 would open more than 8.3 million acres on the Outer Continental Shelf in the Gulf of Mexico for oil and gas leasing. MMS estimates these 8.3 million acres contain at least 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas, perhaps more. Tapping these resources would reduce the cost of energy nationwide and serve to move us further down the path of energy independence as we continue to explore and develop new sources of energy.

For Gulf States—and my State of Alabama is one—that choose to allow drilling off their coast, the legislation also contains a long overdue revenuesharing mechanism. Gulf States allowing oil and gas production off their shorelines will receive 37.5 percent of revenues from new leases. In addition, 12.5 percent of the revenues will go to the stateside Land and Water Conservation Fund for the acquisition of parks and recreation facilities across the Nation. The remaining 50 percent will flow into the coffers of the Federal Treasury.

Some in this Chamber will surely object to the provisions of S. 3711. They will say that the legislation diverts needed revenue from the Federal Treasury and bestows upon gulf producing States a financial windfall. It is important to point out that CBO estimates this legislation will produce nearly $1 billion in new and unexpected revenue for the Federal Treasury over the next 10 years. In my view, assertions that the gulf producing States should not receive a share of these revenues assumes that those States have done and sacrificed nothing to deserve a share of the revenues. For too long the gulf producing States have borne the brunt of our Nation's domestic energy needs while receiving virtually nothing in return.

I would also point out that 37.5 percent is less than the 50 percent currently provided to States with onshore production. And I would dare to guess that the impact to our coasts is as significant as any impact from onshore drilling. I would also reiterate that the bill provides 12.5 percent of the stateside LWCF which will be made available to all 50 States. The Gulf States portion will ensure that the States of Alabama, Mississippi, Louisiana, and Texas are compensated for the decades of oil and gas exploration and production that has taken place off their coasts, the impact the production has had on our coastal areas and the billions of dollars this production has brought into the Federal Treasury.

The legislation clearly lays out a formula that compensates the States according to their proximity to drilling as well as their historic production and does so while positively impacting the budget. The legislation also ensures that the coastal counties and parishes that are impacted the most have a dedicated funding source to address the needs of their communities.

This agreement also represents a commitment by the gulf producing States to continue energy exploration and production off their coasts. This commitment contributes to the energy independence of the Nation. It is time that the gulf producing States were rewarded for their contributions and sacrifices. And while it is difficult to estimate what this will mean in the way of revenues over the next 60 years, there is no doubt it will be a great resource to the Nation and provide substantial revenues to Federal and State treasuries.

I have no doubt this legislation will provide billions of dollars to Alabama and its producing partners in the Gulf of Mexico. These funds will be available to our State and local coastal governments to address the problems that come with drilling production and its required infrastructure. It will ensure we can begin to reverse the coastal erosion and begin barrier island restoration that will protect our States from the all-too-familiar hurricanes. These funds will allow Alabama, Mississippi, Texas, and Louisiana to enhance their

fisheries and coastal infrastructure and put hurricane mitigation programs in place to help us better prepare for the storms of the future.

The sponsors of this legislation have also worked closely with the State of Florida to address the longstanding concerns of the State regarding offshore drilling on their coast. Specifically, the legislation includes a 125-mile moratorium on drilling off the coast of Florida until the year 2022. I strongly believe all revenues leading to U.S. energy independence should be aggressively pursued. We should continue to develop alternative sources of energy. We should promote energy efficiency. We should encourage refinery capacity expansion, and we certainly should continue to explore and develop resources that are currently available to us. We recognize that some of these options will take time to affect our current crisis. Others, however, remain current capabilities.

S. 3711 provides that leasing must commence in a substantial portion of the 8.3 million acres within at least 1 year of enactment. It says that leasing must occur in the remainder of the 8.3 million acres as soon as practicable. In the context of Federal energy policy, these are tangible measures that would have a considerable and direct effect in the short term on consumers and businesses and on the Nation's economy as a whole.

In closing, this legislation is the product of careful coordination among affected States on behalf of the needs of the entire country. It makes much needed contributions to the Nation's energy supply and compensates participating States justly. At the same time it accommodates the concerns of those who do not want oil and gas production to occur off their shorelines, and it provides a mitigating mechanism for States that elect to participate. The American people rightly expect their elected representatives to act on their behalf to stem the escalation of our current energy crisis. While this measure alone is not sufficient to solve our energy crisis, it is absolutely a necessary component of the overall solution.

I urge my colleagues' strong support for this crucial legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Mr. President, the Senate today is considering the Gulf of Mexico Energy Security Act. I believe this legislation is not appropriate energy legislation and also not responsible fiscal policy for the United States, as we face a Federal deficit of $8.4 trillion and looming cuts to many vital programs that the Federal Government must support. Next week we will begin to take up the Defense appropriations bill for this year. As we consider that bill, we will discover huge unmet needs to finance the current operations of our military. If we diminish the Federal Treasury, our ability to respond to that issue and a host of other issues will be contemporaneously diminished.

This legislation would mandate that almost 38 percent of revenue from Federal resources generated by new leases in new areas of production made available by this bill will be given to four Gulf Coast States. Revenues that currently would be provided to the Treasury for the benefit of the Nation as a whole will be diverted to four States. This bill, if passed, will cost the Federal Treasury billions of dollars over time. I am not alone in my opposition to this legislation. Taxpayer advocates and environmentalists share my concerns. I ask unanimous consent that the text of several letters be printed in the RECORD expressing these concerns.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAXPAYERS FOR COMMON SENSE,
July 24, 2006.

DEAR SENATOR: Taxpayers for Common Sense Action (TCS Action), a non-partisan budget watchdog organization, urges you to oppose S. 3711, the Gulf of Mexico Energy Security Act of 2006. TCS Action is alarmed by provisions in the bill which alter existing federal-state revenue sharing provisions for royalty payments. Royalty payments represent the second largest source of federal revenues after federal taxes. These provisions will siphon off billions of dollars that would have gone to the Treasury, further straining the nation's fiscal health.

TCS Action is not opposed to off-shore oil and gas exploration and development. However, federal waters are owned by all U.S. taxpayers and the public has a right to receive a fair return for the resources they own. Oil and gas resources located within federal waters should not be converted into cash cows benefiting only four Gulf coast states. Gulf coast states currently receive significant royalty payments from waters within 6 miles of their coastline. In fact, under current policy, Louisiana received nearly a billion in revenue from oil and gas royalty payments from 1986–2003.

This legislation would dramatically deplete federal revenue generated by leases in lease sale 181 and 181 south and all leases that are issued after enactment of the bill. Currently royalties from these waters would return entirely to the federal government. Moreover, lease sale 181 would likely be opened in the next several years regardless of this legislation. Despite attempts to disguise this legislation as a revenue generator, opening these tracts of off-shore waters under the proposed royalty-sharing provisions with the four Gulf coast states would have detrimental long-term effects on the federal budget. The Administration has also raised similar concerns to changes in revenue-sharing on current leases and their cost to federal taxpayers.

With the federal debt mounting and oil and gas prices nearing record highs, reducing the federal earnings on our natural resource royalties does not make fiscal sense. We urge you to vote against the S. 3711 and return some fiscal sanity to our nation's energy policy. If you have any questions, please contact Autumn Hanna at (202) 546–8500.

Sincerely,

STEVE ELLIS,
Vice President of Programs.

LEAGUE OF CONSERVATION VOTERS,
July 24, 2006.

Re oppose S. 3711, the so-called Gulf of Mexico Energy Security Act of 2006.

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose S. 3711, the so-called Gulf of Mexico Energy Security Act of 2006. This backward-looking legislation fails to address our energy problems, raids the federal treasury, and threatens our coastal economies and ecosystems with pollution and oil spills.

Opening more of our coastlines to drilling is clearly not the answer to our energy problems, especially given that eighty percent of offshore oil and gas resources are already open to drilling, and oil companies currently hold more than 4,000 untapped leases in the Gulf of Mexico. Instead of despoiling our shores and perpetuating our dependence on oil, Congress should pursue faster, cheaper, and more environmentally friendly solutions, including making cars and trucks go further on a gallon of gasoline and increasing our use of clean, renewable energy such as wind and solar power.

Unfortunately, rather than using American ingenuity to advance a new energy future that benefits both the economy and the environment, S. 3711 continues to promote failed policies of the past. It opens eight million acres of Florida's Gulf Coast waters to offshore drilling rigs, including more than six million acres that are currently protected by the bipartisan moratorium on offshore drilling that has been in place for twenty-five years. S. 3711 would also divert tens of billions of dollars in offshore drilling revenues from the federal treasury and give the money to just four states. If the Senate were to pass S. 3711, it would pave the way for a conference with H.R. 4761, the even more harmful House-passed bill that would lift the moratorium on offshore drilling for all of our coastlines across the country.

We urge you to protect our coasts, our environment, and our economy by voting NO on S. 3711, and instead supporting real solutions to our energy problems. LCV has scored votes related to energy policy and coastal protection on numerous occasions in the past few years, and the Political Advisory Committee will strongly consider including votes on this bill in compiling LCV's 2006 Scorecard. If you need more information, please call Tiernan Sittenfeld or Nat Mund at my office at (202) 785–8683.

Sincerely,

GENE KARPINSKI,
President.

SIERRA CLUB,
July 25, 2006.

DEAR SENATOR: On behalf of the nearly 800,000 Sierra Club members, I urge you to defeat The Gulf of Mexico Energy Security Act, sponsored by Senator Domenici, and instead fight for energy solutions that will save American families money and cure our addiction to oil.

The Gulf of Mexico Energy Security Act, S. 3711, will open an area the size ofthe State of Maryland to new oil and gas drilling, approximately 8 million acres in the Gulf of Mexico. This bill would also repeal parts of the offshore drilling moratorium that has protected America's coast for more than 25 years. It would also divert 37.5 percent of the revenues from new oil and gas drilling in the

Gulf to just four states, costing the Federal Treasury nearly $20 billion over the next 20 years.

Not only does this bill lift the moratorium on drilling in the eastern Gulf of Mexico, it jeopardizes every other coastal state. The House has already passed an expansive drilling bill that puts the entire Atlantic and Pacific coasts on the chopping block. If the Domenici bill passes the Senate it will certainly get much worse in a House-Senate conference committee, putting our wetlands, marine environments, beaches and coastal economies at risk.

The Sierra Club strongly supports permanent protection for our beaches and coastal waters. Our coasts provide essential habitat for fish and wildlife, a detination for thousands of vacationing families each year, and the economic lifeblood for thousands of tourism and fishing communities.

The Domenici drilling bill continues to lead America away from smart energy solutions. It is estimated that drilling off of Florida's coast would only bring 47 days of oil and 4 months of natural gas, and we wouldn't see any of it for at least 7 years. There are faster, cheaper, cleaner and longerterm energy solutions like energy efficiency and clean, renewable energy that will start saving families and businesses money today.. We do not need to sacrifice our beaches and coastal waters to meet America's energy needs.

Thank you for consideration of our recommendations. If you have questions, please feel free to contact Athan Manuel at 202–548–4580.

Sincerely,

CARL POPE,
Executive Director.

DEFENDERS OF WILDLIFE ACTION FUND,
July 25, 2006.

Re oppose S. 3711, the budget-busting offshore drilling bill.

DEAR SENATOR: The Defenders of Wildlife Action Fund is an independent organization committed to giving conservation issues a political voice on Capitol Hill and around the nation. The Action Fund publishes an annual Conservation Report Card which highlights the voting records of Members of Congress on legislation vital to protecting our nation's wildlife and wild landscapes for future generations.

Protection of marine life in the outer continental shelf is one of Defenders of Wildlife Action Fund's highest priorities. S. 3711, the Gulf of Mexico Energy Security Act, would dismantle the 25 year bipartisan offshore drilling moratorium by opening 6 million acres of currently protected waters in Florida's Gulf coast to oil and gas development. The Action Fund urges you in the strongest possible terms to oppose S. 3711, which will most likely be included in the next Conservation Report Card.

The eight million acres proposed for oil and gas development in the Gulf of Mexico are home to more than 20 species of whales and dolphins, five species of sea turtles, dozens of fish species and hundreds of species of birds. All would be put at risk of collision and exposure to the routine pollution associated with oil and gas drilling if S. 3711 were to pass. An oil spill would further devastate our marine wildlife.

While the bill would threaten our marine wildlife and coastal economies, it would do nothing to lower oil or natural gas prices; it will simply feed our country's unsustainable addiction to oil. From enforcing strict conservation measures to making our cars go farther on a gallon of gas, Defenders of Wildlife Action Fund supports faster, cleaner, cheaper solutions than oil and gas drilling to meet our energy needs.

I further urge you to oppose S. 3711 so that a conference report with HR 4761, the House-passed offshore drilling bill authored by Rep. Richard Pombo (R–CA), never sees the light of day. The House bill lifts the entire offshore drilling moratorium nationwide, and Rep. Pombo has made clear that the House intends on using the conference process to add as many of the House bill's provisions to the Senate bill as possible. We oppose S. 3711 in its own right; a conference with the House bill would be disastrous.

Thank you for your consideration in this matter.

Sincerely,

RODGER SCHLICKEISEN,
President.

Mr. REED. In 1952, President Truman, speaking about proposals to give coastal States Federal offshore oil and gas revenue said:

If we back down on our determination to hold these rights for all the people, we will act to rob them of this great national asset. That is just what the oil lobby wants. They want us to turn the vast treasure over to a handful of States where the powerful private oil interests hope to exploit it to suit themselves.

Those sentiments are not far off from today. In 1953, Congress enacted the Submerged Land Act. This law provided that each coastal State would have a seaward boundary of at least 3 miles and that the Federal Government would relinquish to the States the interests of the United States in lands beneath the navigable waters within the State boundaries. Importantly, the law affirmed the Federal Government's ownership in lands seaward of the State boundary. Revenues from Outer Continental Shelf drilling belong to the American people in all 50 States. The legislation the Senate is considering today violates this pact with the American people, and it denies the Federal Treasury and the American people essential revenue to address the needs of our Nation.

Again, to quote President Truman, since his comments still ring true today:

I can see how Members of Congress from [affected areas] might like to have all the offshore oil for their States. But I certainly can't understand how Members of Congress from the other 45 States can vote to give away the interest the people of their own States have in this tremendous asset. It is just over my head and beyond me how any interior Senator or Congressman could vote to give that asset away. I am still puzzled about it. As far as I am concerned, I intend to stand up and fight to protect the people's interest in this matter.

Proponents of this bill argue that their coastal States deserve to share in the Federal revenues because they have tremendous costs and environmental challenges arising from energy development and production that benefits the whole Nation. They argue, with some validity, that they bear costs, although the benefits are shared by the entire Nation. I acknowledge that. I fully acknowledge that energy development is harming our coastal zones, leading to habitat loss and erosion. For this reason, in 2001 Congress authorized a coastal impact assistance program that provided Federal funding to States and local communities for mitigating the impacts of OCS oil and gas development and production. It is also the reason why I supported an amendment to the Energy Policy Act of 2005 that mandated $1 billion over 4 years in direct Federal spending to gulf coast States and other producing States for the purposes of remediating environmental problems caused by the extraction and production of energy. That is the right approach, to appropriate Federal resources, directed to help States address a problem that is caused in large part by production activity.

What I object to is a permanent entitlement that does not state specific eligible uses to mitigate the environmental harm of OCS production. For example, the bill before us today would allow the States to decide to fund a category described as ''mitigation of the impacts of Outer Continental Shelf activities through the funding of onshore infrastructure projects.'' This could cover any appropriate bricks and mortar project in any State along the gulf coast, from schools to highways to community centers, all of which I think could and would be legitimately argued by a State official as somehow mitigating the impacts of outer Continental Shelf activities.

So in a sense what we have opened up here is a general revenue sharing, not a targeted approach to mitigating the specific harms caused by the extraction and production of petroleum and natural gas products.

Nothing in this bill requires the States and communities to report back to taxpayers and the Federal Government how the funds are being used. I don't think there is any appropriate mechanism of routine reporting. I suppose that if you objected to a particular project, you might sue in Federal Court saying they violated the act, but that is hardly an appropriate and routine and rational way to ensure that the spending is appropriate.

Again, reading the very general language in the bill, I would think that you could make a case that a school, community center, and a range of other projects would be infrastructure that would mitigate in some way the broad effects of production of energy in these States. An argument may be made that a vote against the bill is a vote against the communities and people harmed by Hurricanes Katrina and Rita. I don't think that is true. This debate has to be about responsible national energy and responsible fiscal policy.

We in this body have voted to provide $123 billion to help the gulf coast recover. That money, because of our difficult financial situation, is literally being borrowed. The interest on that debt and the principal of that debt will be paid by all Americans. It is an example of why we need Federal resources in difficult times, because there will be other occasions where other Americans will see the same kind of suffering, the same kind of destruction that was visited upon the gulf coast, and we as a Congress have to be able to stand up, not just with words but resources, to help these people. As

we diminish the Federal resources by a very narrow revenue-sharing plan for four States, we diminish our capacity to respond.

We have also directed and voted recently for a $2 billion authorization for Louisiana's coastal restoration program as part of the Water Resources Development Act. If more money is necessary to restore the gulf coast, then more money should be provided, and that is not the sentiment of just the people who live there, that is the sentiment of the American people because, frankly, if any part of our country was similarly devastated, we would all be here asking our friends and colleagues to help us, and I think they would respond. What they may not be able to do, if we pass this bill, is respond with the same kind of financial clout because we will have already given Federal resources for the benefit of only four states.

There are other aspects of funding that inure to the benefit of these coastal communities. Section 8(g) of the Outer Continental Shelf Lands Act provides coastal States with a share of the revenues received by the Federal Government from leases on Federal tracts that are adjacent to and within 3 miles of a State's seaward boundary. That is a specialized source of revenue which goes to coastal States. Between 1986 and 2003, Alabama, Louisiana, Mississippi, and Texas received nearly $2 billion in revenues from the Federal Government under section 8(g). This funding is precisely the type of funding that could be used to mitigate the impacts of OCS production.

Further, the Coastal Zone Management Act's ''Federal consistency'' provision ensures that Federal actions, such as OCS leases for energy production, that are likely to affect any land or water use or natural resources of the coastal zone must be consistent with a coastal State's approved coastal zone management programs. That means that if Gulf Coast States put into place strong coastal zone management plans to protect against erosion and the loss of wetlands and environmental complications, the law would require a Federal OCS lease to be consistent with these plans and make these States less vulnerable to storms. So not only is this an issue of funding, it is an issue of States taking action to ensure that they have strong environmental protections, and these plans, in turn, according to the law, will be imposed upon the OCS leases.

Now, we understand that energy production is a burden to the States, but it is also, in many situations, an economic benefit to these very same States.

The oil and gas industry is central to Louisiana's economy, with an estimated $93 billion impact in 2001. Over $1.3 billion worth of oil and gas is produced annually in Alabama. The State receives direct benefits of approximately $285 million annually in the form of lease bonuses, royalties, trust fund investments, and severance taxes. In 2005, Texas petroleum and coal were valued at $8.89 billion. All of these revenues provide a strong and powerful force of economic progress for all of these communities. I daresay that, as much as a burden is imposed, there would be great reluctance for any of these States to try to curtail this economic production because it benefits the community.

Now, what is also troubling about the legislation is not only the fiscal implications, but also it is proposing a permanent entitlement that is unnecessary to generate new domestic natural gas and oil supplies. There are over 40 million acres of Federal Outer Continental Shelf under lease, but the oil and gas industry is sitting on over 33 million acres of undeveloped leases. They have less than 7 million acres in production, and there is 328 trillion cubic feet of recoverable natural gas in the nonmoratoria areas.

The United States consumes 25 percent of the world's energy, and yet we have less than 3 percent of the world's oil supplies. We cannot drill our way to energy security; yet this bill essentially provides only one way forward—to drill in the Gulf of Mexico. We deserve an energy bill that will reduce our dependency on fossil fuels and strengthen our economy.

On July 20, I joined 40 of my colleagues in sending a letter to the majority leader asking that we consider energy legislation that sets national goals to reduce our overall national dependence on petroleum by increasing fuel efficiency and alternative vehicle technologies, that protects Americans from price-gouging and market manipulation, and that levels the playing field for new renewable and energy efficiency technology and, more specifically to this debate we are having, ensures that new energy proposals that affect spending or revenues must be fiscally responsible and take into account the true long-term impact of these proposals. That is not the bill we are considering today.

I am left wondering why, as the Senate finally takes up energy legislation, we are not debating and voting on a bill to increase fuel efficiency in cars and trucks. Why are we not voting on oil savings provisions? Where are the provisions in our energy legislation to protect consumers from price-gouging or restore lost royalties to the Federal Treasury from oil and natural gas companies making record profits? Where is the mandated Federal funding dedicated to fully funding energy efficiency and renewable energy?

I hope the Senate will get to vote on an increase in fuel efficiency standards. Gasoline consumption in the transportation sector represents about 44 percent of total oil consumption in the United States each year. Including diesel fuel, the number jumps to 57 percent. To bring about any serious reduction in our dependence on foreign oil, we must increase the fuel efficiency of our cars and light trucks, as well as promote the use of hybrids and vehicles that use alternative fuels.

I also hope we will have a chance to amend this bill. I hope we have a chance to have a debate on an energy bill that will include not only supply-side considerations but also demand-side considerations. All of this legislation is important to consider, but I fear we will be constrained to this bill.

Finally, I am concerned that whatever we do in the Senate would open up a conference with the other body. Their legislation, H.R. 4761, the Deep Ocean Energy Resources Act, would lift the moratorium on offshore drilling for all of our coastlines, not just the gulf coast. I believe this would be a serious step, putting in jeopardy fisheries and marine sanctuaries, further depleting the Treasury, further eroding States' current positions with respect to drilling, and undermining environmental mitigation for energy development and production. My Rhode Island coastline, like the coastline of every State, is something we want to preserve and protect, and there is a fear that if the House version prevails, these coastlines will be jeopardized.

We are in a situation where we have a burgeoning energy crisis. We just have to go to the gasoline pump to figure that one out. This burgeoning energy crisis impacts our foreign relations. We have scores of troops across the globe today because of our dependency on oil. But this should not be the occasion to entertain legislation that is unwise in terms of energy policy and potentially very damaging to the fiscal integrity of the United States.

Before we open new lands to development, we need to ensure that the oil and gas industries are putting undeveloped leases into production, and we need to take meaningful action to reduce our consumption and increase renewable energy supplies. We need to be more independent with respect to energy, reduce our consumption of fossil fuels overall. This is an energy policy which we should pursue, and as a fiscal policy, we have to maintain Federal resources for Federal responsibilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order of speakers be as follows: SESSIONS, MENENDEZ, COCHRAN, LANDRIEU, and ALEXANDER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I believe I had asked for 15 minutes. I will try to do it in 10. I ask that I be notified at the end of 10 minutes.

Mr. President, I travel my State, and I know that Senator SHELBY, who spoke earlier, travels Alabama, also. We meet with people and talk with people. I see people back in my hometown in church and in other places, and I get asked about energy prices all the time. People are concerned about it.

I have studied some of the economic numbers in this country, and I am a bit troubled. I think it is a valid concern for our Nation that, while the country is doing well economically and unemployment is down, middle and lower income workers' salaries have not increased as much as we would like them to. In fact, the higher income salaried workers, wage and hour workers, are doing better percentage-wise than the lower income workers. That means the cost of energy impacts them significantly. They ask me to do something about it. I talk about what I have been trying to do since I came to the Senate 10 years ago, which includes voting and working to try to open up the ANWR region, where large reserves exist, and to support nuclear power and clean coal. I have been a supporter of ethanol, and I am hopeful that we will see ethanol, biodiesel and matters of that kind really advance as an option for America.

I have to tell you that the most certain and direct thing we can do is to increase domestic production of oil and gas in this country. That is what we are about to act on now. This legislation is a concrete, direct way that will make a difference in the price of oil and gas in our country.

One of my colleagues mentioned that some people like to use this phrase: Big oil companies. I want to make one thing clear: the reason we should open up production in the Gulf of Mexico is not to help big oil companies. We should open it up if, and only if, it is good for the American consumer and the American economy.

In fact, I am confident that many of the big oil companies will have no interest in producing oil and gas from the Gulf of Mexico. They may be sitting on large reserves of oil and gas right now, and they may be very happy with $75 a barrel. Why should they want a competitor to go out and produce more in some other area if it might reduce the value of the oil and gas reserves that they possess? It is a myth and a falsehood that this has anything to do with oil and gas companies.

What it has to do with is increasing the supply of natural gas and increasing the supply of oil for American consumers, keeping our wealth at home.

One thing is obvious to us: We very much depend on natural gas. Eighteen percent of U.S. electricity comes from natural gas—18 percent—is generated from natural gas. Nuclear power provides 20 percent of our electricity. Nuclear power is the only source of clean, reliable, and affordable electricity. Nineteen applications for nuclear powerplants have been issued since we passed the Energy bill last year. Nineteen applications for new nuclear powerplants have been issued since we passed the Energy bill last year. It will make a big difference, but I have to tell you, I don't expect 18 percent of electricity that comes from natural gas to be reduced any time in the future.

Oil prices are at high levels. On July 14, 2006, the price of crude oil closed around $77 a barrel. Many Wall Street analysts say it may hit $80 if this Mideast crisis continues. By comparison, the price of crude oil 2 years ago was $35 a barrel. That has been an increase of 100-plus percent.

High energy prices, for all practical purposes, result in a tax on the American consumer. And to whom do we pay that tax? We pay it to foreign nations. Many of those nations are hostile to us diplomatically and politically. They are not our greatest friends. In fact, somebody has written an article stating that the more oil wealth a country has, the less friendly that country becomes.

Mr. Bernanke, the Chairman of the Federal Reserve Board, in April of this year said:

> Rising energy prices pose risk to both economic activity and inflation.

On June 15, he said:

> The steep increases in energy prices over the past several years have had significant consequences for households, businesses, and economic policy.

One article I saw recently estimated that higher energy costs have knocked down our growth in GDP by 1 percent this year.

The average price of gasoline has now hit $3.02. It is up from $2.28 a year ago. This hurts families. It hurts consumers. We know that. We hate to see that happen. We know there is a worldwide increase in demand for oil and gas. We know that China and India are growing. I was in South America recently. Almost every country I visited had been having a 5-percent or more increase in growth. That means they will use more oil and gas.

I will tell you it makes a big difference to a working Alabamian, a working man or woman anywhere in this country, who now has to pay an additional $50 a month for gasoline and maybe some more for heating as a result of natural gas.

Natural gas prices have risen dramatically. On July 14 of this year, natural gas in the United States was a little over $6.25 per million Btu's. Not too long ago it was $12. It has dropped about half, which is great news. But in Russia and Oman, for example, natural gas comes in at about $1.25 per million Btu. These higher costs do impact American businesses, particularly, as well as consumers.

The vice president of Nucor Steel in Tuscaloosa, AL, said recently:

> The high price of natural gas significantly impacts our ability to remain competitive and have a productive manufacturing sector.

Some of the natural gas spike in prices is the result of speculation, it is the result of a fear of shortage, a fear that is out there. We have seen that prices have gone up and down in natural gas.

I would say this: Natural gas production in the Gulf of Mexico is at a point where we need to expand our areas of drilling. Natural gas wells produce for a good long time, but they dry up faster than oil wells do. And if we don't constantly replace them, then we have a problem.

We have had a controversy in Alabama recently about LNG, liquefied natural gas. This is natural gas that may be produced in the Middle East. It is liquefied, frozen or brought to a point of liquid by reducing its temperature. It is brought to the United States. A plant is set up, probably offshore, to heat it up and put it into the American pipeline after we pay the foreign shipper, after we pay the people to produce it in the foreign country, after we pay the foreign country for this natural gas. That is what Alan Greenspan told us we will have to do more of, importing LNG. And we will be doing more of that if we're not careful.

How silly it is to do that when right off our own shores we have huge reserves of natural gas. We could keep all that wealth at home in our Nation. We could produce that oil and gas so it goes right into our American pipelines without having to be liquefied. It would go right to the consumers around the country.

Mr. President, 60 percent of our oil comes from foreign sources, including, 49 percent from OPEC nations in all, 14 percent from Saudi Arabia, and 12 percent from Venezuela—boy, they have been taking action recently to see if they can discomfort the United States—10.5 percent from Nigeria, and 6.4 percent from Iraq.

We paid $200 billion last year for foreign oil and gas—$200 billion, wealth that Americans would rather see invested in our country, hiring Americans to produce oil and gas. They would pay taxes and be able to raise their families, have high wages and good retirement plans and good health care plans.

A lot of people have wondered why these companies try to buy up our ports and are buying up American industries. Why are these foreign countries able to do it? One reason is, a number of them are oil-producing nations. These oil-producing nations have wealth they don't know what to do with. They want to invest it wherever they can, and the United States is a good, safe place. I think that is a factor. The transfer of our wealth to foreign nations, many of whom are not our friends or allies, impacts American jobs and American companies.

With regard to where we get our natural gas, less than 20 percent of it is imported. Most of it is imported through pipelines from Canada or Mexico, but only 2.8 percent represents liquefied natural gas. That comes in from Algeria, Egypt, and Trinidad.

So we are, in many ways, a self-contained natural gas community. If we have a real shortage, the price is going to go up. It means if you heat your home with natural gas—and many Americans do—or if your business depends on natural gas for operations—and many American businesses do,

their costs are going to go up significantly.

If we produce natural gas off our coast and put it directly in our pipelines, that will help in a dramatic way to contain the price of natural gas in America.

Alan Greenspan recently said:

> Notable cost productions for both liquefication and transportation of LNG—Liquefied natural gas—and high gas prices projected in the American distant futures market have made us a potential very large importer. Access to world natural gas supplies will require a major expansion of LNG terminal import capacity.

He has been warning about that for some time. That is what we are wrestling with in Alabama today: Do we want an LNG plant? We already produce a lot of oil and gas offshore that goes directly into our pipelines. People are comfortable with that. We have had no significant spills in our State. We are comfortable with that. But environmentalists and others are uneasy about this LNG terminal and whether we should go in that direction.

So for every argument, from the environmental argument to the American economy, to reducing the cost, we would do better to use oil and gas offshore.

Conservation, alternative fuels, and domestic production are all important things we need to work on. The Government has had moratoriums on producing from offshore areas. It is something I have been involved in since I have been in the Senate, almost 10 years. We have had debate after debate, vote after vote, but for a whole host of reasons, we have not been able to get around this moratorium. We have not been able to produce more oil and gas in the Gulf of Mexico because of it.

The State of Alabama produces oil and gas in Mobile Bay. I live in Mobile. It is almost close enough to throw a rock at from Fort Morgan Peninsula and hit it. It is right off the coast. We have them in the gulf right off the coast. They produce a lot of oil and gas for this country.

In fact, I will show this chart. It is sort of amusing to me. I used to complain about it back in 2002. We were building a pipeline then. I see Senator COCHRAN from Mississippi is now on the floor. He has seen all this before. We have been producing oil and gas up in Mississippi and Alabama for quite a number of years.

In 2002, our good friends down in Florida, who want no drilling 125 miles or more offshore, objected to new natural gas exploration. But they were perfectly happy to build a pipeline to take our oil and gas down to Tampa, FL, so they can sit out on the dock and have their mint juleps and watch the sunset over the gulf before they go back in their big houses kept cool with air-conditioning run by natural gas. I understand their environmental concerns. But at some point, the producing States have to feel we have been taken here a little as chumps in this deal, getting not 1 cent from the 4,000 wells that exist in the gulf—4,000 wells.

By the way, we have 4,000 wells in the gulf, and this most powerful storm, Katrina, came through so did several other powerful hurricanes last year. Mr. President, over 3,000 of those wells were in the direct paths of those hurricanes, and we never had any significant spill of oil in the gulf. It goes to show how good the technology is, how hard they have worked scientifically to make oil and gas production safer. I think that is why Florida is beginning to reevaluate this and are being more amenable to the idea. Senator MARTINEZ has worked hard to try to protect Florida's interest as much as he can but allow some additional drilling there. I think we have gotten past that. So I would say to my colleagues I have been in the Senate for 10 years and we have been trying to open up additional reserves in the gulf, and we should do that. But we haven't been successful. It hasn't worked. We have tried and tried and tried some more.

Now Chairman DOMENICI has worked his heart out, and Senator LANDRIEU, working on the Democratic side, has met him halfway, and they have worked and planned, and so many other Members of this body have worked on it.

So we have a proposal now which I think will clear this Senate, will open up huge areas, 8 million acres of gulf for production that can produce, and, as we heard from other speakers, large amounts of oil and gas. It will be done in a way that is bipartisan and in a way that we all can be happy about.

We can keep the oil and gas people busy for the period that the oil and gas moratorium on the other parts of the gulf remains in effect. So at that time we will see what happens. If there is a mess or if there is unhappiness—maybe nothing will change. Or, maybe at that point we can decide to open up more land in the gulf for production.

Mr. President, I don't know what my time was.

The PRESIDING OFFICER (Mr. COBURN). The Senator has used 19½ minutes.

Mr. SESSIONS. I have gone beyond the 10 minutes I was looking to speak—far too far. I will wrap up and say I thank each of the Members of this body who has worked hard to reach an accord that will have bipartisan support that should pass. Because this is important to the American consumer; it is important to the American economy; it is important to jobs in this country. It will reduce the transfer of American wealth to foreign nations where we are now sending it to buy the energy we must have.

This is not a little matter; it is a huge matter. Every now and then we have an opportunity to truly do something about an issue that our constituents have raised with us. They have asked us to do something about rising energy prices. This plan will work. It will produce large amounts of oil and gas for our Nation and it will keep us producing energy for quite a number of years.

This is what we should do to fulfill that obligation to our constituents.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I yield myself 20 minutes of Senator BINGAMAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise in strong opposition to this bill which would do little, if anything, to improve the energy situation in this country. It would end up costing the Federal Government tens of billions of dollars in the long run, and it would create an opening for those who want to eliminate coastal protections that tens of millions of Americans want and enjoy.

My primary concern with this bill is the fact that it does absolutely nothing to protect New Jersey. I don't think it does anything for 44 other States, either, but I am here to represent the people of New Jersey, and they are ill-served by the legislation.

We do have a large chemical industry in the State, and I am sensitive to the problems they are facing with the high cost of natural gas, which is a critical feedstock for them. I have received letters from the industry urging me to support this bill, saying we must pass this bill to lower gas prices and put ourselves on the path toward energy independence. But this bill will do nothing of the sort, particularly in the short term. I believe the outside groups supporting this bill know this, and they are hoping this is a ticket into a conference with the bill the House of Representatives passed last month, a bill that is stunning in its disregard for environmental protections.

The bill passed by the House would immediately eliminate the long-standing moratoria that protect our coastlines, not just in one part of the country but everywhere along the Atlantic, along the Pacific, the Arctic, and gulf coasts. Then it would be a free-for-all. States that wanted to could allow drilling a few miles off their shores. Neighboring States that could be heavily impacted by the drilling, particularly in the event of a spill, would have almost no say in the process. States that didn't want to drill would be given 50 miles of protection, way down from the 200 miles we have now. If a State wanted to get an extra 50 miles, it would have to apply to the Federal Government every 5 years for that privilege.

The House bill also has a provision that opens national parks and marine sanctuaries to drilling. As long as your rig is parked outside of a protected area, you are free to directionally drill into that region. No thought is given to the environmental damage that might be occurring, the drill cuttings and toxic metals that can litter the sea floor. But then again, some thought must have been given, because the House bill also provides broad waivers for a number of environmental laws.

One of the fundamental flaws of the House bill is an idea that we can split up the ocean into administrative boxes with each State controlling its offshore territory. But the ocean has no boundaries, and an oil spill will not respect any artificial lines we draw. There is territory off the eastern seaboard less than 75 miles from the coast of New Jersey the administration has already proposed opening to drilling. The House bill is yet another opportunity for that to happen. It is another assault on the Jersey shore, one of the most ecologically sensitive and economically important parts of the State of New Jersey.

Our beaches are part of our $222 billion tourism industry, which is responsible for over 10 percent of the jobs in the State. The New Jersey coastal counties are home to over 1.5 million people.

New Jersey is also home to a huge fishing industry. According to the American Sports Fishing Association, there are over 800,000 recreational anglers in the State, contributing over $1.3 billion and 12,000 jobs to the State economy. Our commercial fisheries are critical as well. The port of Cape May and Wildwood is the fifth largest commercial port in the country, by value. According to the National Marine Fisheries Service, New Jersey landed over 185 million pounds of fish last year, worth over $139 million.

The waters off the coast of New Jersey are home to over 300 species of fish and 300 species of birds, and our beaches are crucial stopping points for countless numbers of migratory birds, including some endangered and threatened ones such as the red knot.

The House bill is a direct threat to all of this, and if S. 3711 passes, the House will have an opportunity to move their bill forward another step toward becoming law.

I know we have been told that the Senate will try to avoid a conference—and I certainly appreciate that—and that we may be able to get the House to accept this bill as is. I have not heard any sort of commitment to that effect from the majority leader, and no one has presented a clear way to this body to avoid a conference with the House. The House, meanwhile, seems quite clear that it doesn't find this bill satisfactory at all. RICHARD POMBO, the chairman of the House Resources Committee who would lead the House delegation in a conference, has been fairly blunt about this. Here are two of his quotes:

> Given the fact that the House bill passed with overwhelming support, it is unlikely that the House would accept the Senate bill without having the opportunity to debate at least a couple of provisions, if not the opportunity to bring it up to par with the House bill.

Referring to the Senate bill:

> It is a third of the bill that the House passed overwhelmingly in a bipartisan fashion just two weeks ago,

Pombo spokesman Brian Kennedy said yesterday:

> The House passed a comprehensive national solution.

Here are two news reports from this week:

> House Resources Committee Chairman Richard Pombo, the lead advocate of the House plan, has scoffed at the idea of simply accepting the Senate plan.
>
> Richard Pombo said that if the Senate passes its bill this week, he plans to work in conference to add as many of the House provisions as possible.

Then yesterday, in an AP report:

> Representative Richard Pombo, a key sponsor of the House bill passed last month, said Tuesday he saw no way the House would accept the limited Senate legislation as a substitute for its bill—no way.

Any Member of this Chamber who believes we can get the House to accept this bill as is should listen to these statements and think again.

But I also don't believe this is all that great a bill to begin with. First, the fact is it doesn't do that much. Let me show you this map of the region we are talking about.

This region outlined in black, the contours of it are lease sale 181. The purple lines are the existing pipelines in the gulf over here, and the gray squares are the oil and gas platforms that already exist. This orange rectangle right here has already been opened. So S. 3711 would open this red area in the middle, and these two tan areas, but the red area is already likely to be open next year by the administration anyway. Congressional action isn't necessary here at all. It is not under a moratorium, it is not under withdrawal, so there is no need for us to act to get that gas.

The only new areas the bill opens are these two tan areas here, a wedge-shaped area in 181, and a bigger area called 181 south. They may look pretty big, particularly this one here in the south, but combined, these two areas have less gas than this red region alone.

Look how far these new regions are from the existing infrastructure in the region. Even if they were opened today, it would take years for companies to start developing them. And once they do start developing them some years down the road, there is not all that much gas there to begin with.

Here is the claim the proponents of this bill make: 5.8 trillion cubic feet of gas opened in this whole bill, which would be enough to heat and cool 6 million homes for 15 years. It would take care of the Nation's needs for 3 months. That is what they say. But how long will it take to get that gas?

Here are the estimates that the Mineral and Mines Management Service say even going out 50 years—even going out 50 years—we only get about 80 percent of that 5.8 trillion cubic feet, about 2½ months' worth.

Looking into the median term, in the next 15 years, this whole bill would open half a trillion cubic feet of gas. That is about 9 days' worth. The new areas, the areas that wouldn't be opened, anyway, provide less than half of that, enough to take care of the country for a cozy Thanksgiving weekend.

But in the near term, in the next 10 years, we get almost nothing out of this bill, and there will be absolutely nothing until 2011.

Take a look at these numbers from the Minerals Management Service and ask yourself, will this have a real effect on natural gas prices, with this type of supply? Will this have any effect on natural gas supply?

Nothing in the short term. But, in exchange for that ''nothing,'' we give away 37.5 percent of the royalties, money that could be used for homeland security, defense, housing, education—or actually helping the coastal States in this region to actually meet their challenges. I do believe we should help them meet their challenges, particularly Louisiana. Senator LANDRIEU has made a powerful argument on behalf of her State and those needs. But the question is, How do we best achieve that? Money for these other priorities we cede to four States, and for those four States it is a great deal, but for New Jersey and the other 45 States, I don't see how it is.

There are some people who might support this bill because of the money that will go directly to the Land and Water Conservation Fund stateside program. But the amount of money in that fund that we will get in the first 10 years is a trifle. These are the funding levels for the stateside grant program for the past 6 years—see where they are—and the amount in this year's Senate Appropriations Committee report. The average over that time is about $82.3 million.

Under the bill we are debating, this new direct funding for the Land and Water Conservation Fund would provide a small fraction of what it had been getting in the past and barely even meet the lower funding levels of recent years. While this does not replace the appropriations process for the Land and Water Conservation Fund, it could make it harder in the future to get appropriators to provide additional funds to this program, beyond that which is allocated in this bill. This is no windfall for the Land and Water Conservation Fund, and it certainly doesn't make up for the giveaways from the Federal Treasury.

Finally, this bill provides statutory protections for Florida's western coast until 2022. That is unprecedented and treats Florida differently from all other coastal States. I do not begrudge Florida their attempts to get statutory protections to 2022. They deserve the right to try to protect their coastline. But New Jersey also deserves the right to protect our own. While we must fight each year for a 1-year extension to the drilling moratorium and are beholden to the whims of the executive branch which could remove the Presidential withdrawal at any time, Florida would be protected.

We simply seek the same protections Florida is being offered, a continuation

of the moratorium until 2022. So I will be filing an amendment, cosponsored by a broad, bipartisan coalition of Members from both coasts, including Senators SNOWE, FEINSTEIN, LAUTENBERG, BOXER, COLLINS, and many others, that would put the Atlantic and Pacific Oceans off limits to oil and gas drilling until 2022.

While we file those amendments, we are being told, unfortunately, that we will not be given the opportunity to offer any amendments to this bill. I believe that is wrong. We have record-high gas prices. We face even higher ones in the future due to instability in the Middle East. We are putting a squeeze on families around the country while allowing oil and gas companies to report new record profits this week. We also have an electric grid in California that is straining under a record heat wave, and global warming threatens to bring us even more heat waves like this in the future. Yet this is the only piece of energy legislation which is likely to move this year, and we are not likely to be given the opportunity to address any of the real energy problems this country faces.

There are a number of excellent amendments that are being filed by people on both sides of the aisle, amendments that would raise fuel efficiency or provide for a real plan to cut down on the amount of oil we use or create new incentives for renewable energy. I will be filing amendments to encourage the production of biofuels and the development of new vehicle technologies, increase the amount of renewable energy the Federal Government is required to purchase, spur the growth of transit-oriented development corridors to help reduce people's dependence on cars, and others.

But at the very least, we should be allowing other coastal States, such as New Jersey, the opportunity to protect their own beaches the same way Florida has already been taken care of in this bill. The complete lack of protections for the New Jersey shore in this bill and the lack of guarantees that something much worse will not come out of a conference with the House forces me to oppose this bill. That is our fundamental problem. I certainly hope, if the bill is to pass the Senate, it certainly does not come back in any way other than its present version, or else we will clearly be forced to do anything and everything necessary to achieve its defeat.

I yield the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor of the Gulf of Mexico Energy Security Act. The legislation will expedite oil and gas production in areas that are at least 100 miles from the coastlines of Gulf Coast States and will enable our Nation to reduce our dependence on foreign sources of energy. This will improve our national economy and help increase job opportunities for American citizens across the country. It also authorizes the sharing of 37.5 percent of the revenue from new production of oil and gas in the Gulf of Mexico with the States of Alabama, Mississippi, Louisiana, and Texas.

Mr. President, 12.5 percent of the revenue from this production will be shared with all States through the Land and Water Conservation Fund. The sharing of revenue with States is consistent with the way other areas of the country have benefited from oil and gas production, such as the western Rocky Mountain region, where 50 percent of oil and gas revenue goes to the producing States.

The Congressional Budget Office estimates that this legislation will reduce Federal spending by $900 million over the 2008 through 2016 period. It increases domestic energy production and saves the Federal Government money.

The legislation will open 8.3 million acres to production on the Outer Continental Shelf, and it will do it responsibly. The offshore program will be conducted under Federal environmental mandates, including the Outer Continental Shelf Lands Act and the National Environmental Policy Act.

As unrest in the Middle East continues, the development of an uninterrupted supply of domestic energy becomes more and more important to our national interests. Our economic security depends on it. At the present time, 37 percent of our petroleum comes from the Middle East or Africa. This legislation will reduce our dependence on these foreign sources of oil and gas.

American families and businesses feel the impact of increasing energy costs every day. As gasoline prices rise, the heating and cooling of homes becomes more and more costly. The new supply of natural gas which will be made available by the Gulf of Mexico Security Act is enough to heat and cool nearly 6 million homes for 15 years.

Small businesses are strained by unexpected increases in the cost of energy. As the cost of raw materials and fuel rise due to supply not meeting demand, the cost of production and transport of goods is passed on to consumers. Disruptions in our supply mean higher prices, lower productivity, and ultimately the loss of jobs—especially in small and medium size businesses.

American manufacturers face intense competition from foreign companies who have an energy cost advantage. Increased domestic supplies of natural gas would assist our Nation's industries whose competitiveness relies on natural gas as a raw material. The U.S. agricultural industry, for instance, has been facing a natural gas crisis since 1999. Farmers across the country use natural gas for food processing, irrigation, and in the production of crop-protection chemicals and fertilizers. The U.S. fertilizer industry estimates that in the 1990s, 85 percent of its domestic needs were supplied through U.S.-based production. But today, this industry relies on imports for more than 50 percent of natural gas supplies. This adversely affects businesses such as Terra Industries in Yazoo City, MS, which produces nitrogen fertilizer and relies heavily on natural gas as a feedstock.

We must act now to take advantage, in an environmentally acceptable way, of our national resources in the Gulf of Mexico. This legislation will do just that. It is estimated that this legislation will provide us with 5.8 trillion cubic feet of gas and 1.26 billion barrels of oil. The process to begin extracting those resources could begin almost immediately upon the enactment of this legislation.

I compliment the distinguished Senator from New Mexico, Mr. DOMENICI, the chairman of the Energy Committee, for his leadership in bringing this bill to the floor of the Senate. The Gulf of Mexico Energy Security Act is a step in the right direction and will benefit our entire Nation. I encourage its adoption by the Senate.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I intend to speak for about 15 minutes. I think that was part of our unanimous consent agreement earlier. I know there are other Senators who want to speak for and against.

I wish to begin again by thanking Senator DOMENICI for his strong and able leadership. I want to associate myself with the remarks of the chairman of the Appropriations Committee, the senior Senator from Mississippi, Mr. COCHRAN, who has been a real leader in our effort to pull a coalition of Senators together who are concerned about the Nation's energy supply and our growing dependence on areas of this world that are not friendly to downright dangerous. This coalition of Senators understands how important a partnership is to maintain a long-range, mutually beneficial relationship that helps the coastal States that agree to drill and the Nation that so desperately needs new supplies.

I am going to try to answer some of the charges that were made. As the chairman, the Senator from New Mexico, said, some of them are not worth responding to because they are so weak on their face. But some do need to be responded to.

One of them that I want to set right is President Truman's position. Somebody might say: Senator LANDRIEU, why is it so important to know what President Truman did? We need to look forward, not backward.

But you know, as a leader and as an elected official, I find it very helpful sometimes to understand history—the things we did right and the things we did wrong—because it helps us to make wiser decisions in the future. When so many lives depend on it—300 million, in this case, in the United States, and

more in the rest of the world—I think it is important for us, as fast as we move up here, to try to get it right. So I want to get something right for the record. If somebody wants to come down here and debate me, please do, because I have many books about the Tidelands oil controversy with which I am prepared to debate. I have excerpts of the veto letter Truman sent. I read the original law. Why would I do this? Because this is very important to my State.

The truth of the matter is this: In the late 1940s, we didn't know there was oil and gas in the waters off the coast. I think the first well was found in Pennsylvania, maybe the second one in Texas, and the first offshore well was off of a pier in California. I say a pier because that is the way they first were because nobody knew how they could swim out. They made a pier to walk out to put the rig in the water. And lo and behold, they discovered oil and gas. It wasn't soon after that first well, there was a second well offshore in Creole, LA. I know about it because it is in my State, a little town that was virtually destroyed by Katrina and Rita, where a lot of brave souls, pioneers—just like the West is proud of the cowboys and the pioneers and the wagon trains that went out West, those of us along the gulf coast, the roughnecks who started this industry, those who own pirogues and skiffs and flat boats and walked in the marsh are proud of the industry which we developed.

We don't hang our head in shame about it, despite the rambling up here about big oil companies this and big oil companies that. People have made a good living. It helped this country to be the strongest economy in the world and in large measure because of the way we manage our resources. We need to do a better job of that.

President Truman offered the Gulf Coast States 37.5 percent. He said the land belongs to the Federal Government. There is no question it is Federal Government land and it is Federal resources. But as your President, I will agree to share the bounty.

Why? Because he was a smart man. He was an able leader, and wise, and knew that sharing is always better than hoarding. It is the first lesson kids learn in kindergarten. Why we can't learn it in Congress I don't know. But President Truman figured that partnership is better than in lateral taking. So he offered us 37.5 percent and he put a bill in and sent it to the Congress. You can read what happened.

But because of States rights issues and all sorts of other politics of the time, the Congress, for whatever reason, decided the States should get 100 percent. They amended his law that he sent to Congress to give 100 percent and the Federal Government to get nothing. That, of course, didn't make any sense. And President Truman was correct. He vetoed it. I would have, too, if I were the President, and so would THAD COCHRAN, if he were the President back then. It didn't make any sense.

But for Members to come to the floor and read only a part of the history and use it for their argument is not being forthright. That is what history books will say. That is why those of us in Louisiana understood that it was Leander Perez, who was leading the charge for a greater share, 100 percent. We were so angry because we basically ended up with nothing. We should have taken the 37.5 percent.

That is what brings us here 50 years later—not to rob the Federal Treasury, not to ask for something that is not ours but to cut a good deal, a fair deal, a square deal for the people of the gulf coast, for the coastal States, and to honor the wise offer made to us by President Truman.

Here is a picture of it. I would have no such objection to such a provision, which is similar to existing provisions under which the States receive 37.5 percent of revenues from the Federal Government, oil-producing public lands within their borders. Because in the 1920s the record will reflect, when oil was discovered on land, the Minerals Leasing Act gave 37.5 percent to States such as New Mexico, to States such as Wyoming, to States such as Colorado. No oil or gas had been discovered in water. So there was no reason for the coastal States to be included.

The Senator from New Mexico is correct because western States came into the Union under completely different rules than the eastern States. There was a lot more western land. So the Minerals Leasing Act was passed. It was set at 37.5 percent. When oil and gas began to be discovered in little places such as Creole and off the coast of California, there was interest in having the coastal States at 37. But because there was an overreach, we got nothing.

Yes, we have had jobs, we have had economic opportunity. I am not denying that. But what I am saying is a partnership is always better than going it alone. The strategy of going it alone has resulted in not one new refinery being built in this country in the last 30 years and only expansion very recently, no new nuclear powerplants being built until recently, and no new areas opened under leasing because of no partnership.

I wanted to get the Truman issue straight this afternoon.

I also want to say that this bill is good overall energy policy. I know we cannot drill our way out of the situation we are in. But we had better change course. Since 1960, we have been on a course of further dependence on oil and gas. We are building and trying to permit more liquefied natural gas terminals, which is good, but we are building an infrastructure of dependence. We need to build an infrastructure of independence so that we can make wise choices and not be beholding to the suppliers of a commodity and a resource which we need to keep the lights on and to keep this economy moving forward.

This bill comes to the floor not saying it is the solution to all of our energy problems but arguing forcefully that increasing supply is important and saying we have not done that in over 20 years. We need to open areas of new drilling.

As a story, I had a group of French Parliament members from France in my office not too long ago. I cochair the French caucus. We talked about a lot of issues. They were particularly interested in the issue of energy. I put up a map of the United States. And first they asked me about nuclear because, of course, the French are leaders of the world in that. They produce a different kind energy technology than we do, and 80 percent of their energy comes from nuclear sources. They were asking me about that. They also asked me about other aspects of the energy legislation. I showed them a map of the United States. I said this is where we allow drilling, and this is where we don't, but we think we might have reserves in many other places. When they saw the map of how restricted drilling is they were dumbfounded. They said: Senator, why? This is a great country. America has resources. I said: Because we have a backward-looking approach. We have not recognized new technology. We have not recognized that you can drill in places and minimize the footprint and expand opportunities for the economy while making sure that you are protecting the environment.

This is a step in right direction. The gulf coast is our Nation's only energy coast. Three-hundred million Americans depend on this coast to work—and work we do.

This is a picture of a graph that I like to show. I have shown it many times. The red is a natural gas pipeline company, and all the pipeline companies that exist in the Nation. You can see there is a great cluster right here along the Texas coast, Louisiana, Mississippi and Alabama. It comes right here at Mobile Bay. This one lonely little pipeline brings gas right over here to Florida because we are not able to drill for several reasons. That is a subject for another day. But this is the gulf cost compromise. By the nature of it, we all can't get what we want. It is a compromise. These five States—four that are drilling States and one that is a nondrilling State—have come together, Senators MARTINEZ and NELSON, all of us, to say: OK. Let's stop fighting and let us start working for the benefit of the country. Let us give Florida a reasonable buffer, new revenue sharing to these States, open some additional drilling and help the country get the domestic oil and gas it needs. Maybe it makes too much sense for people to vote for, but there is another reason that this money is so critical to Louisiana and Mississippi, Alabama and Texas and, in particular, Louisiana because our topography is

different. I know people can't grasp it because you do not see pictures of it very much. We don't have beaches similar to California and Florida. We have only two. They are 7 miles long each—Holly Beach on the west and Grand Island on the east. All the rest of our coast is quite expansive. It is marshland and grassland. It is the home of the mouth of the greatest river—the Mississippi River—system in North America. That river goes all the way through our country. So this land is very fragile. Because of global warming, and because of other things, because of some of the canals that were dredged back in the early days before we understood the degradation that can be caused, this coastal land is eroding. The hurricanes that are coming are more fierce and strong. We lost in Rita and Katrina alone total land equal to 73,000 football fields. We lose the equivalent of one football field every 38 minutes, 73,000 football fields in 48 hours. That is the size of the District of Columbia gone in 2 days because of the great surges from the water and wind from Katrina and Rita.

This money is critical. And unlike our opponents who say there is no direct use of this money, the people of Louisiana are poised to pass a constitutional amendment that all of that money will go to coastal restoration and hurricane protection.

I might add we are happy to do that. It is obviously popular and quite necessary in the State of Louisiana to do that. That is what our State wants to do. I might add that the interior States of New Mexico, Colorado, and Wyoming have no restrictions. The States that share 50 percent of their revenues have no restrictions on the way the money can be spent. They can reduce taxes with it. They can build universities with it. They can build highways with it. They could put it in a trust fund and give out a check to everybody who lives in the State. But we have targeted uses for these funds in this bill. We want them to go for general environmental purposes and to secure our coast—not just for the benefit of the 10 million people who live along the coast but the 300 million people who depend on this coast to be there decades from now, hopefully, centuries from now—a very valuable working coast for the Nation.

Energy comes from this coast, fisheries come from this coast, the Mississippi River empties into the gulf here, and 70 percent of the rain from the Midwest comes down through this river system. It is important that we don't wash it away.

I know my time is up. I will come back again to speak. Maybe there are some other Senators who would like to speak. But I wanted to get President Truman's position straight for the RECORD. I wanted to say that our uses are going to go for environmental purposes and I wanted to say that without this money the coast will wash away.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent the order of speakers be as follows: Senators KYL, MURKOWSKI, TALENT, and ALEXANDER, with the understanding that Democrats will be accommodated if they come to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, today I come to the Senate floor to talk briefly about S. 3711, the Gulf of Mexico Energy Security Act of 2006, which will open new federally controlled areas in the gulf to oil and gas leasing. I support the purpose of this bill as a necessary step in securing American oil and natural gas for America's energy consumers. It will start to address the root cause of high energy prices which is, of course, demand outpacing supply.

However, there is one aspect of our Federal oil and gas leasing program that needs fixing. That program is the Royalty Relief Program. I am hoping we will have the opportunity to offer some modest reforms to this part of the program.

Let me first explain how it works. Royalties are collected by the Department of Interior from leases as a fixed percentage of the net value of oil or gas produced from the leased area. The terms of the lease specify the royalty rate that applies to future production from that area, on average, about 15 percent, as well as the conditions under which the lessee may qualify for a royalty holiday, a waiver of royalty payments commonly called royalty relief.

Mandatory royalty relief was provided pursuant to the Deep Water Royalty Relief Act of 1995 as an incentive to companies to undertake investment in the deep waters. The incentive was intended to provide companies that undertook these investments specific volumes of royalty-free production to help recover a portion of their capital costs before starting to pay royalties. The act also gave the Secretary of the Interior the authority to limit royalty relief based on market price. These limits are called price thresholds. Price thresholds act to set a gross revenue ceiling so that companies do not benefit from both high market prices and royalty-free volumes.

These incentives were offered at a time when oil and gas prices were low and interest in deep water exploration and development was lacking. Since the passage of the 1995 act, natural gas production is up 407 percent and oil 386 percent based on figures provided by the American Petroleum Institute.

Despite the program's successes, recent news reports and the administration's own statements suggest that the Government may be unable to collect billions in royalties from leases issued under this act. Many have probably heard the reports to the effect that in 1998 and 1999 the Clinton administration issued leases that did not include price thresholds. Why is this a big deal? It is a big deal because energy prices have skyrocketed and without price thresholds to trigger payment of royalties, we will not see a dime from these leases. GAO estimates that the mistake could cost up to $10 billion in lost revenues.

I wish that were the only problem, but it isn't. A few producers who signed leases in 1997, 1998, and 2000 that did include price thresholds have refused to pay royalty on production even though the thresholds have been exceeded. One of the companies has sued the Department of the Interior, arguing that Interior does not have the authority to establish price thresholds for leases issued between 1995 and 2000. This could have significant implications for royalties already collected. GAO estimates the potential return revenue to be almost $60 billion.

Despite these concerns, the Congress enacted the Energy Policy Act which, again, made royalty relief mandatory in deep water leases but did not require that royalty relief be conditioned upon price thresholds.

This brings me back to the bill under consideration and the modest reforms to the royalty program that I seek to offer to improve the program going forward. First, Congress must require that the Secretary of Interior impose price thresholds in all new leases that include royalty relief. Directing the Secretary to include price thresholds in all leases is an important near-term action that will ensure that the American taxpayer gets a fair return for the oil and gas produced from Federal land. The 1998 and 1999 leases demonstrate that the Interior Department cannot be trusted to do this on its own, and we cannot afford another $10 billion mistake.

Second, Congress must reaffirm the Secretary's authority under the 1995 act to put price thresholds in leases. Congress intended that royalties be paid when prices were high. We must ensure this is the case.

This bill is a natural place to make these fixes to the Royalty Relief Program. After all, any royalty payments made or not made will directly affect the revenues that can be shared under this bill.

I urge my colleagues to work with me on these important reforms. I hope we can all agree that including these reforms in this bill will improve and not hinder the bill.

I conclude by saying that I have spoken with Senator DOMENICI, the author of the bill, and that Senator WYDEN and I have urged some form of this relief be included in the bill. I appreciate very much Senator DOMENICI's leadership on this issue overall and hope that we can reach some kind of agreement.

In conclusion, I ask unanimous consent to have printed in the RECORD a

Legislative Notice produced by the Republican Policy Committee on S. 3711.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE NOTICE

S. 3711—GULF OF MEXICO ENERGY SECURITY ACT OF 2006

Read the second time on July 21, 2006, and placed on the Senate Legislative Calendar under General Orders; no written report.

NOTEWORTHY

On Monday, the Majority Leader filed a cloture petition on the motion to proceed to S. 3711, the Gulf of Mexico Energy Security Act of 2006. As per Senate rules, a vote on cloture on the motion will occur on Wednesday. The Majority Leader has announced his intention to hold the vote prior to the 11:00 a.m. Joint Meeting of Congress.

Americans are facing high energy costs due to supply problems for both oil and natural gas, which are having an adverse effect on the nation's economy. Opening up the Outer Continental Shelf (OCS) to energy development would increase U.S. energy supplies, which in turn would help reduce energy prices.

In April 2006, the Senate Energy Committee reported S. 2253, a bipartisan bill cosponsored by Chairman Domenici and Ranking Member Bingaman, by a vote of 16–5 (with 1 ''present'' vote), requiring the Secretary of the Interior to offer for oil and gas leasing 3.6-million acres of Original Lease Sale 181.

Concerns over S. 2253 prompted additional negotiations, culminating in a new bill, S. 3711, which was introduced by Chairman Domenici on July 20 with 10 cosponsors, including Senator Landrieu (D–LA), the Senator who had voted ''present'' on reporting S. 2253.

S. 3711 represents a bipartisan agreement among Gulf State Senators to enact legislation that would increase domestic supplies of oil and natural gas.

HIGHLIGHTS

S. 3711 would:

Require the Secretary to offer a portion of the Gulf of Mexico, including a portion of Lease Sale 181 and an area south of Lease Sale 181, for oil and gas leasing.

Make available to U.S. consumers an additional 1.26 billion barrels of domestically produced oil and 5.83 trillion cubic feet of natural gas.

Put into place a 125-mile buffer until [statutory] 2022 for energy development in waters off the coast of Florida in the Gulf of Mexico.

Put some areas within Original Lease Sale 181, previously available for energy development, under moratoria.

Extend existing moratoria on energy exploration and development in the Gulf from 2012 to 2022.

Distribute 37.5 percent of lease sale revenues (by a formula to be established by the Secretary of the Interior) to Alabama, Louisiana, Mississippi, and Texas. These revenues must be dedicated to coastal protection, restoration, and mitigation.

Distribute 12.5 percent of lease sale revenues to the stateside Land and Water Conservation fund, which provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities.

Retain 50 percent of lease sale revenues in the General Treasury.

BACKGROUND

The following background information is drawn from two RPC policy papers issued last month and titled, ''Revisiting Energy Development in the Gulf of Mexico,'' and ''Evaluating the Risks of Opening an Area to Energy Development.''

EVALUATING THE NEED FOR ENERGY DEVELOPMENT IN THE OCS

Americans are facing high energy costs due to supply problems for both oil and natural gas, which are having an adverse effect on the nation's economy. Crude oil prices, for example, have hovered around $70 per barrel since April and recently reached $77 per barrel. As a result, American consumers have been faced with high gasoline prices, sometimes exceeding $3 per gallon on average.

As high as gasoline prices have been, the high price of natural gas may be having a greater impact on the economy. Throughout most of the 1980s and 1990s, the wholesale price (commonly referred to as the ''city gate'' price) of natural gas hovered around $3 per thousand cubic feet. By 2004, wholesale prices exceeded $6, and by the end of 2005, they exceeded $10. Since then, the price has moderated somewhat, but it is still high at $6.19 per thousand cubic feet. In 2005, natural gas consumers spent $200 billion on natural gas, which is four times as much as was spent in 1999, the last time natural gas traded within its historic price band (the yearly average wholesale price during the 1980s and 1990s was between $2.78 and $3.95).

High natural gas prices have led directly to job losses, particularly in the manufacturing sector. The U.S. chemical industry, whose products are found in 96 percent of all U.S. manufactured goods, has been hit hard by high natural gas prices. The industry uses natural gas as both an energy input and as a key ingredient in its products (accounting for more than 10 percent of total U.S. consumption). It has been estimated that, from 2000 to 2005, the industry lost $50 billion in business to overseas competition, and reduced U.S. jobs by 100,000 In the same time frame, the National Association of Manufacturers estimates that, overall, the United States lost 2.9 million manufacturing jobs, due in large part to high natural gas prices.

Opening up the OCS to energy development would increase U.S. energy supplies, which in turn would help reduce energy prices. To the extent that energy development would add to the world supply of oil, it would reduce the world price for oil. More importantly, developing domestic natural gas resources would substantially reduce natural gas prices, thereby lowering Americans' heating and electricity bills. It would also help halt job losses in the nation's manufacturing industry and contribute to robust economic growth within that industry and the economy as a whole.

HISTORY OF MORATORIA ON THE OCS

The Outer Continental Shelf (OCS), as a whole, is estimated to contain approximately 60 percent of the remaining undiscovered oil in the U.S., or 75 billion barrels of technically recoverable oil. It also contains as much as half of the remaining undiscovered natural gas, or 362 trillion cubic feet of natural gas. However, much of the OCS, including the U.S. waters off the coasts of New England, California, the Eastern Gulf of Mexico, the Mid-Atlantic, South Atlantic, Alaska's North Aleutian Basin, and the Pacific Northwest have been put off limits by Congressional moratoria or Presidential withdrawal.

Although Congress had enacted moratoria on Interior Department appropriations bills beginning in 1982, the areas covered by the moratoria varied from year to year. The initial action to remove most of the OCS from energy development activities on a more permanent basis began in 1990 when President George H.W. Bush issued an Executive Order prohibiting lease sales off the East and West coasts for 10 years. In 1998, President Clinton, in a memorandum to the Secretary of the Interior, withdrew from leasing through June 30, 2012, those areas of the OCS put under Congressional moratoria in the Department of the Interior and Related Agencies Appropriations Act of 1998. Those areas included those previously put under moratoria by President Bush, as well as the North Aleutian Basin, the eastern Gulf of Mexico, and the Mid-Atlantic and South Atlantic. Not included in either of these Bush or Clinton acts was the Lease Sale 181 area.

HISTORY OF LEASE SALE 181

In November 1996, President Clinton's Secretary of the Interior, Bruce Babbitt, adopted a five-year leasing program (1997–2002) to start the multi-step process to allow for eventual energy exploration and development in the Original Lease Sale 181 area. The Secretary's decision was made after extensive consultations by the federal government with coastal states, including the State of Florida (which, among the Gulf Coast states, has traditionally offered the strongest opposition to energy activities off its coasts).

In June 2001, after President George W. Bush came into office, a Final Environmental Impact Statement was completed for the full 181 area, giving the lease owners the green light to begin development activities. However, within weeks, the U.S. House of Representatives passed an amendment to the FY2002 Interior Appropriations bill (H.R. 2217) to prevent the use of funds to execute a final lease agreement. The amendment passed by a vote of 247–164, but was eventually stripped out in conference. However, the strong opposition demonstrated by the House vote convinced the Administration to offer a compromise proposal to adjust the lease sale area from 5.9 million acres to just 1.5 million, such that every point of the proposed area would be at least 100 miles from the coast of Florida.

In April 2006, the Senate Energy Committee reported S. 2253, a bipartisan bill cosponsored by Chairman Domenici and Ranking Member Bingaman, by a vote of 16–5 (with 1 ''present'' vote). It required the Secretary of the Interior to offer for oil and gas leasing, within a year of enactment, 3.6 million acres of Original Lease Sale 181 that were not subject to any moratoria or Presidential withdrawal. Concerns over S. 2253 prompted additional negotiations, culminating in a new bill, S. 3711, which was introduced by Energy Committee Chairman Domenici on July 20 with 10 cosponsors, including Senator Landrieu (D–LA), the Senator who had voted ''present'' on reporting S. 2253.

The Senate Energy and Natural Resources Committee estimated that the area that would have been made available for energy development under S. 2253 contains 930 billion barrels of technically recoverable oil and 6.03 trillion cubic feet of technically recoverable natural gas. This new bill would make available an area for energy development containing 1.26 billion barrels of technically recoverable oil and 5.83 trillion cubic feet of technically recoverable natural gas, according to the Committee.

EVALUATING THE RISKS OF ENERGY DEVELOPMENT IN THE OCS

As with virtually any economic activity, energy development in the OCS carries risk. A major oil spill, for example, theoretically could occur and could reach the U.S. coast, thereby imposing major costs on the affected state. Such a spill could also inflict significant, even irreversible, harm on certain marine species. Nobody denies these possibilities; nor should the mere possibility of harm (no matter how small) justify inaction. Policy makers attempt to weigh risks and benefits—they evaluate the likelihood of harm

and then weigh the potential costs of action against the costs of inaction. When framed in this way, sensible decisions can be made on the acceptable level of risk.

An actual analysis of the last 30 years of experience with offshore exploration and production activities shows that any harms are likely to be small in size and cost, and are unlikely to pose a significant threat to the survival of any species populations. Due to advances in exploration and extraction technology, major oil spills associated with U.S. offshore oil and gas production have been virtually eliminated. Indeed, since 1980, there has not been a single, significant oil spill from a U.S. exploration and production platform. The last oil spill to reach U.S. shores occurred 37 years ago, in 1969, in California's Santa Barbara Channel. Further, there is no documented evidence of any oil spill occurring in U.S. waters more than 12 miles from the shore reaching the shore. Moreover, only 2 percent of total petroleum inputs into the U.S. marine environment originates from offshore oil and gas development activities. Rather, fully 63 percent of total petroleum inputs into the U.S. marine environment comes from natural seeps on the ocean floor. This strongly suggests that the risk associated with deepwater energy development is very low.

BILL PROVISIONS

[Note: This Notice includes a map that details the area that would be made available for energy development in the deep waters of the Gulf of Mexico under this bill.]

Section 1—Title: Gulf of Mexico Energy Security Act of 2006.

Section 2—Definitions.

Section 3—Offshore Oil and Gas Leasing in 181 Area and 181 South Area of Gulf of Mexico.

This section requires the Secretary of the Interior to offer the 181 Area (that is, the tan area within the blue border on the map above) for oil and gas leasing not later than 1 year after the date of enactment of this Act. It also directs the Secretary to offer the 181 South Area (tan area outside blue border), previously under moratorium, for leasing as soon as practicable.

Section 4—Moratorium on Oil and Gas Leasing in Certain Areas of Gulf of Mexico.

This section expands the moratorium on oil and gas leasing to include areas previously available for leasing in the Sale 181 Call Area (the full area within the blue border, sometimes referred to as ''Original Lease Sale 181'') and extends moratorium until June 30, 2022. The moratoria apply to: any area east of the Military Mission Line in the Gulf of Mexico; any area in the Eastern Planning Area (east of the green line) that is within 125 miles of the coastline of the State of Florida; or any area in the Central Planning Area (west of the green line) that is within 100 miles of the coastline of the State of Florida (the yellow area, both inside and outside the 181 area, west of the green line).

This section provides for oil and gas development east of the Military Mission Line after June 30, 2022, though the Secretary of Defense retains authority to veto leasing in these areas.

It also provides that owners of existing oil and gas leases within the areas newly under moratorium may exchange those leases for a bonus or royalty credit that may only be used in the Gulf of Mexico; that the value of the lease to be exchanged will be equal to the amount of the bonus bid and any rent paid for the lease; and that within a year of enactment, the Secretary shall promulgate regulations to govern the lease exchange process.

Section 5—Disposition of Qualified Outer Continental Shelf Revenues From 181 Area, 181 South Area, and 2002–2007 Planning Areas of Gulf of Mexico.

This section provides that 50 percent of revenues derived from lease sale revenues in the OCS be deposited into the general fund of the Treasury and 50 percent shall be deposited into a special account in the Treasury, 75 percent of which (i.e., 37.5 percent of the total) will be disbursed to Gulf producing States and 25 percent of which (i.e., 12.5 percent of the total) will be disbursed to the stateside Land and Water Conservation fund.

The 37.5 percent of total OCS revenues reserved for Gulf producing States shall be distributed according to a formula established by the Secretary of the Interior. The formula will distribute the funds in amounts that are inversely proportional to the distance between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract. In other words, the further away a Gulf producing State is from the leased tract, the less money it gets. Each Gulf producing State shall receive a minimum allocation of 10 percent in each fiscal year.

Beginning in 2017, the same allocation formula will apply to the 181 Area and the 181 South Area. For leases entered into for the 2002–2007 planning area, starting in 2017 revenues shall be allocated to Gulf producing States in amounts that are inversely proportional to the distance between the points on the coastline of Gulf producing States that are closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary. Again, the minimum allocation for Gulf producing States in each fiscal year is 10 percent. Historical lease sites include all leases entered into by the Secretary in the 2002–2007 planning area from October 1, 1982 to December 31, 2015. The ending date will be extended every five years beginning on January 1, 2022. For each of the fiscal years 2016 through 2055, the amount to be distributed from Continental Shelf revenues shall not exceed $500 million.

Twenty percent of the share disbursed to each Gulf producing State shall be paid by the Secretary to the coastal political subdivisions of the Gulf producing States to be allocated according to an existing formula.

Gulf producing States shall use the amount received under this section only for one or more of the following purposes: coastal protection; mitigation and damage to fish, wildlife, or natural resources; implementation of a federally approved marine, coastal, or comprehensive conservation management plan; mitigation of OCS activities through funding of onshore infrastructure projects; and planning assistance and the administrative costs of this section (no more than 3 percent).

COST

The Congressional Budget Office estimates that S. 3711 would reduce direct spending by $926 billion through 2016.

ADMINISTRATION POSITION

A Statement of Administration Policy (SAP) on the bill was not available at press time.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me ask that my time be taken from the time allotted to Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I will speak to an issue I spoke about nearly a month ago in the Senate. Because nothing has happened substantially since then, I wanted to raise the issue. We are coming to the end of the legislative session. We will be here the rest of this week and next week. The time for consideration is going to be devoted to legislation the majority leader has already described. Then we are off in August for an August break, back in September, off in October for the election.

The issue I want to talk about is the Indian Health Care Improvement Act. The reason I want to do that is I want to describe something that is happening in this country that very few people think much about, perhaps some don't care much about, but I know that there are some in this Senate who do, and I believe they would agree with me that we need to move forward and pass the Indian Health Care Improvement Act.

Let me describe why this is urgent. Some while ago I came to the Senate and told my colleagues about a young woman—I did that with the consent of the young woman's relatives—a young woman named Avis Littlewind. Avis was, I believe, 14 years old. Avis took her own life. She laid in a bed for 90 days. She was supposed to have been in school. Instead, she lay in a fetal position in bed. At the end of that time she took her own life.

No warning signs went up to anyone, nobody from the school, nobody from the mental health area, the tribe, or the family. Somehow she just escaped attention. She, like her sister, 2 years before her who had also taken her life, decided that life was hopeless, that she was helpless, and she ended her life.

I went to that Indian reservation because there are clusters of teenage suicides on some of these reservations. We had a cluster on the Standing Rock Indian Reservation shortly after that period.

I talked to the folks on this reservation, the school officials, the family members, the classmates, the tribal council. I discovered that had this young woman been referred to treatment, there was very little treatment available, very little mental health capability available to this young girl, and that is the case on most reservations.

Because I have known about the sad situation with respect to health care for American Indians for some long while, I was not particularly surprised at what is happening with respect to mental health treatment on reservations.

We have a trust responsibility for American Indians. We have a trust responsibility for their health care. We

fail miserably. We have tried—my colleague, Senator MCCAIN, myself, and other members of the Committee on Indian Affairs—to put together a piece of legislation to extend the Indian Health Care Improvement Act and try to make some improvements in delivery of health care to American Indians—yes, for children, but elderly folks and others who are suffering. Yet that piece of legislation languishes. Senator MCCAIN and I just talked about it yesterday, and the committee wants to get that legislation through, get it passed, complete it.

Let me describe the circumstances in terms of numbers. Then I will talk about some of the Indian folks who have had some difficulty. We have a responsibility under Medicare. Here is what we provide: The per-person expenditure on Medicare is $5,900 a year. We also have a responsibility, by the way, for health care for Federal prisoners, those whom we arrest and convict and send to Federal prison, putting them away from society. We provide a cell, a bed, and we are required to provide for their health care. With respect to their health care, we spend $3,800 a year for Federal prisoners' health care.

We have a responsibility, a trust responsibility, for the health care of American Indians, as well. That responsibility is met in this manner: Indian Health Care Services medical care, $1,900. We spend exactly one-half of what we spend for Federal prisoners on health care for American Indians. The per capita expenditures are exactly one-half.

I have asked the Indian Health System, the folks in charge, how much health care is delivered versus what is needed. The answer is about 60 percent. Forty percent is not available. So the question is: Who is sick, who is hurting, who is injured, who does not get treatment on these Indian reservations?

I mentioned, when I spoke about this before, that one of the chairmen of the Indian tribes in my State said that you cannot get sick after June. The answer is: Don't get sick after June. If you get sick after June, our contract health money is gone, and you are not going to get any help because then the criteria is the only help you get is life or limb. If you lose a limb or lose your life, you get help; otherwise, hobble around in pain. Whatever that chronic condition is, sorry, tough luck, out of luck, out of money. Don't get sick after June.

What an unbelievable message. This is not a Third World country. This is a big country, and we do a lot of things. But some things we don't do nearly well enough; and that is, keep our promise and keep our trust responsibilities with respect to health care for Native Americans.

A man from the Turtle Mountain Band of Chippewa Indians in my State said: Well, the doctor told me that I needed an MRI urgently on my knee. But he said: The Indian Health System facility on Turtle Mountain has no money, so you don't get an MRI. You have a bad knee, you have trouble, you have pain, but we are sorry, there is no money to find out what the problem is. No MRI.

A member from the Mandan, Hidatsa, and Arikara Tribes had a daughter who was born prematurely and suffered some complications as a result. That child died when she was 2 years old because they did not have any funds, the Indian Health Service had no funds to send that young child to a high-risk hospital, one that could probably begin to treat those conditions.

The chairman of one of the tribes told me one day about being out riding a horse with another tribal member when the other member was injured. He was bleeding severely from his injury. That reservation does not have a 911 emergency service. There was no ambulance to take the man to the hospital, not to mention that the health facility on the reservation is not open after hours anyway. And it is not open on weekends.

On that reservation, there are isolated communities, some 30 minutes, almost an hour from an ambulance or a health care facility. So the chairman of this tribe then tried to play doctor and made a tourniquet and tried to find a way to get this person to a health care facility before the person bled to death.

It is pretty unbelievable what is happening with respect to Indian health care. We have a very serious diabetes issue. The prevalence of diabetes on Indian reservations, in many cases, is not double or triple or quadruple; it is even much higher than that. The Indian diabetes mortality rate is quadruple the diabetes mortality rate among other Americans.

On the Spirit Lake Indian Reservation, a couple of the elders ran out of insulin. It was not a very good beginning to that story. You need insulin if you have diabetes. But it got much worse. They went to the Indian Health Service clinic that serves that reservation, and there was no insulin available—none. They said: We will not get another shipment for 24 hours.

That sort of thing goes on because there is not sufficient resources devoted to meet our responsibility to the Indian health needs.

In addition to the kinds of things I have described—these things are rampant—in addition to that, we have this methamphetamine scourge that has a devastating impact all across this country but especially on Indian reservations. The statistics that describe the problems and the chronic difficulties that the Indian Health Service confronts dealing with methamphetamine is just, as I said, devastating.

At a recent hearing we had in the Indian Affairs Committee, a young woman who is a tribal judge from the Turtle Mountain Chippewa Reservation testified that methamphetamine is related to 90 percent of the cases of tribal individuals who enter treatment on the reservation. And there are very few places to get treatment, as a matter of fact.

The plain fact is, this is an area of responsibility for this Congress, and we are not meeting it. We passed a piece of legislation through the Indian Affairs Committee a long while ago, describing the need and describing the requirement for reauthorizing the Indian Health Care Improvement Act, and that bill languishes. We have lots of things to bring to the floor of the Senate that should not be here and do not need to be here. This Congress often treats the light far too seriously and the serious far too lightly.

This is a serious matter, and we ought to be dealing with it. We ought to deal with it now. We have responsibilities. Go to Indian reservations and take a look at these children and ask yourself whether the health care of these children ought to be a function of whether this Congress decides to appropriate enough money. It ought not be. A sick child is a sick child anywhere in this country and ought to feel, and their parents ought to feel, they have access to decent health care when that child is sick.

So on behalf of myself and Senator MCCAIN and other members of the Indian Affairs Committee, I say that I believe this is a priority. This is not a Third World country. I do not want anybody to say to me: In our area the refrain is ''Don't get sick after June 1 because there is no money.'' Let's not have that happen in this country anymore. Let's provide the funding that we require for the Indian Health Service to do what they should do to provide the kind of health care we know is necessary.

Once again, we have responsibility for prisoners whom we incarcerate in Federal prisons, and we have trust responsibility for the health care of American Indians; and we are spending half as much for the health care for American Indians per capita as we spend on Federal prisoners. That, in my judgment, is a shame. I am not suggesting we spend too much on Federal prisoners. They are our charge. They are incarcerated. We are responsible for their health care, but so too are we responsible, under a trust relationship, to help take care of the health care needs of that population.

Mr. President, I hope that with the cooperation of the majority leader and others in this Chamber, that Senator MCCAIN and I and others can move this piece of legislation through the Senate and through the House and get it to the President for signature—the sooner the better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

Mr. President, I rise to speak to the legislation before us, the OCS lease

sale 181. I know there have been colleagues before me this afternoon who have spoken to the need for additional oil and gas reserves and resources in this country. The fact is, this Nation badly needs to accelerate its efforts to obtain more natural gas and more oil and doing it domestically.

We have heard the comments that we are addicted to oil, that we need to be looking to renewables, and I do not dispute or doubt that for one moment. We absolutely do. We need to be conserving more. We need to be focused more on renewables and alternatives. That is the next generation. But our reality is we are here and now with a reliance on fossilized fuels. We need to transition out of that to that next generation of fuels. But until we do so, we are in an extremely vulnerable spot, particularly with our oil and our nearly 60 percent dependency on foreign sources and with our natural gas and recognizing the trends in terms of our supply and the demand picture for natural gas.

In the past 5 years, the price of natural gas in this country has more than tripled, rising sevenfold after last summer's hurricanes. We all know the prices at the gasoline pump. There is not a day goes by where there is not some exchange about what somebody was paying somewhere for a gallon of gas at one location or another. And I can tell you, prices in my State—when you get out into the rural communities and you look at paying $4.50 for a gallon of gasoline, I can tell you, the hurt is real. The tripling of natural gas prices has had, of course, a very severe impact. And it is not just on those who heat their homes with natural gas. Manufacturing jobs—we have heard this today—manufacturing jobs have fallen by 3.1 million jobs, 18 percent in the past 6 years.

We talk to those in the petrochemical and chemical industry. Jobs in that industry are being forced to move overseas. We have had over 20 fertilizer plants in this country close. And as has been mentioned already on this floor, America's annual natural gas bill has risen to more than $200 billion a year. This is up from $50 billion, and that was just 6 years ago.

While natural gas prices today, following a warm winter, are temporarily below $6 per 1,000 cubic feet, we know the hurricane season is coming upon us in the gulf, we have global political disruptions, and we could have continued hot summer weather, and that we can anticipate a cold winter, and that any one of these—and certainly a combination of them—could promptly send our natural gas prices skyrocketing again.

I cannot speak to the issue of natural gas without mentioning the opportunity we have in Alaska for incredible quantities of natural gas coming down from Alaska's North Slope. And while we await the construction of a pipeline that can deliver this needed commodity from the North Slope into the lower 48, we have to recognize one of the best ways we can bring down prices that will increase the domestic supplies of gas is to produce more gas from the gulf coast, where the existing infrastructure is in place, and to figure out a way to get that gas to market quickly.

Mr. President, we cannot fool ourselves and say we can just snap our fingers and the price of natural gas is going to go down, we are going to have a ready and available supply just because we pass legislation. We recognize it is a period of time in coming. But what can be sent is the signal to the market that that supply of natural gas is on its way in an expedited manner.

The best way—the best way—to produce more gas quickly, to get it on more quickly, is to open parts of the eastern Gulf of Mexico. This proposal before us is to finally allow OCS development in part of formally proposed lease sale 181 off the Florida, Alabama, and Mississippi coasts and to open acreage south of that sale—some 8.3 million acres in all that have been previously closed in moratoria. In return for speeding such leasing, this bill prevents development within 125 miles of the Florida Peninsula, swaps out existing leases within that buffer, and prevents leasing east of the Military Mission Line to protect the military training facilities, at least until the year 2022.

This proposal, this legislation that we have in front of us, is a reasonable compromise. It was one that was attempted but not completed during the debate last year over the Energy Policy Act of 2005. So what we have in front of us today is an outgrowth of that bill.

In the Energy Policy Act, we allocated billions of dollars to foster energy conservation and greater energy efficiency. We moved toward and we pushed renewable energy development, such as wind, solar, and biomass. We funded new technology to further coal while working to help sequester the carbon. There was a push made on the front of a new generation of nuclear power. We funded hydrogen fuel-cell vehicle development and new transportation and building technology. There were good things contained within that Energy bill. But what was not contained in that legislation—or since that legislation was passed—was an increase in domestic production of fossil fuel.

This legislation will balance last year's Energy bill by actually letting us get up to 5.8 trillion cubic feet of natural gas flowing to the market and, again, flowing to the market in a more expedited manner than might otherwise be seen.

There have been those who have stood on the floor today speaking about the various protections contained in this legislation. There is a protection of Florida's tourism and military bases. It doesn't jeopardize the fisheries. When we look to what happened last year when these massive hurricanes came through the gulf, while there were a few minor spills following those hurricanes, there were no well failures or major pipeline breaks from the record intensity of the hurricanes. So we look to the development that is out there in the OCS area and can really point to environmental integrity.

The proposal before us gives the States of Alabama, Mississippi, Louisiana, and Texas reasonable revenues to offset the impacts of OCS development off of their coasts, particularly, again, in view of what they suffered after Hurricanes Rita and Katrina. It allows the Federal Government to keep 50 percent of the revenues in the Federal Treasury. This is the exact same percentage that it gets from oil and gas development onshore, whether the onshore development is in New Mexico or California or Oklahoma. It gives the coastal States 37.5 percent to offset their cost as being the host for that offshore development. It also shares 12.5 percent of such revenues with all the States for park and habitat improvements through contributions to the stateside Land and Water Conservation Fund. This is an effort to help alleviate the truly chronic underfunding of the Land and Water Conservation Fund without affecting land ownership and private property rights. This money would generally go toward building ballfields, neighborhood parks, recreational opportunities, not buy up the private land or to harm private property rights.

As I have reviewed this legislation and have worked with the sponsors, I do need to certainly give credit to the chairman of the Energy Committee, Mr. DOMENICI, for his efforts in bringing this matter to where we are today, and also to my colleague from Florida, Senator MARTINEZ, who has been working with the chairman to craft legislation that he believes will work for the people of Florida, and certainly to my colleague and friend from Louisiana, who has been working for years to achieve a level of revenue sharing for her State, a battle we know has been waged for many years. That is what I would like to speak to right now.

My only major disappointment with this measure is that it doesn't provide revenue sharing to all the States that choose to allow OCS development off of their coasts. The question has to be asked, why not? Why would you not include all of those States which have made the choice to allow for that development off of their coasts? If they are going to allow for it, why would they not be eligible or able to take advantage of Federal revenue sharing as well? I don't believe there is a rational explanation for not including all the States.

We have heard some of the arguments—that the Federal Government should share revenues with the States only in those waters from 3 to 12 miles offshore where Federal production

might drain onshore or State hydrocarbon reservoirs. Again, the question has to be asked: Why is that? For the past three decades, the Federal Government has shared revenues from onshore development with all States. The only possible excuse for not extending that policy to the offshore would be if the coastal States bore no impacts from offshore development. But that would imply that somehow or other the development offshore kind of sprouts magically from nowhere without any onshore activity. We know that is not the case.

I had the opportunity to go to Port Fourchon, LA, which is the jumping-off place for the offshore activity. It is a beehive of activity through there—airports and helicopter pads, all the services that have to come in, whether it is the food or the people moving back and forth, to support that offshore activity. We know that offshore activity just doesn't magically happen without some onshore impact. I know my friend from Louisiana has spoken quite eloquently to the impacts of OCS development in their waters. I will let her and others from the Gulf States speak to that impact.

I wish to talk about the impact of OCS development on my State of Alaska. In Alaska, we have been seeking some sort of Federal revenue sharing to offset the cost of OCS development along our 34,000 miles of shoreline for nearly two decades. For budget reasons, we lost out in the 1991–1992 Energy bill. We lost it again in 1995 with the Conservation and Recovery Act, CARA. It was proposed and debated. It ran into other political hurdles. And we lost again last year in the Energy bill. That was partially because you had certain landlocked States that didn't want to see current Federal revenues go to just the coastal States. But you have to stop and think, if there is not some fair form of revenue sharing to offset the impact costs, why should the coastal States allow OCS production, particularly given the recent ease of obtaining the moratorium to prevent them? And without such production, where are we going to be as a country? Americans will be paying even more when they fill up their cars, their trucks, cook their food, heat their homes. That is reality. That is the consequence.

In Alaska, we currently have OCS production from just one field. This is the Northstar field in the Beaufort Sea. It produced 22.4 million barrels of oil last year. Since it was within 12 miles of the shore, Alaska received $10.8 million in revenue sharing. If that field had been more than 12 miles from the shore, Alaska would have received nothing. There is actually a little bit of an exception to that because last year in the Energy Policy Act, there was a very small amount of aid that was directed to the State for 4 years to assist with the impact onshore of the offshore development.

Previously, Senator BINGAMAN made a point. I believe he was correct when he said that Alaska contains nearly a dozen OCS bases off of our coast, all but one of them—this is the North Aleutian Shelf, down near Alaska's Bristol Bay—being open to leasing. The North Aleutian Shelf is closed by Presidential moratorium. But when we look at Alaska's Outer Continental Shelf, we are looking at the potential of 26.6 billion barrels of oil and 132 trillion cubic feet of natural gas. This is according to the mean estimates. That production would more than double the Nation's known reserves of oil and nearly equal the amount of gas likely along the coasts of the rest of the Nation. But to accommodate OCS development and any proposed future OCS development in the Beaufort and Chukchi Seas—we have other potential areas, in Cook Inlet, the State governmental units—the State of Alaska, the North Slope Borough, local governments have to spend millions of dollars on hosts of services to protect, to regulate, to inspect, and to support the OCS development.

For instance, the State of Alaska's Department of Environmental Conservation spends more than half a million dollars a year to inspect and monitor oil and gas operations. This is just in northern Alaska. The State's Department of Transportation and Public Facilities spends nearly $10 million each year to keep the Dalton Highway going up to the North Slope open so that we can move oil and gas equipment and our supplies north. This also helps to maintain the Deadhorse Airport.

The North Slope Borough spends nearly $1 million for search-and-rescue capabilities. This is not counting the cost to the Alaska State troopers if they have to mobilize to assist oil workers who might perhaps get in trouble. The State of Alaska spends money on coastal zone planning to understand the impacts of OCS development. The State also spends millions of dollars on new infrastructure to handle the arrival and the movement of employees and materials that are needed to support the oil industry offshore.

Last week in Fairbanks, the State broke ground on a $90 million expansion of the Fairbanks International Airport terminal. This expansion is partially needed to accommodate the oil workers who may be jumping off for OCS work. Last year down in Anchorage, the State finished work on a 440,000-square-foot terminal expansion at the airport there, costing well over $100 million. So our airports are clearly impacted by the effects on the industry.

As things are happening, we see the impact within our communities. The local governments, smaller communities from Barrow to Kotzebue, Kenai to Dillingham, and Kodiak to Sitka, are all spending money to prepare for the possible development of the State's coast. The point is to recognize that there are very real costs to offshore development that are borne by the States that serve as service and support bases for the development.

It is true that States sometimes recoup part of the costs through income taxes on workers or through property taxes on businesses that will support the facilities onshore. They may gain a small stipend from Federal coastal zone planning funds. But when you look at how much is gained, it is fair to say that the recovery has seldom covered their costs.

So the question would be to the State: Why would you even welcome OCS development off of your coast? This is where you need to take the bigger picture. Our energy security, reliability, the whole issue surrounding the vulnerability we have as a nation because of our reliance on others for our energy sources, this is why it is essential that we as a nation figure out a way to produce more oil and gas domestically. Sharing oil and gas revenues with States in a fair manner will ensure that energy can get to market. It is that fact which is probably the difficulty with this legislation in terms of passage of a fair revenue-sharing system. That may be because we have some around here who would want to discourage States from allowing any OCS development, perhaps out of environmental concerns, perhaps displaced environmental concerns. But denying coastal States needed revenues is one way to discourage greater offshore oil and gas production.

Last week, Senator STEVENS and I sought to ensure that any revenue sharing proposed in this bill would apply also to Alaska or to any State that allows OCS development off of its shores. We were told at that time that if that provision stays in, it would be a death sentence for this bill.

I have been asked many times in the past few days have I changed my position on this legislation, have I changed my position in support of opening lease sale 181 to exploration and development. I have not. I have not changed that. I remain committed to a sound policy, which I believe this is, that allows for the opening of lease sale 181.

I can appreciate why it was tailored so that revenue from the gulf would only be shared among the Gulf States. I can appreciate where they are coming from. I can appreciate the narrow scope of the Senate version and the delicate negotiation that went into it. But from a matter of equity, from a matter of fairness, for those States that are willing to open their coasts, their States, to allow for the development offshore, it is only right that allowing all the States who have OCS development off their shores to share in some form of revenue.

By structuring the revenue sharing that we have before us in this legislation in this manner, Alaska is the only currently producing OCS State that allows new development that would not receive any aid. It was suggested last week that, well, Alaska is asking for a special deal. That is absolutely not the

case. We are asking to be treated the same as any other currently producing State when it comes to revenuesharing. So to those of you who suggested this was something special for Alaska, it was absolutely not. It was equitable for all those States that are currently producing. So by excluding Alaska, we are the only State that is disenfranchised when it comes to the Federal revenue sharing right now.

I have had an opportunity to go down and observe for myself—so I have seen with my own eyes—what is happening in Louisiana, in the gulf, with the erosion. As I was presiding earlier, I was reminded again by the minority leader that Louisiana loses three football fields of land a day. But we also, in the State of Alaska, face serious erosion challenges. We have some 80 villages that are facing coastal erosion problems. I use the word ''problems'' lightly, because in some of the communities it is an absolute crisis; the villages are dropping into the ocean. We may not be hit by the hurricane forces we see in the gulf that are given names and much publicity through the media, but many parts of coastal Alaska are hit by storms that meet the definition of hurricanes. There are winds exceeding 75 miles an hour, waves and storm surges that can equal those of the hurricanes. The big difference is they are not named as hurricanes. We don't get that attention or that focus. Money from OCS development could help pay for mitigation efforts and perhaps, in some cases, pay for village relocation costs. So Alaska is not unlike the other Gulf States—Louisiana, Mississippi, Alabama, and Texas—for coastal mitigation and habitat protection.

I am sure we will have an opportunity on this floor to discuss a lot more about the coastal erosion problems in Alaska in the future. I do feel strongly that we need to pass a bill to speed oil and natural gas leasing in the Gulf of Mexico. It will provide natural gas for our Nation, while helping the Gulf Coast States gain the revenues they need not just to recover from the hurricanes but to deal with the coastal erosion and wetlands habitat loss issues they face.

I believe the formula for such aid should cover all States that allow OCS development off their coasts, while providing other aid to all States that need it.

I tell my colleagues that, regardless of the outcome of the bill—and I intend to support the measure—I will continue to seek to provide aid to all of the coastal States that allow OCS development, especially since all other States gain an equal sharing of revenues from energy development onshore. It truly is the only equitable thing to do.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that I be allowed to speak on the measure without counting against the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I rise in support of S. 3711, the Gulf of Mexico Energy Security Act, which can certainly be described simply that it will open a portion of the gulf to exploration for oil and natural gas.

I don't want to be understood as criticizing or begrudging anybody their opinions in opposition to the bill, but it seems to me that given what the country has gone through and is going through because of the high cost of energy, it should not be a difficult debate to allow the United States to explore for oil that is within or close to its borders, doing that in a way that is sensitive to the environment and to other considerations in order to produce more oil and natural gas that will lower costs, ease the pressure on our consumers, and allow our economy to grow and continue to produce jobs.

How difficult is it in a time such as this to decide that we are in favor of getting more oil and natural gas? I speak as a person who offered the renewable fuel standard in committee. I am cochairman of the renewable fuels caucus. I am a huge believer that ethanol, biodiesel, and renewable fuel attained through those feedstocks and other feedstocks is the future of this country in terms of energy. It is the way we are going to get energy independence and reduce dependence on foreign oil in the long term.

But our people need relief now, or as soon as we can get it to them. Natural gas prices set record highs last winter. They exceeded $15 per thousand cubic feet. We are paying much higher than our competitors are paying and, as a result of that, according to the Industrial Energy Consumers of America, since 2001, natural gas prices have significantly contributed to the loss of 3 million manufacturing jobs and the shifting of future investment overseas.

I know this is true. There are people who have come to my office and told me they don't want to send jobs overseas, but they cannot compete because of the high cost of natural gas. The Government has encouraged industry to use natural gas and utilities to use natural gas in producing energy because natural gas is a clean fuel. We have all heard the commercials—and it is true—that natural gas is environmentally very friendly. It makes no sense to pass laws and otherwise encourage producers to rely on natural gas and then not to explore for the natural gas we have available.

It is hurting the American farmer. It hurts the farmers for a lot of reasons. Farmers have to absorb the high energy costs just as any other consumer, but, specifically, most of the price of nitrogen fertilizers—90 percent of the price of nitrogen fertilizers is due to the cost of natural gas, because natural gas is a feedstock in the production of virtually all commercial nitrogen fertilizers manufactured in the United States. It is not just used to power the facilities that produce fertilizers; it is actually part of the fertilizer itself. So in 2002, farmers were paying $250 per ton for anhydrous ammonia, and in 2005, $415 per ton, an increase of well over 50 percent.

Why is this happening? Why is the price of natural gas and oil going up? It is because supply relative to demand is going down. Demand is expected to grow—demand for natural gas—by over 30 percent. Yet, since 1998, even though we are drilling more for natural gas, production has declined by 1.5 percent. That shows we are getting all we can out of the available fields. Yet that is not enough. We must have access to domestic resources and specifically to the easily recovered oil and gas in the Gulf of Mexico.

Energy is vital to any economy. We all know that. We have learned in the last year or two that high energy prices are certainly not a good thing. That is something most of us knew as a matter of common sense, but we have now learned that as a matter of experience.

We can make a difference with this piece of legislation and we can make a difference soon. Resource estimates for the area that would be opened indicate that there are 1.26 billion barrels of oil there and 5.8 trillion cubic feet of natural gas. The natural gas supply made available by this compromise legislation would be enough to heat and cool nearly 6 million homes for 15 years. I don't know why they use 6 million homes for 15 years as a measurement, but that surely seems a lot to me, and certainly it is a lot more natural gas than we now have available.

I have listened to the arguments offered against the legislation. A lot of them have centered around where the revenue from the natural gas exploration is going to go. A lot of it is going to go to the coastal States under this compromise. I certainly would be willing to consider something that directed that revenue somewhere else. But the reality is this is what we have to do in order to get the oil and natural gas in the first place. If we cannot pass this legislation, there is not going to be any exploration. If there is no exploration, there are no revenues. So I am certainly willing to support the legislation on that basis. It will help ease the energy situation for the employees of my manufacturers in Missouri. It will help ease the price of fertilizer for my farmers. It will help ease the energy crisis in this country. Clearly, it seems worth doing to me.

It is certainly not all we need to do. We should not structure our energy policy on the assumption that we can

continue to rely on oil and natural gas indefinitely, because we cannot. That is why the Energy bill last year encouraged a production of so many other different kinds of energy—nuclear, renewables, coal, wind. It is all important to the future, but this is important to the future as well. So I am pleased to support the legislation.

I congratulate the Senators who have worked so hard on a bipartisan basis. I know it has not been easy. Certainly, it has been nowhere near as easy as it should have been given the common sense that I think underlies this piece of legislation. I am glad they put it together. I have wanted to do something such as this for some time. It makes no sense when our manufacturers are crying for energy, our farmers are crying for energy, our consumers need energy, to turn down the opportunity to explore for the energy we have right offshore and that we can get in a way that fully protects the environment and other concerns.

Mr. President, I thank the Senate for its indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak on behalf of S. 3711 and that the time not be counted against the Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I rise in support of S. 3711, which is the Gulf of Mexico Energy Security Act. I am heartened by the fact that this is a bipartisan effort, agreed to by those Senators who represent our Gulf States. It is an important step in continuing to reduce our dependence on foreign oil, and we need to increase our supply of domestic oil and gas. Certainly, this is a step in the right direction.

My approach to the energy needs of this country has always been that we need to have a broad-based approach. I was pleased with the Energy bill we passed in the last session of Congress which provided for a broad approach to meet our energy needs in this country.

I think we understood as a body that in order to meet the short-term needs of this country's energy needs, we need to continue to rely on fossil fuels. We need to continue to expand exploration for oil and gas. We need to continue to rely on coal. But in addition, we also need to be looking at additional sources of energy, particularly the renewable energy area, which is wind, solar, geothermal, and biofuels, as well as looking at sources such as hydroelectric and nuclear power.

As I look back on the effects of that bill we passed last session, I am already beginning to see positive effects from that legislation, and I am heartened by that. I can see those energy developments occurring in my own State, which involves new technologies, such as looking at oil shale as a source of a high-grade fuel that requires little refinement.

Our current energy prices clearly still indicate that all is not well with supply, and the demand is still greater than supply. We need to also look at conservation. But right now with this bill, we are concerning ourselves with supply.

While the price of natural gas is well below what it was this time last year, these prices are still well above what we were paying several years ago; and, as my colleague from Missouri mentioned, it is having an adverse impact throughout our economy, not the least of which it is having a serious adverse impact on our agricultural sector.

I believe the fact that prices have decreased at all is directly due to the fact that we passed the Energy Policy Act last year. We have all seen the figures: 27 new ethanol plants have broken ground; 401 E–85 fueling pumps have been installed. These are pumps that provide an ethanol-gasoline mixture. And the number of hybrid vehicles has increased. Between now and the year 2020, the 15 new efficiency standards included in the bill will save 50,000 megawatts of energy, and the amount of electricity generated from renewable sources has increased dramatically. But we need to do more to encourage domestic production of oil and gas.

It is argued—and I think argued well—that we should be reducing our energy consumption and increasing the amounts of energy we get from renewable and alternative sources. I agree. But the reality is that reducing consumption and increasing alternative resources does not happen overnight. I cannot ask my constituents to park the car and turn off the lights until we get there.

The estimates of the resources that will be made available under this proposal are 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas. These are not insignificant amounts. These resources will provide a strong source of domestic energy for our country.

I believe that the compromise struck by this bill is a good one. The fact that almost every Member who represents a coastal State that is affected cosponsored this bill strikes me as significant. I strongly believe in local control, and as part of that, I often defer to Members who represent a State if a bill will directly affect that State. I use the example of wilderness designation. If a bill designating wilderness in a certain State is sponsored and supported by both Members of that State, I see no reason not to support it. The same is true here. If the Members from the coastal States are supportive of this bill, I support them.

I was hopeful that we would have the chance to address an amendment I wanted to offer on funding for the Payment in Lieu of Taxes Program. This particular program is extremely important to States, such as Colorado, that have a high percentage of federally owned land. Many people are unaware of the fact that 35 percent of Colorado is owned by the Federal Government. Federal ownership of these lands can be beneficial, but there is an unseen cost to local communities, to local governments. The Federal Government does not pay property taxes, and this translates into reduced revenue for local governments while there are some costs that they are burdened with in trying to meet the needs of the Federal agencies that are in that county or local community.

For Colorado, it means $129 million each year in lost property tax revenue. This is funding that could be used for education, law enforcement efforts or road building. Unfortunately, PILT, or payment in lieu of taxes, is chronically underfunded, and the amendment I planned on offering would have helped to overcome this annual shortfall.

Regardless of the fact that my amendment will not be considered, I am pleased that we are moving on this bill. I am hopeful that we can continue to put in place policies that will allow us to increase domestic production of all energy sources which will, in turn, reduce our reliance on foreign sources.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. ALLARD. I withhold my request, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, is there a limit on the amount of time I may speak?

The PRESIDING OFFICER. The Senator needs consent to speak, as the majority's time has expired.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, 2 years ago, the Senator from South Dakota, Mr. JOHNSON, and I introduced a bill we called the Natural Gas Price Reduction Act. We did that to give focus to the energy debate. We were hearing a lot about the price of gasoline. Gasoline prices were high and remain high because of the huge supply and demand around the world. We know that. We know that is going to continue for a while, most likely. We know that China is growing. We know that India is growing. We know that the United States and our huge economy uses 25 percent of all the oil in the world. And so the supply and the demand are going to require that the price of oil, therefore gasoline, is going to be high for a while.

We wanted to shift the focus to natural gas, which we didn't hear about as much at that time, because natural gas prices in this country had gone from the lowest in the world to the highest in the world. This was a huge problem for our country.

High gasoline prices are a big problem every day. Natural gas prices are a bigger problem every day. They are a bigger problem for farmers who have seen their fertilizer costs go up. They

are a bigger problem for homeowners as they pay to heat and cool their homes, and they see their bills go up. They are a bigger problem for blue collar workers in this country, such as the 1 million blue collar and white collar men and women—Americans in good-paying jobs—who work in the chemical industry. These are the kinds of jobs about which we all make speeches. We don't want them to be outsourced. We don't want their jobs to go overseas.

If a chemical plant uses natural gas as a raw material—meaning, for example, as Dow Chemical testified before our Energy Committee that 40 percent of the cost of its product was natural gas—and if the price of natural gas is $14 or $15 a unit in the United States compared to $2 or $3 a unit in some other part of the world that has a good, reasonable economy, guess where that chemical plant is going to end up. It is going to be there, not here. Guess where those 1 million jobs are going to be. They are going to be there, not here.

That is why of the 70 or 80 new chemical plants being built around the world, only one of them is in the United States. There are several reasons for that, but the main reason is the high cost of natural gas.

So for the farmer, for the blue collar worker, for the homeowner, the high price of natural gas is a great big problem. We saw that 2 years ago, and so Senator JOHNSON and I offered our bill to try to lower the price of natural gas.

Energy policy is like a big freight train. It is hard to get started, it takes a long time to get going, and then it is hard to stop.

So the Energy Policy Act that the Congress adopted in a bipartisan way a year ago, which included a great many of the parts of our Natural Gas Price Reduction Act, is just beginning to have some effect. But today as we talk about this deep sea drilling in the Gulf of Mexico, it is important that we put it in the context of the whole picture because this is the whole picture: If we want to reduce the price of natural gas in the United States and lower the cost of home heating and cooling bills, and lower the cost of fertilizer for farmers, and if we want to keep those chemical jobs and other jobs in the United States, then there are several things we need to do.

The first thing we need to do is conservation, and the Energy Policy Act of a year ago had an important section on conservation.

The second thing we need to do is produce large amounts of electricity in some way other than using natural gas. Using natural gas to produce electricity is like burning the antiques in your backyard to make a fire. But most of the new electric powerplants have been using natural gas over the last 10 or 15 years.

The Energy Policy Act had important new sections to encourage the use of nuclear power, which supplies 20 percent of our power while producing no mercury, no sulfur, no hydrogen, and no carbon. It is 70 percent of our carbon-free energy. That affects global warming.

So the first way to reduce the cost of natural gas is conservation. We provided for that.

The second way was to encourage nuclear power, and there has begun to be a renaissance of nuclear power production in the United States.

The third thing we did was to encourage the production of power from clean coal. Fifty percent of our electricity comes from coal. We have a lot of coal. We are the Saudi Arabia of coal—we all say that—but it is dirty. It does produce mercury, it does produce nitrogen, it does produce sulfur, and it does produce carbon. So we need clean coal, and eventually we need to capture the carbon, put it in the ground to store it somewhere, and we need large amounts of energy.

We also had significant dollars in support of renewable energy, whether it was for fuels or for electricity. We also made it easier to import natural gas through LNG terminals from around the world, which we are going to have to do for a while. We also made it easier to refine. All of those things had to do with natural gas. But one thing we didn't do was increase our supply of natural gas at home.

But we have come a long way. Two years ago, you couldn't even talk. You couldn't have a polite conversation on the Senate floor about offshore drilling because it was an unmentionable word. People would run out of the room as if you said something bad. But, last year, when the Energy Policy Act came up, we had a majority of votes on this floor for an offshore drilling provision that would have permitted a State such as Virginia, for example, to drill for gas and oil—with the rigs so far off the coast you couldn't see them—and give a share of the revenues to Virginia, which it might use for education or to lower taxes or for coastal beach refurbishment, and put the rest in the Federal Treasury. That is a pretty good idea, but we couldn't get it passed because here it takes 60 votes to overcome objections from a minority of senators.

We also had the perfectly obvious idea of enlarging the area of drilling in the area called Lease Sale 181 in the Gulf of Mexico, deep sea drilling for natural gas which we are talking about today, but we weren't able to do that a year ago. So what this piece of legislation does—at a time when high natural gas prices still are problems for the homeowner, the blue-collar worker, and the farmer in this country—is to give the most immediate relief we can in terms of supply. It doesn't take the place of conservation. It doesn't take the place of nuclear power. It doesn't take the place of coal or renewable energy or LNG or all of these other things we authorize—but it adds to that, and we ought to do it. Lease Sale 181 means that the four gulf producing States will have a chance to share in the revenues that come; that is coastal assistance in this area damaged by the hurricanes.

Twelve and a half percent of the revenues will go to the Land and Water Conservation Fund, so every State will have that for city parks, soccer fields and other things. That is an appropriate use. The remaining half of the revenues will go to the Federal Treasury.

So I am delighted that this bill has come to the floor. I was delighted with the large vote we had this morning—86 votes—to move ahead. I am very hopeful that with the cloture vote on Monday, we will have more than 60 votes.

I believe this is important for the American people to know that sometimes senators stand up and say: Well, why are we debating this issue or that issue? I see the assistant Democratic leader on the Senate floor. Sometimes I hear the assistant Democratic leader saying things like: Why are we talking about this issue or that issue? Why aren't we talking about gasoline prices or natural gas prices? Mr. President, we are. This legislation is about natural gas prices, this is about blue-collar workers, this is about farmers, and this is about homeowners. This is the way we increase the supply and lower the price.

It is that simple: produce energy here instead of bringing it in from the Middle East or some other part of the world.

Senator DOMENICI deserves an enormous amount of credit for working on this bill, as do Senator MARTINEZ, Senator LANDRIEU, Senator VITTER, and many others. The bill is a limited, sensible step in the right direction. I would like to see us go further and give Virginia the opportunity if it wishes to have offshore drilling, but that would disrupt the consensus we have here, and I don't want to disrupt that consensus.

So it is very important that the American people know that as we continue the debate this week and then come back here Monday and vote, we will be voting on the surest way to increase the supply of natural gas in this country. That will make it more likely for the 10,000 workers at Eastman Chemical in east Tennessee that their jobs will stay in east Tennessee instead of moving to Germany, and that the farmers' jobs will stay in west Tennessee instead of moving to Brazil, and that the homeowners will be able to turn on their heat in the winter and turn up their air-conditioner in the summer and still be able to afford it. That is exactly what this is about. A vote for this legislation is a vote for the blue-collar worker, for the farmer, and for the homeowner, and a vote against it is a vote against the blue-collar worker, against the farmer, and against the homeowner. That is pretty simple. That is pretty straightforward. We have several days to think about it.

I am delighted to see that there are Democrats and Republicans for this. I

hope the large number of votes we saw in favor of cloture this morning continues.

We have a big economy, which means we have big energy needs. Yes, we want the conservation we put into law a year ago. We want this renaissance of nuclear power. We want clean coal with carbon recaptured. We want renewable power, we want LNG from overseas, and we want other things. We want more refining capacity. But supply is a part of the picture, and the legislation we are debating today is the most obvious example of increasing supply.

I am pleased to be a cosponsor of this legislation. I am delighted with the way the leadership has presented it to the Senate. It will help the country. I hope the blue-collar workers, the farmers, and the homeowners are listening because this debate and this vote will be about them and their future and their pocketbooks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thought my colleague from the great State of Tennessee, Senator ALEXANDER, made an excellent statement. Although I might disagree with some part of it, I really believe he is speaking to this issue in good terms. I was heartened by the fact that the first thing he said about energy was conservation. I believe that is a critical starting place.

I am going to give the Senator from Tennessee four numbers—not for the lottery, for the Powerball or anything, but four numbers to think about. The numbers are 3, 25, 4, and 3 again. Here is what they signify.

We have within our command and control in the United States of America 3 percent of the energy reserves of the world—3 percent. Everything we could possibly turn to and explore and bring out of the Earth, whether offshore or in the continental United States, is 3 percent.

Twenty-five: We consume 25 percent of the world's energy. It is clear that we cannot drill our way into energy independence. It just does not work. The numbers do not come together.

The next number is 4. Four represents the number of months of natural gas which we hope we can bring out of this offshore drilling for the United States—a 4-month supply of natural gas for our country.

The final number, 3, represents a 3-month supply of the oil our country consumes.

So as important as exploration is and finding new sources, you had the right starting point. You hit the nail on the head. We cannot drill our way out of energy dependence, looking at the 3 percent that we have, the 25 percent we consume, and we cannot rely on even offshore drilling to give us more than just a respite from the demands we are going to face in the future, the competition we face around the world.

So my feeling—and I think the feeling of many on both sides of the aisle—is what we should look for is environmentally responsible exploration.

I have made no secret of the fact that I think the notion of drilling in the Arctic National Wildlife Refuge is a terrible idea. It has been rejected by Congress year after year. It is an act of environmental desperation that we would go to a wilderness area—a wildlife refuge area, I should say to be more specific—and say that after a few years, we have to start drilling there because there is no other place for America to go in order to give us confidence we will have energy sources in the future. So I haven't hidden my feelings about that particular project, but I am open to the suggestion that this may work.

I have not made a final commitment on the bill pending before us. I join with my colleagues in moving it forward. Let's move this debate forward. Let's bring this issue to the floor.

A couple of the things mentioned by the Senator from Tennessee are intriguing. Nuclear power—I am not sure nationally how much electricity is generated by nuclear power. It may be a third, it may be a little more.

Mr. ALEXANDER. Mr. President, if the——

Mr. DURBIN. I am happy to yield to the Senator from Tennessee.

Mr. ALEXANDER. The answer is 20 percent of all our electricity in the United States and 70 percent of our carbon-free electricity is produced by nuclear power.

Mr. DURBIN. Mr. President, I thank the Senator from Tennessee. In my home State of Illinois, the number is 50 percent. Fifty percent of our electricity is generated by nuclear power. So for those who say: Get rid of it tomorrow, they better be ready to sit in darkness for a while in my State of Illinois if that is their option.

But I hope the Senator from Tennessee feels as I do, that the future of nuclear power is wedded to two issues we have to deal with forthrightly: what are we going to do with the nuclear waste that is likely to threaten us in some form or another for generations to come, for hundreds, if not thousands, of years; and secondly, how do we promote nuclear power without promoting the production of nuclear weapons?

We are facing that issue everywhere—in North Korea, in Iran. As we look at the world, we worry that countries moving toward nuclear power are, in fact, also creating an option for the production of nuclear weapons, which would make the world perhaps more self-sufficient when it came to electricity but in a more dangerous state if it led to nuclear proliferation.

Those are the two challenges with nuclear power as I see them.

I believe—maybe I am not being realistic here, but I believe they can be addressed and they should be addressed. If we address them in a responsible fashion, the day may come—and I hope it does—when we can say that the spent nuclear fuel rods coming out of the nuclear powerplants are no longer a threat to the health and safety of America and that the production of nuclear power is not an invitation to produce nuclear weapons. Those are two things I think we have to face head-on.

I am lured by the notion that this is carbon-free power—electricity—having seen a production of a documentary by a gentleman from Tennessee by the name of Gore. Al Gore's documentary ''An Inconvenient Truth'' was an unsettling experience as he laid out in an hour and a half or so, I thought with real clarity and precision, the challenge of global warming and what will happen if we continue to add carbon dioxide to the atmosphere, increasing greenhouse gases and global warming, watching climate change, and all of the things that are likely to occur. It is a challenge to all of us. So I salute the Senator from Tennessee because there are many things he said with which I agree.

I am going to look at this bill carefully. I am troubled; I think the allocation of money to the States is very generous. It is a departure from where we have been in the past for offshore drilling to this extent, this far away from the coast. But I am going to look at it carefully and honestly to see if it is the right approach before I make a final decision. But I thank him for his statement on the floor here this evening relative to energy, and there is probably more that brings us together than divides us on this important issue.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 3744 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE 25TH ANNIVERSARY OF THE TAHOE RIM TRAIL ASSOCIATION

Mr. REID. Mr. President, I rise today to recognize the 25th anniversary of the Tahoe Rim Trail Association—an organization of volunteers that came

together to build one of the world's premier trails—the Tahoe Rim Trail. This Saturday, the association will hold a Silver Anniversary Celebration to honor this occasion, and I am pleased to acknowledge their efforts here today.

The Tahoe Rim Trail Association is a successful public-private partnership that was founded in 1981. The original idea was to bring together community leaders, volunteers, and government agencies such as the Forest Service and the Nevada Division of State Parks to establish a trail around the Lake Tahoe Basin. Working hand-in-hand, volunteers created the incredible 165-mile trail that now exists around Lake Tahoe, allowing visitors a new way to experience one of the most magnificent places in America.

Visitors to the Tahoe Rim Trail are struck by the incredible diversity of the landscape and the wealth of wildlife. From the wildflowers of our alpine meadows to the soaring mountain peaks of the Sierra Nevada, the Tahoe Rim Trail offers something for everyone. Visitors to the trail enjoy a diverse range of opportunities from hiking and backpacking to horseback riding and mountain biking. Portions of the trail are also handicapped accessible so that everyone may enjoy this important piece of our State's rich natural heritage.

Although the trail is now complete, the Tahoe Rim Trail Association continues to educate visitors about the trail. Every Tuesday and Saturday during the summer months, the association organizes a group of volunteers to maintain and enhance the trail. These important efforts and community partnerships ensure that Nevadans, Californians, and people from around the world will be able to enjoy the beauty of the Lake Tahoe Basin for generations to come.

I am pleased to recognize the 25th anniversary of the Tahoe Rim Trail Association, and I hope that all of my colleagues will have the opportunity to visit this incredible part of Nevada.

16TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. HARKIN. Mr. President, today, July 26, marks the 16th anniversary of the signing of the Americans with Disabilities Act.

On this 16th anniversary, we celebrate one of the great, landmark civil rights laws of the 20th century—a long-overdue emancipation proclamation for people with disabilities.

We also celebrate the men and women, from all across America, whose daily acts of protest and persistence and courage moved this law forward to passage 16 years ago.

We celebrate some 50 million Americans with disabilities, who now begin each day with the right to equal opportunity, full participation, independent living, and economic self-sufficiency.

That is the triumph we celebrate today.

That is the spirit that made the Americans with Disabilities Act possible.

And that is the promise that will continue to move this country and the disability community forward.

Our society is so dynamic and so rapidly changing, we are often oblivious to quiet revolutions taking place in our midst. One such a revolution has been unfolding since the Americans with Disabilities Act became law 16 years ago.

How soon we forget that, prior to the ADA, Americans with disabilities routinely faced prejudice, discrimination, and exclusion—not to mention physical barriers to movement and access in their everyday lives. People with disabilities faced blatant discrimination in the workplace. They were often denied employment, no matter how well qualified they were. People in wheelchairs faced a nearly impossible obstacle course of curbs, stairs, and narrow doors.

One of those courageous people who fought for passage of the ADA was a young Iowan with severe cerebral palsy named Danette Crawford. I remember vividly when I first met Danette in 1990, when I was making the final push to get ADA through Congress. She was just 14 and one of the brightest persons I had ever met. I talked to her about what ADA would mean to her in terms of educational and job opportunities—ensuring that she would not be discriminated against in the workplace.

She listened to all this, and in her wonderful way, she said: ''That's very nice, very important, Senator. But, you know, all I really want to do is just be able to go out and buy a pair of shoes just like anybody else.'' And, of course, she was right. That is exactly what the ADA is all about.

The reach—the triumph—of the ADA revolution is all around us. It has become part of America. In May, I attended a convention in downtown Washington of several hundred disability rights advocates, many with severe impairments. They arrived on trains and airplanes built to accommodate people in wheelchairs. They came to the hotel on Metro and in regular busses, all seamlessly accessible by wheelchair. They navigated city streets equipped with curb cuts and ramps. The hotel where the convention took place was equipped in countless ways to accommodate people with disabilities. A woman on the dais translated the speeches into sign language so that people with hearing disabilities could be full participants.

For those of us who are able-bodied, these many changes are all but invisible. For a person who uses a wheelchair, they are transforming and liberating. So are provisions in the ADA outlawing discrimination against qualified individuals with disabilities in the workplace and requiring employers to provide ''reasonable accommodations.''

Just as important, the ADA has changed attitudes. It used to be perfectly acceptable to treat people with disabilities as second-class citizens, to exclude and marginalize them. I remember my brother, Frank, who was deaf. Frank was the real inspiration behind all of my work in the Senate on the Americans with Disabilities Act. He passed away 6 years ago, a month before the 10th anniversary of ADA. He always said that he was sorry that the ADA was not there for him when he was growing up but that he was very happy that the ADA is here now for young people so they can have a better future.

Frank lost his hearing at an early age. Then he was taken from his home, his family and his community and sent across the State to the Iowa State School for the Deaf. People often referred to it as the school for the ''deaf and dumb.'' Yes, that is the insensitive way that people used to talk. I remember my brother telling me, ''I may be deaf, but I am not dumb.''

While at school, Frank was told he could be one of three things: a cobbler, a printer's assistant, or a baker. He said he didn't want to be any one of those things. They said: OK, you are going to be a baker. So after he got out of school, Frank became a baker. But that is not what he wanted to do. Frank stubbornly refused to accept the biases and stereotypes that society tried to impose on him. He fought for—and won—a life of dignity.

But I remember how difficult everyday tasks were for him. For example, I remember, as a young boy, going with my older brother Frank to a store. The salesperson, when she found out that Frank was deaf, looked through him like he was invisible and turned to me to ask me what he wanted. I remember when he wanted to get a driver's license, he was told that ''deaf people don't drive.'' So the deck was stacked against Frank in a thousand ways, strictly because he was a person with a disability.

I remember when my brother finally found a job to his liking. He got a job at a manufacturing plant in Des Moines—a good job at Delavan Corporation. Mr. Delavan decided he wanted to hire people with disabilities, and so my brother went to work there. It was a great job. He became a drill press operator making nozzles for jet engines. He took enormous pride in his work.

Later on, when I was in the Navy, I remember coming home on leave for Christmas. I was unmarried at the time, as was Frank. So I went with him to the company where he worked, which was putting on a Christmas dinner. I didn't expect anything special. But it turned out that they were honoring Frank that night because in 10 years at Delevan, he had not missed a single day of work and hadn't been late once.

That is characteristic of how hard-working and dedicated people with disabilities are when they are given a

chance in the workplace. Frank worked at that plant for 23 years and missed just 3 days of work, and that was because of a blizzard.

Today the brazen discrimination and prejudice that Frank faced are part of what seems like a medieval past. We have overcome the false dichotomy between ''disabled'' and ''able.'' We recognize that people with disabilities—like all people—have unique abilities, talents, and aptitudes and that America is better, fairer, and richer when we make full use of those gifts.

We have made amazing progress in just 16 years. For millions of Americans with disabilities, it truly is a revolution. It has been a quiet revolution, but it has also been a profound revolution.

The day that the ADA passed was the proudest day of my legislative career. But every Senator who voted ''aye'' can look back, 16 years later, with enormous pride in this achievement. We were present at the creation. But our creation now has a robust life of its own. The ADA has been integrated into the fabric of American life. It has changed lives—and changed our Nation. It has made the American Dream possible for tens of millions of people who used to be trapped in a nightmare of prejudice and exclusion. This truly is a triumph.

I am reluctant, in any way, to take away from the celebration of this anniversary, but I am obliged to point out that the ADA revolution is not yet complete.

When we passed the ADA, we set four great national goals for Americans with disabilities: equal opportunity, independent living, full participation, and economic self-sufficiency. There is more work that needs to be done to reach the full promise of these goals.

Right now, 16 years after the passage of the Americans with Disabilities Act, it is a shocking fact that more than 60 percent of people with disabilities are not employed. We need to do a better job of ensuring that people with disabilities have job opportunities—and not just any job but one that is equal to their interests and talents and pays accordingly.

We need to make sure that people with disabilities have access to health care, with accessible medical equipment and properly trained medical professionals. We also need to make sure that they have access to health and wellness programs that focus on their unique needs. Just this week, I introduced a bill—S. 3717—that will go a long way toward accomplishing these goals.

At the same time, we need to continue our progress in reversing the institutional bias in Medicaid. We need to move away from the days when two-thirds of Medicaid long-term-care dollars are spent on institutional services, with only one-third going to community-based care.

My bill, S. 401, also known as MiCASSA—which is short for the Medicaid Community-Based Attendant Services and Supports Act—would level the playing field by requiring States to cover community services under their Medicaid Programs.

With appropriate community-based services and supports, we can transform the lives of people with disabilities. They can live with family and friends, not strangers. They can be the neighbor down the street, not the person warehoused down the hall. This is not asking too much. This is the bare minimum that we should demand for every human being.

The ADA is to people with disabilities what the Emancipation Proclamation was to African-Americans. But one of the great shames of American history is that it took a full century from the Emancipation Proclamation until the Civil Rights Act actually made good on Lincoln's promise.

I say to my colleagues, we cannot allow history to repeat itself. We cannot wait a century for people with disabilities to be fully integrated into our society and our workforce. We need to fulfill the full promise of the ADA now.

Yes, it takes money to pay for personal attendant services. But I think of my nephew, Kelly, who became a paraplegic while serving in the military. The Veterans Administration pays for his attendant services. This allows Kelly to get up in the morning, go to work, operate his small business, pay his taxes, and be a fully contributing member of our society.

That is what every person with a disability wants. The costs of MiCASSA would be largely offset by the benefit of having people with disabilities who are employed, paying taxes, and contributing to the economy.

It is a disgrace that, as I said, more than 60 percent of people with disabilities do not have jobs. Right now, they are unemployed and dependent. We want them employed and independent. This would be a boon for them. It would be a boon for the economy. And it would be a boon for the budget.

So I cannot think of a better way to celebrate the 16th anniversary of the ADA than by rededicating ourselves to completing the ADA revolution. This means passing MiCASSA. This means passing the Promoting Wellness for Individuals with Disabilities Act. It means giving people with disabilities not just the right to be independent and have a job but the wherewithal to be independent and hold a job.

Mr. President, one final thought: In sign language, there is a wonderful sign for the word ''America.'' It is this: all the fingers in one hand joined tightly together, with the other hand tracing a circle around the joined fingers. This describes an America for all, where we are not separate, where no one is left out, and we are all embraced by a circle, the circle of the American family.

For centuries, Americans with disabilities were tragically left out of that circle. Our American family was not yet whole, not yet fully inclusive. The passage of the ADA 16 years ago rectified that. It brought everyone, including people with disabilities, into the circle. It made our American family—at last—complete.

That is the historic achievement we celebrate today. That is the historic achievement that we must safeguard for generations to come. One America. One inclusive American family that respects the dignity, the value, and the civil rights of all, including Americans with disabilities.

SCHIP AT 10: A DECADE OF COVERING CHILDREN

Mr. CHAFEE. Mr. President, I am pleased to commend the Finance Committee and Senators HATCH and ROCKEFELLER for holding a hearing on the State Children's Health Insurance Program, SCHIP. This program has meant a decade of health care coverage for millions of low-income children who would otherwise be uninsured.

My interest and commitment to the success of the SCHIP program goes back to its inception. My father, the late Senator John H. Chafee, along with Senator ROCKEFELLER, designed and introduced S. 674, the Children's Health Insurance Provides Security, CHIPS, Act on April 30, 1997. With help from a bipartisan coalition of Members, including Senators HATCH and KENNEDY, this effort came to fruition later that year when Congress approved the State Children's Health Insurance Program, SCHIP.

When SCHIP was introduced there were 10 million uninsured children in the United States including 3 million who were eligible for Medicaid but were not enrolled. The SCHIP program sought to alleviate this unmet need by offering States additional Federal funds if they provided Medicaid coverage to children from families whose income was under 150 percent of the Federal poverty level. This would mean coverage for a family of four earning $30,000 per year. The bill also provided grant funds for States to reach out and enroll eligible children.

Although some States were slow to implement their programs, to date all 50 States, the District of Columbia, and the 5 territories have SCHIP programs in operation. The SCHIP program has been a tremendous success; the share of uninsured children has dropped from 23 percent to 15 percent of the population since 1997. Today, more than 4 million low-income children who would otherwise be uninsured have access to doctors, immunizations, and preventative health care through SCHIP. Since 1997, enrollment has steadily increased to the point that 6.2 million children are currently covered.

Rhode Island's program has also been a success story. Since the program began on October 1, 1997, that State has enrolled 25,573 uninsured children. The State has also expanded its income eligibility requirement to cover additional low-income families. One reason for this great success is the SCHIP program's flexibility in benefit structure

and design. States are allowed to expand eligibility levels, cover parents of children on SCHIP, and in some cases childless adults. Rhode Island has utilized this flexibility to develop innovative strategies to address its uninsured.

One example of this innovation was Rhode Island's recognition of the importance of covering families. Studies cited by the Kaiser Commission on Medicaid and the Uninsured show that parents are more likely to enroll their children in SCHIP if the entire family is covered. Parents who have the proper health care coverage are more likely to stay healthy and avoid missed days at work. The same is true of their children; preventative screenings and immunizations will allow them to remain healthy, avoid expensive hospitalizations, and stay in school.

States may appeal to the Secretary of Health and Human Services for waivers to expand their program beyond current law requirements. Along with 15 other States, Rhode Island has a waiver that allows it to use SCHIP funds to cope with the growing number of uninsured. States such as Arizona, Idaho, Oregon, Minnesota, New Mexico, and Virginia have similar waivers.

We have a growing crisis with the number of uninsured in this country. Estimates place the number of uninsured at 45 million, up from 41 million a few years ago. We should reward States that use innovative approaches with their SCHIP programs to expand coverage. Until comprehensive solutions are found to help States fill the coverage gaps, we should not penalize them for taking advantage of existing resources and programs.

To this end, I have been proud to support legislation that maintained funding for the SCHIP program and reallocated funding to coverage-expanding States. In 2003 I was the lead Republican on legislation introduced by Senator ROCKEFELLER to keep $2.7 billion in the program until the end of fiscal year 2004 and reallocate funds to other States through fiscal year 2005. This bill also included a provision I fought for that is important to States like Rhode Island. It allows States with expansive Medicaid Programs that covered uninsured children prior to SCHIP's enactment to use 20 percent of SCHIP funds to cover these children. This is significant since SCHIP provides a higher Federal match than Medicaid. States that did the right thing by covering pre-SCHIP children were being penalized by not receiving the higher match.

In closing, I thank Senators ROCKEFELLER and HATCH for holding a hearing on SCHIP and honoring its tremendous accomplishments over the past 10 years. The SCHIP program has been an integral part of our health care safety net. As we turn to reauthorization and the challenges facing the program in fiscal year 2007, I look forward to working with the bipartisan coalition whose vision created the program. We must work together to keep SCHIP strong so that the progress and the innovations made with the program will not be lost.

PASSAGE OF THE VOTING RIGHTS ACT

Mr. COLEMAN. Mr. President, I wish to add my voice to the celebration of a significant event in this Senate: the renewal of the Voting Rights Act for 25 years. This legislation is part of our efforts in the Senate to come together to make sure the America of 2031 is a whole lot more successful at bridging racial divides than we are today.

I grew up in a large Jewish family in New York City. One of my parent's favorite entertainers was a Jewish comedian named Georgie Jessel. I am sure some of my senior colleagues remember him. In the 1950s he was a good friend of the stunning and talented African-American singer and actress Lena Horne. From time to time they would go out to dinner. You should know that even in New York in those days, they had segregated clubs. Well, by chance or by accident, Mr. Jessel scheduled one of their dinner dates in one of those clubs. The maitre'd took one look at her skin color and said indignantly, ''Who made your reservation?'' Jessel shot back, ''Abraham Lincoln.''

Lincoln made a reservation for us all. One hundred and forty years later, we are still struggling to keep it.

One of my most vivid experiences since I came to the Senate was a civil rights delegation to Alabama sponsored by the Faith and Politics Institute a couple years ago. Representative JOHN LEWIS helped to lead the delegation, and shared with us his experiences. We stopped at the Rosa Parks Museum at Troy State University in Montgomery and reflected on the bus boycott. We visited the Dexter Avenue King Memorial Baptist Church, where the Reverend Martin Luther King, Jr., used to preach, and the civil rights Memorial. I was struck with the fact that I visited these historic locations in peace and security. A generation ago, the visitors who came from outside the South to these locations endured threats, vilification, and violence.

This visit reminded me of a simple truth: Individuals such as Parks, King and so many others, shape our society. As we look at the challenges and injustices of the world around us, we often ask the question, How can we change the world? I think we often look in the wrong place for change. We look to big government, big business, big entertainment, or big publishing to bring about change. It is comparatively easy to change a speech or a law or a budget. The real challenge is in changing hearts. And that job falls to all of us who are willing to speak out, willing to model understanding and willing to change. Our hope lies in the fact that in America, there are no ''ordinary people.''

I often like to say that a leader without followers is just a person taking a walk. The Dr. Kings and Rosa Parks are all around us, in need of the followers and workers who will inspire major change.

Every person has the ability to shape our Nation with their vote. As a democracy, this Nation is built on the idea that we look to the people, and the way we do that is by the power of their vote. Voting is the recognition that each person, each individual, each vote, is important. We cannot afford to sustain any impediment to that process. If we do not defend the freedom to vote, the product of our democracy is dulled and diminished—it is not a true reflection of what is America.

Legislation we passed in the Congress has been crucial: the Civil Rights Act, the Voting Rights Act, and a series of additional measures right into our own decade. Vigorous enforcement of those statutes is essential. The Voting Rights Act recognizes that one of the best things that government can do for their people is make them secure to cast their votes. The Voting Rights Act recognizes that in a free society, the people lead.

The United States is unique in world history because we are a nation built upon rights rather than privileges. We believe we have been endowed by our Creator—not our government—with rights such as life, liberty and the pursuit of happiness.

The American concept of rights is a large set. We have the freedom of religion. We have the freedom of speech and assembly. We have the right to be secure against government intrusion in our homes and private affairs. We have a free press. And to a greater degree than ever, we have the freedom to vote in this country and to have those votes count.

If you pull any one of those freedoms out of the set, the whole thing collapses. Each of our rights protects and reinforces all the others. All the American rights get stronger with the passage of this bill and that's something to celebrate.

But we shouldn't pat ourselves on the back for too long. We can deal with voting inequality by strictly and aggressively enforcing this law, but we have a long list of issues of economic inequality to deal with. We have achievement gaps in our schools. We have housing gaps in our home ownership markets. We have health gaps in access to quality care.

Racial equality in America is race without a finish line. We have finished a lap today, but as Robert Frost wrote, ''We have promises to keep, and miles to go before we sleep.''

TRIBUTE TO FLOYD LANDIS, WINNER OF THE 2006 TOUR DE FRANCE

Mr. SANTORUM. Mr. President, I rise today to commemorate an incredible feat of physical and mental endurance, a feat that was completed on Sunday, July 23. Floyd Landis, a native

of Lancaster County, PA, completed the 20th stage of the 2006 Tour de France with an overall time of 89 hours, 39 minutes and 30 seconds, winning the race by 57 seconds in the closest three-way finish in the long history of the tour.

In winning the 93rd Tour de France, Floyd Landis became just the third American cyclist to win this most prestigious of races, joining previous American victors Greg Lemond and Lance Armstrong. He, like them before him, has become the face of American cycling, and, frankly, we could not ask for a better spokesman.

The Tour de France, with this year's race totaling over 2,200 miles, is known around the globe as one of the toughest physical challenges in the sporting world. It is an incredible feat for anyone to finish this grueling, 20-stage race. But that Floyd Landis finished—and that he won—is even more astounding. Landis suffers from osteoporosis of the hip, an ailment so severe he will require hip replacement surgery in the very near future. Yet, in a staggering display of determination and mental toughness, Landis put aside the pain that was, in his words, ''bad, it's grinding, it's bone rubbing on bone,'' to win the race in convincing fashion.

Landis and his Phonak Hearing Systems team also demonstrated that cycling is a mental challenge as much as a physical one. In spite of the temptation to stay as the frontrunner and in the face of various pundits questioning their strategy, Phonak purposely relinquished the overall lead of the race in the 13th stage, conserving their energy for the late push that ultimately resulted in victory.

In the course of the race, Floyd Landis also proved the wisdom of the oft-quoted adage, ''Never give up.'' After struggling through the 16th stage, a stage which saw him lose 10 minutes and fall from first to eleventh place, Landis stunned the field and the pundits with what former champion Lemond aptly described as ''the best day I've seen in cycling in years . . . maybe ever,'' winning the 17th stage by more than 6 minutes and putting himself in prime position to win the race. Landis followed up his epic ride with a strong showing in the final individual time trial, outpacing his closest rival by nearly a minute and a half and regaining the overall lead, a lead he held for the remainder of the race.

Floyd Landis grew up in Farmersville, PA, a small town located about 50 miles to the southeast of Harrisburg. The Landis family was and is a tight-knit, modest group that instilled in Floyd a belief in the merit of working hard. As the story goes, Floyd was often so inundated with chores that the only time he could ride was in the middle of the night—which, of course, he did. Surely, as with so many of us, Floyd Landis's family played an integral role in shaping him into the man he is today and in the successes that he has enjoyed.

Floyd Landis, whom I am proud to call a fellow Pennsylvanian, has proven that with determination and an immense strength of spirit, even the most extreme obstacles can be overcome and success can be attained. He has inspired countless Americans across our Nation, and many more around the world, and I congratulate him on his remarkable achievement.

NOMINATION OF JEROME A. HOLMES

Mr. INHOFE. Mr. President, I ask unanimous consent that these letters in support of Jerome Holmes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2006.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing to encourage the confirmation of the nomination of Jerome A. Holmes to be a United States Circuit Judge for the Tenth Circuit Court of Appeals.

As a U.S. District Judge for over 30 years I have known and worked with many federal law clerks, lawyers, district and circuit judges. I have known first hand of their intelligence, skills, judgment, character, temperament and sense of fairness. In every single one of these criteria Mr. Holmes has uniquely excelled. His scholarship and other credentials are well documented so permit me to emphasize one critically important additional one. Mr. Holmes is dedicated completely to the rule of law, the proper role of the judiciary and to applying and interpreting the law without regard to personal views on given issues. I have seen this commitment guide his every professional task, in civil and criminal cases, as a law clerk, prosecutor and civil practitioner. The Senators and the people of the country can be assured that, if confirmed, Jerome Holmes will be a circuit judge of compassion, fairness and a total commitment to the rule of law. Having personally observed these qualities throughout the years, I could not give a higher recommendation.

Respectfully,

RALPH G. THOMPSON.

JULY 24, 2006.

Senator JIM INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I write in support of the nomination of Jerome Holmes to be a Judge on the Court of Appeals for the Tenth Circuit. In his many years of public service—including over a decade with the Department of Justice—Jerome has earned a reputation for excellence that few can equal. He served as the Deputy Criminal Chief and the lead prosecutor on some of the most important and challenging investigations and cases in this Office. He was recognized by his fellow career prosecutors for his legal talents, fairness, and fine character.

As Assistant United States Attorneys together, I had the opportunity to work closely with Jerome on counterterrorism, public corruption, and civil rights investigations and cases. I observed first-hand his tremendous dedication, legal acumen, judgment, ethics, professionalism, and commitment to equal justice under the law.

I am confident that, as a Judge on the Court of Appeals, he will continue to serve our Nation with great distinction.

If I can provide you any further information, please do not hesitate to contact me.

Sincerely yours,

JOHN C. RICHTER.

CROWE & DUNLEVY,
Oklahoma City, OK, June 14, 2006.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing in support of the nomination of Jerome A. Holmes, Esq. to the United States Court of Appeals for the Tenth Circuit. I have know Jerome by reputation since 1991 when I was working for the Honorable Glenn English (D–OK) and personally since 1993 when I moved back to Oklahoma to begin my legal career.

Jerome is a known leader in a multitude of community activities. He currently serves as a Commissioner on the American Bar Association's Commission on Homelessness and Poverty where his local work has translated into national recognition. He also serves as Chairman of the Board for our local City Rescue Mission, a homeless shelter located in Oklahoma City. As a member of the board myself, I can attest to Jerome's devotion to assisting those who are less fortunate and his incredible leadership style culminating in proven results for the homeless of Oklahoma.

Hard work and dedication to his profession are just some of Jerome's hallmarks through which he has earned the respect of his colleagues in the legal profession. He always displays a judicious demeanor and temperament that will serve him and his country well on the Tenth Circuit Court of Appeals. The first person to turn the lights on and the last to turn the lights off at our office, Jerome's unwavering commitment to his chosen profession is evident. I highly recommend Jerome Holmes for confirmation—both personally and professionally—one cannot find a better nominee.

Very truly yours,

WILLIAM H. HOCH,
For the Firm.

CROWE & DUNLEVY,
ATTORNEYS AND COUNSELORS AT LAW,
Oklahoma City, OK, June 14, 2006.

Re Jerome Holmes

Senator JAMES M. INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR: I write to support the nomination of Jerome Holmes to serve on the United States Court of Appeals for the Tenth Circuit. Having served as United States Attorney for the years 2001—2005, I am well acquainted with the very high standards expected in the federal judicial system, and I know that Jerome would be an outstanding addition to the bench.

I have known Jerome for many years in the course of us both practicing law in Oklahoma City. I worked closely with Jerome when we were both Assistant U.S. Attorneys in the early 1990s and observed first hand Jerome's work ethic, professional excellence, and intelligence.

Later when I returned to the U.S. Attorney's Office in 2001, I had the opportunity to work very closely with Jerome again. One of Jerome's strengths is his ability to take on and be successful with the hardest and most complex tasks. For example, he served as Anti-Terrorist Coordinator for the Western District of Oklahoma. He made a success of that position because of his ability to analyze the complex issues involved, his ability to work well with many different government agencies, and his outstanding judgment. He also proved himself to be an outstanding administrator in his service as Deputy Chief of the Criminal Division.

One of the most significant cases Jerome prosecuted was a public corruption case involving the Oklahoma Department of Health. In that case, a nursing home owner had been bribing the Deputy Commissioner of the Department of Health. Jerome tried the case, won convictions, and won the appeals. The case was significant not only because it was a complex and difficult public corruption case, but because it led to material reform at the Department of Health and within the nursing home industry in Oklahoma. The case is an example of the dedication Jerome brings to his work as a public servant.

Jerome's character is beyond reproach. He approaches every task with the highest level of professional integrity and ethics. He has the right temperament for service on the bench as well. He can be counted on to be courteous, fair, and reasonable in any endeavor.

Jerome is well liked and well respected within the local bar. His ability to get along with people and inspire trust in others is illustrated in his election as Vice President of the Bar Association for the State of Oklahoma and his selection to serve on prestigious community boards such as the Oklahoma Medical Research Foundation, the Oklahoma Academy for State Goals, and the Oklahoma City National Memorial Foundation.

Jerome would be an outstanding court of appeals judge. He possesses the judgement, intelligence, professional excellence, and integrity to be a truly great judge.

Sincerely yours,

ROBERT G. MCCAMPBELL.

Oklahoma City, OK, July 6, 2006.

Re Nomination of Jerome A. Holmes

Hon. EDWARD M. KENNEDY,
U.S. Senator,
Washington, DC.

DEAR SENATOR KENNEDY: This letter is written to you in your capacity as a member of the Senate Committee on the Judiciary, and in support of the pending nomination of Jerome A. Holmes to the Tenth Circuit Court of Appeals. Under separate cover I have also written to Senator Specter with a copy to Senator Leahy. Rather than merely sending a copy of the other letter to you, I wanted to take time to write to you personally.

For the past 30 years I have had the pleasure of serving as a member of the legal profession, as an active trial lawyer on both the State and Federal level. For 22 of those years, I have also served as the chief municipal judge for the City of The Village, a community located in the northwest quadrant of the Oklahoma City metropolitan area. My practice is not on the appellate level, although, of necessity, I carefully follow the decisions that emanate from the appellate courts.

Since my primary practice involves criminal defense, I have, on numerous occasions, had reason to meet with, oppose and observe Attorney Holmes. There has never been a time when I felt the nominee was anything less than candid, knowledgeable, professional and ethical. He is a worthy opponent, an excellent trial attorney, and has the respect of my fellow defense counsel.

The appellate courts of our country need—and deserve—to have jurists of Attorney Holmes' high caliber. I have absolutely no doubt that the nominee would devote his considerable intellect to ensuring that the Constitution is properly protected and that cases before him are decided based on the law. If he is elevated to the Tenth Circuit, there will undoubtedly be times when I disagree with his opinion, as is always the case. I can, however, assure you that I firmly believe he will never insert personal beliefs or bias into his judicial thoughts.

Please permit me a point of personal privilege as part of this letter.

In 1961 I reported to Marine Barracks, 8th & Eye Streets, as a PFC just out of Parris Island. For the next two years I served as a member of Ceremonial Guard Company.

The highlight of my tour at 8th & Eye was on July 12, 1962 when, as a member of the Silent Drill Team, I had the honor of drilling for President Kennedy, the reviewing officer that evening for the Sunset Parade. I saved the program and sent it to the President. An autographed copy of the program and the transmittal letter from Ms. Lincoln occupy a position of honor on my office wall.

Senator, I am a Democrat, with deep ties to the party. My father was a Central Committeeman in Ohio, and my grandmother was the party's poll watcher in our small town. I imagine Attorney Holmes is a Republican or he would not have been nominated. His party affiliation does not bother me in the least. He is a lawyer first and foremost and will, I believe, continue to bring honor to our profession and Constitutional protection to our clients.

As I told Senator Specter, should an opportunity present itself, I would be honored to personally appear before the Committee to speak on behalf of Jerome Holmes.

Respectfully yours,

ROBERT A. MANCHESTER, III.

OKLAHOMA CITY UNIVERSITY,
SCHOOL OF LAW,
Oklahoma City, OK, July 21, 2006.

Re Confirmation of Jerome Holmes

Senator JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I write in support of the confirmation of Jerome Holmes to serve as a Judge of the United States Court of Appeals for the Tenth Circuit.

I have worked closely with Mr. Holmes over a period of years on an important committee of the Oklahoma Bar Association tasked with revising the rules of professional conduct for lawyers. As co-chair of this committee, I observed him closely. He was always extremely well-prepared, thoughtful, cooperative, and considerate. In addition, as a supervisor of student externs from my law school, he was always conscientious and responsible.

While Mr. Holmes has taken positions on issues with which I disagree, I have no reservations regarding the criteria by which he should be judged in this confirmation: professional competence, integrity, and judicial temperament.

Thus, I hope the Senate will confirm Jerome Holmes for this position.

Sincerely yours,

LAWRENCE K. HELLMAN,
Dean and Professor of Law.

CROWE & DUNLEVY,
Oklahoma City, OK, July 21, 2006.

Re confirmation of Jerome Holmes.

DEAR SENATOR INHOFE: I wish to voice my support for the confirmation of Jerome Holmes to serve as a Judge of the United States Court of Appeals for the Tenth Circuit.

I have known Jerome Holmes for several years, first when he was an Assistant U.S. Attorney, and most recently when he associated with my firm, Crowe & Dunlevy of Oklahoma City. I know him to be very intelligent, very diligent and to possess a high degree of competence on the functioning of the federal judicial system. His background in the law will serve him well in this position. He is dedicated to serving the justice system and the legal profession.

Although I am a registered Democrat, I believe Jerome Holmes is entitled to non-partisan support because he will be an outstanding jurist who will follow the law, not personal views or beliefs.

I hope the Senate will confirm Jerome Holmes for this very important judicial post.

Sincerely,

WILLIAM G. PAUL,
Past-President, American Bar Association.

Senator JAMES INHOFE
U.S. Senate,
Washington, DC.

Re Nomination of Jerome Holmes.

DEAR JIM: I write in support of the nomination of Jerome Holmes to become a Judge of the United States Court of Appeals for the Tenth Circuit.

Jerome is a very bright, capable, and conscientious person. I have known him for many years, and I know that he became a very able prosecutor in the years he served as an Assistant United States Attorney for the United States Western District of Oklahoma. In that position, he demonstrated common sense and fairness in applying the law.

When Robert Macy retired as the District Attorney for Oklahoma County, I served, at the appointment of then Governor Frank Keating, on the committee to select a successor. Jerome Holmes was one of the finalists, and I was assigned the task of doing a workup on his skills, abilities, and suitability for the job. In that capacity, I interviewed several federal judges and several agents of the F.B.I. who had observed and worked with Jerome in his years in the U.S. Attorney's Office. All were high in their praise for Jerome, his dedication, and work ethic.

He has been most helpful in establishing minority scholarships here at the College of Law.

He is a delightful person, and I commend him to you for this judgeship enthusiastically and without reservation.

ANDREW M. COATS,
Dean and Professor, College of Law.

COUNTY OF SAN DIEGO,
DEPARTMENT OF THE PUBLIC DEFENDER,
San Diego, CA, June 15, 2006.

Re Jerome A. Holmes

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am honored to support the nomination of Jerome A. Holmes to the Tenth Circuit Court of Appeals. I am a deputy public defender, Chair of the ABA Commission on Homelessness and Poverty and co-founder of the Homeless Court Program.

Jerome is a member of the ABA Commission on Homelessness and Poverty. Jerome's contributions to the Commission's discussions on homeless and poverty issues are always well reasoned and articulate. He is inquisitive and insightful. Commission members rely on his input and value his contributions. I know Jerome to be thoughtful and deliberative in his approach to a myriad of issues that come before the Commission. He is respectful of diverging viewpoints that

come with review of a wide range of issues such as housing, education and people involved with the criminal justice system, to name but a few.

I am confident Jerome will uphold the highest level of judicial decorum and professional integrity as a member of the Tenth Circuit Court of Appeals. I recommend Jerome A. Holmes for appointment to this important judicial position.

If you have any questions, please call me at (619) 338–4708.

Sincerely,

STEVEN BINDER,
Deputy Pubic Defender.

CITY RESCUE MISSION,
Oklahoma City, OK, June 21, 2006.

Re Nomination of Jerome A. Holmes, Esq. to the United States Court of Appeals for the Tenth Circuit.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing in support of the nomination of Jerome A. Holmes, Esq., to the United States Court of Appeals for the Tenth Circuit. I have known Jerome since 2001 when Jerome and I were selected for the class of Oklahoma City Leadership. In 2003, Jerome was asked to serve as a director on the board of City Rescue Mission, a local homeless shelter and rehabilitation center located in Oklahoma City.

Jerome is a recognized leader in many levels of community service. Locally, he currently serves as Chairman of the Board for City Rescue Mission. His leadership has greatly contributed to City Rescue Mission's national recognition as a model rescue mission for the homeless and poor. Nationally, he currently serves as a Commissioner on the American Bar Association's Commission on Homelessness and Poverty where his work has received national recognition. I can personally attest to Jerome's leadership ability seasoned with character and integrity.

Jerome is passionately dedicated to his profession as well as his volunteer leadership roles. He has gained the respected of his colleagues in the legal profession as well as those in the human services realm. I have witnessed Jerome in a variety of leadership situations and have always been greatly impressed with his demeanor, temperament, and thoroughness. Jerome is the first person I call when I need a fair unbiased carefully considered point of view—he leaves no stone unturned. I highly recommend Jerome Holmes for confirmation to the United States Court of Appeals for the Tenth Circuit—he will serve our country well.

Respectfully,

REV. GLENN GRANFIELD,
President/CEO.

OKLAHOMA CITY, OK
July 24, 2006.

Hon. JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: This letter is written to support the nomination of Jerome Holmes to the 10th Circuit Court of Appeals. I am an African American attorney and active member of the community as well as an adjunct teacher at Douglass High School and I hope that Jerome is confirmed by the U.S. Senate. I have known Jerome for almost 15 years and I am very proud to call him a friend. It was that friendship I relied upon when I asked that he serve as a volunteer coach for the Frederick Douglass High School Mock Trial team which has a predominantly African American student population.

Jerome was very instrumental in helping the Frederick Douglass team in the first year of competition advance in the competition. It was a result of his personal and professional dedication to the students that he was successful in helping inspire these young African American students both male and female to excel in this academic competition. I know Jerome stated that he was greatly enriched by the young men and women that competed on his team.

I strongly believe that Jerome Holmes has the integrity, personal track record and character to represent the 10th Circuit in a successful manner. Jerome Holmes is a good person who has always reflected his strong belief in the American dream. I personally witnessed as he was able to effectively, passionately and successfully share with the Douglass students that the dreams they hold can be realized in the same manner. I am confident that Jerome Holmes if given the opportunity to serve will uphold the Constitution first and foremost and serve in such a manner that I along with the mock trial students at Douglass will celebrate this achievement.

If I can provide additional information please don't hesitate to contact me.

L. DON SMITHERMAN, ESQ.,
Attorney at Law.6

RURAL PLANNING ORGANIZATIONS OF AMERICA

Mr. BOND. Mr. President, this past June, the National Association of Development Organizations, NADO, formed the Rural Planning Organizations of America, RPO America, a national voluntary organization, which was designed to strengthen our Nation's rural transportation planning, development, and infrastructure system.

Under the leadership of NADO, RPO America will support rural transportation planners and practitioners by providing professional development, peer networking, research and educational initiatives in order to promote and showcase the benefits and value of transportation planning and infrastructure development throughout our Nation's rural communities.

Investing in our rural roadways and bridges is more than just investing in concrete and steel; it is also an investment in our future. For this reason, it is essential that our Nation's rural transportation professionals be provided with the necessary tools and support to promote and showcase the value, benefits, and accomplishments of rural transportation planning and development.

Efficient transportation infrastructure plays a critical role in a successful and thriving community. Furthermore, a reliable transportation system within our Nation's rural community is not only critical to our rural communities but also to our Nation's economy.

Mr. President, I ask my colleagues to join me in recognizing this newly formed organization that will support the role of rural transportation planners and the efforts to improve rural community access throughout the country.

SMALL BUSINESS PENSION AND RETIREMENT SAVINGS

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this Chamber to help small businesses, as they are the driver of this Nation's economy, responsible for generating approximately 75 percent of net new jobs annually.

On Monday I introduced legislation that would help to address the retirement needs of millions of small business employees. My bill will make it easier for small employers to offer pension and 401(k) benefits to their employees, who typically have lower retirement savings rates. My bill makes it easier for small businesses to offer a ''DB/K plan'' which is a combination of a defined benefit plan and a section 401(k) plan that is included in a single plan document. Currently, due to defined benefit plans' complex rules and high establishment costs, many small businesses are unable to set up these types of pension plans for their employees. Instead, many small businesses choose to offer less complex 401(k) plans that do not require employer contributions and offer their employees less guaranteed retirement benefits.

Many small employers would like to offer defined benefit pension plans but are currently hampered by top-heavy rules designed to prevent large companies from exclusively offering pensions to key employees. These well-meaning regulations prevent most small companies, with a few key employees, from providing pension benefits. Legislation that establishes DB/K plans would provide small businesses with reasonable exemptions from these top-heavy rules. This increased flexibility will enable employers to offer employees pension benefits as well as the capability to save incrementally in 401(k) type accounts.

Another advantage of DB/K plans is that they offer employees increased flexibility. Employees with DB/K plans would be allowed to take their DB/K assets with them when they switch employers. This portability would make DB/Ks attractive to many younger employees, who tend to change jobs often. Portability is a DB/K innovation not offered by traditional defined benefit plans which have vesting periods and stop accumulating value when the employee leaves a company. For older workers, the main attraction would be the defined benefit feature, which provides that at least part of their retirement savings would provide a monthly pension check at retirement.

According to the Employee Benefit Research Institute, only 16 percent of employees at companies with 10 workers or fewer and 32 percent of employees at companies with 100 employees or fewer participate in their company-sponsored retirement savings plans. Comparatively, almost 60 percent of employees at companies with more

than 1,000 workers save for retirement through a company sponsored plan. Small business workers' low participation rates in retirement savings plan are troubling as small businesses employ half of all private sector employees. Many policymakers who are closely watching the aging of the American population worry that small business owners' and their employees' low savings rates will leave this group inadequately prepared to pay for their retirements. The creation of DB/K plans is one option for helping small business owners and their employees increase their overall retirement savings.

Under this legislation each part of the DB/K plan would be subject to the present-law rules for defined benefit plans or 401(k) plans, but the rules would be simplified. Like 401(k) plans, the proposed DB/Ks would allow employees to make pretax contributions to their accounts, could include employer matching funds and permit employees to invest their 401(k) portion in mutual funds etc. The assets of both components of the DB/K plan could be held in a trust covered by a single trust instrument. However, the assets of the defined benefit component of the plan and the assets of the 401(k) component of the plan must be clearly identified and allocated to the appropriate part of the trust.

''DISCOVERY'' SPACE SHUTTLE LANDING

Mr. AKAKA. Mr. President, I rise in celebration of the National Aeronautics and Space Administration's successful return to Earth of Space Shuttle *Discovery* and to welcome the crew of flight STS–121 home.

Over the last few decades, NASA has experienced tragic lessons in the dangers of space exploration. That is why it was heartwarming to see Commander Steven Lindsey, Pilot Mark Kelly, and Mission Specialists Michael Fossum, Lisa Nowak, Stephanie Wilson, and Piers Sellers, safely return home after spending 13 days in orbit.

After two weather-related delays, the *Discovery* launched on July 4, 2006, Independence Day. During the STS–121 mission, the crew made critical tests of shuttle safety improvements. In addition, the crew transported European Space Agency astronaut, Thomas Reiter, to the International Space Station where they delivered additional supplies and equipment. During their time on the International Space Station, the STS–121 crew worked in conjunction with the Expedition 13 crew on joint operations. The crew also performed maintenance on the International Space Station's mobile transporter and tested orbiter heat shield repair techniques during their three space walks. The flight marked the 115th space shuttle flight and was the second flight since the 2003 *Columbia* tragedy.

This successful mission is a testament to NASA and our valiant astronauts that continue to strive for excellence. Through current exploration, the lives of those lost in both the *Columbia* and *Challenger* accidents, including Astronaut Ellison Onizuka, who was born and raised in my home State of Hawaii, live on. I am proud of the advances we have made in space exploration and am grateful for all those who have made the dream of space exploration possible. Again, I extend my warm welcome to the *Discovery* crew and congratulate them on completing their mission.

REMEMBERING YVONNE GOODMAN

Mr. GRASSLEY. Mr. President, I rise to pay tribute to Yvonne R. Goodman. Funeral services were held for her this morning. Yvonne served on my Washington, DC, staff in the Senate and in the House of Representatives for a total of 28 years, and she worked for my predecessor in the House of Representatives, Congressman H.R. Gross, for 25 years. She began helping me the first day I arrived on Capitol Hill and continued until she retired in 2002. In total, Yvonne served the people of Iowa for a remarkable 53 years. There is no doubt that Iowans benefited from her loyalty to their representatives in the Congress and her standard of excellence in her work. I was very fortunate to have her on my staff. Yvonne was from Osage, IA. She was a special person and a valuable and trusted employee. She made a great contribution with her selfless and dedicated public service. Her husband Jim is also a friend. He, too, worked in government and shared Yvonne's commitment to the people's business. Yvonne and Jim were an integral part of my office family for 28 years. They touched the lives of so many fellow staffers with their caring ways. They were gardeners who loved to share their beautiful flowers and plants. My wife Barbara joins me today in extending our sympathy to Jim and saluting the life and many good deeds of his beloved Yvonne.

ADDITIONAL STATEMENTS

CRATER LAKE NATIONAL PARK

• Mr. SMITH. Mr. President, on behalf of all Oregonians, I wish to recognize the recent accomplishments of Oregon's first national park at Crater Lake.

President Theodore Roosevelt had never set his eyes on the deep blue waters of Crater Lake when he signed the law in 1902 making Crater Lake the fifth oldest national park in the United States. He was, however, well aware of the 17-year battle fought to make its protection a reality. The father of Crater Lake, William Gladstone Steel, devoted his life to seeing Crater Lake protected and walked these halls of Congress to make sure that the majesty of this Oregon jewel was forever enshrined. Hard work and perseverance have been at the core of the entire storied history of Crater Lake National Park.

On August 25, 2006, the Crater Lake National Park will open the doors to its new Science and Learning Center. Just as William Gladstone Steel spent his early years participating in scientific experiments at Crater Lake, the Science and Learning Center will provide the public with an entry into one of nature's most spectacular laboratories. Scientists, teachers, students, artists and the general public alike will benefit from this new facility at the park, which will be one of a very few National Park Service Learning Centers in the Nation.

The opening of the Crater Lake Science and Learning Center is the culmination of many years of perseverance and hard work from the dedicated staff and partners of Crater Lake National Park. Specifically, I want to recognize the dedication and ingenuity of Crater Lake National Park Superintendent, Charles ''Chuck'' Lundy. Chuck has gone above and beyond the call of duty and Oregon is lucky to have him at the helm of the Crater Lake ''Phantom Ship.'' During Chuck's 8-year tenure at the Park, he has worked in the spirit of William Gladstone Steel using his innovative mind to mold the future of America's deepest and most pristine lake. The Crater Lake Centennial license plate campaign, under Chuck's direction, has given each and every Oregonian the ability to express just how special Crater Lake is to them and to our State. As of July of 2006, 138,000 license plates have been purchased by Oregonians, with the proceeds going directly to the new Science and Learning Center.

Mr. President, I am extremely proud of the successes being exhibited by the outstanding team of National Park Service employees at Crater Lake National Park. I congratulate them on the opening of the Science and Learning Center and wish them all the best as they continue to preserve and protect the national park Oregonians love so much.•

PASSING OF MAX METZGER

• Mr. COLEMAN. Mr. President, I wish today to recognize the passing of my friend Max Metzger this past Saturday morning. As we grieve the loss for his family, the citizens of St. Paul are grateful for the music he brought to them. As the former mayor of St. Paul, I had the opportunity to become acquainted with Max and was touched by the love of music he brought to our community.

To say Max was an icon in the St. Paul Music scene would be an understatement. For 56 summers he brought music to thousands of Minnesotans, conducting pops concerts at the Como Lakeside Pavilion. He was a gifted musician, director, and entertainer. He was a kind and gentle man with a great sense of humor, a love for his city, and passionately devoted to his wife Nell.

Max Metzger was born in Germany in 1922, and his family emigrated to the United States in 1931. His mother was Mady Metzger-Zeigler, an internationally renowned mezzo-soprano who founded the St. Paul Opera Workshop. Max was involved in the Workshop for several decades, before taking it over upon his mother's death in 1979.

Yet while Max clearly loved music and had a high aptitude for producing and performing, he had not inherited his mother's beautiful voice. In fact, his mother made Max promise never to sing or she would disown him.

So Max found other outlets for his musicality. He started to play the bassoon at a young age. He played with the St. Paul Civic Opera Workshop, directed the Civic Opera orchestra, and played with a symphony orchestra in Duluth.

Max Metzger personified the thriving arts culture in St. Paul for decades, touching innumerable lives. In fact, in appreciation of his amazing deeds and accomplishments, the City of St. Paul dedicated a street in his name in beautiful Como Park. The Nobel Prize winning poet T.S. Eliot once said that ''you are the music while the music lasts.''

Mr. President, the music will last in the hearts and minds of countless Minnesotans, thanks to Mr. Max Metzger.●

FREDERICK P. GRIFFITH, JR. WATER TREATMENT FACILITY

● Mr. WARNER. Mr. President, today I rise to congratulate the dedicated leadership and employees of Fairfax Water. Their vision and hard work has paved the way for the opening of the Frederick P. Griffith, Jr. Water Treatment Facility on July 15, 2006. The Griffith plant is truly state of the art and we are proud that the Commonwealth has such an entity leading the way and setting such high standards for the rest of the country. Leaders at Fairfax Water truly recognize the importance of protecting our natural resources and preserving the facets of the surrounding area.

I think it is most important to recognize that this new facility embodies our Nation's commitment to homeland security. The Griffith plant is equipped with numerous security measures which go a long way to ensure that Fairfax Water's nearly 1.5 million customers are well protected from potential threats be they natural or manmade. This is comforting to know especially when one considers the large number of critical government facilities which are served by Fairfax Water. These facilities include Fort Belvoir U.S. Army Reservation, Fort Belvoir Proving Grounds, facilities of the Central Intelligence Agency, U.S. Fish and Wildlife Service Laboratories, U.S. Navy Family Housing, U.S. Coast Guard Information Systems Center, facilities of the General Services Administration, facilities of the U.S. Department of State; and office space and warehouses for the U.S. Securities and Exchange Commission. As the senior Senator from the Commonwealth of Virginia, I am proud that these important installations are in my State. They provide many crucial services to all Americans, and have responsibilities beyond the Commonwealth. I am proud that Fairfax Water serves its local and national constituencies so well.

Mr. President, I am sure that my colleagues will join me in offering congratulations and continued success to my friends at Fairfax Water.●

RECOGNIZING ROOSEVELT ELEMENTARY SCHOOL, MANKATO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Roosevelt Elementary School, in Mankato, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Roosevelt Elementary School is truly a model of educational success, in keeping with its mission: ''To Educate the Whole Child . . . For Life.''

In 2005, the Minnesota Department of Education recognized Roosevelt Elementary as a five-star school in both reading and math, an achievement reached by less than 7 percent of all Minnesota schools. Another source of school pride is the significant progress made in these subjects over the past 7 years.

In 1998, the math and reading scores of Roosevelt's third graders were well below the threshold necessary for the ''adequate yearly progress'' under the existing State standards. The average math score in 1998 was 1401, and the average reading score was 1361; an average of 1420 was necessary for the State's ''adequate yearly progress'' designation. Thanks to a concerted ''team effort,'' to improve achievement, test scores have risen dramatically. In 2005, the average reading score was 1594, an increase of 193 points over the 1998 average; the average math score was 1650, an increase of 289 points.

The Roosevelt fifth graders showed similar gains. Their lowest average scores of 1408 in reading and 1395 in math occurred in 1999. In 2005, the average reading score was 1719, an increase of 311 points; the average math score increased to 1641, an increase of 246 points.

Roosevelt attributes its success to the strong team effort, involving teachers, administrators, and parents working closely together to set goals and objectives for the children.

Another component of the success of all of Mankato's schools is the tremendous support from the community. Last fall, Mankato-area voters approved two referenda: to provide $6 million to update many existing buildings throughout the district and to provide $3.5 million over 7 years to update the schools' technology. In 2002, voters approved a $2.5 million per year operating referendum.

Much of the credit for Roosevelt Elementary School's success belongs to its principal, Rick Lund, and the dedicated teachers. The students and staff at Roosevelt Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Roosevelt Elementary School should be very proud of their accomplishments.

I congratulate Roosevelt Elementary School in Mankato for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

RECOGNIZING KENNEDY ELEMENTARY SCHOOL, MANKATO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Kennedy Elementary School, in Mankato, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Kennedy Elementary School is truly a model of educational success. It achieves the goal embodied in its mission statement: ''Learning and Succeeding Together for Tomorrow's World.''

Kennedy Elementary is implementing Reading First, a 3-year program which provides intensive professional development for all teachers, kindergarten through third grade. One teacher from both the fourth and fifth grades also takes part, to ensure continuity of reading instruction beyond the third grade.

Since 2002, Kennedy teachers have, on their own time, attended study groups that meet for 2 hours each week. They follow a protocol to explore scientifically based reading research, which they apply in their teaching. The teachers regularly review test data to tailor their reading instruction to each child. Teams of teachers, including the classroom teachers, the title I reading teacher, and the English language learner teachers, collaborate to create successful intervention plans for any pupil performing below grade-level benchmarks in reading. During the study groups, teachers also review and critique video clips of each other's teaching. Through this process of reflection, teachers evaluate themselves to improve their instructional techniques and teaching practices.

The North Central Association for Accreditation and School Improvement recently conducted a peer review of Kennedy Elementary School's reading instruction. The school earned a perfect score.

The study and research of the Kennedy Elementary Leadership Team identified early educational interventions and programs to increase

achievement. This research resulted in specific changes intended to improve the achievement of all children, including a full-day kindergarten program, hiring an additional English language learner teacher, and adding three reading intervention teachers. In addition, more teachers were hired to reduce class sizes in grades K–3.

Another component of the success of all of Mankato's schools is the tremendous support from the community. Last fall, Mankato-area voters approved two referenda: to provide $6 million to update many existing buildings throughout the district and to provide $3.5 million over 7 years to update the schools' technology. In 2002, voters approved a $2.5 million per year operating referendum.

Much of the credit for Kennedy Elementary School's success belongs to its principal, Greg Stoffel, and the dedicated teachers. The students and staff at Kennedy Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Kennedy Elementary School should be very proud of their accomplishments.

I congratulate Kennedy Elementary School in Mankato for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

RECOGNIZING WASHINGTON ELEMENTARY SCHOOL, MANKATO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Washington Elementary School, in Mankato, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Washington Elementary School is truly a model of educational success. The school is one of 9 elementary schools in Mankato and serves 380 pupils, including a large number of children of diverse backgrounds, and many who settled in Mankato upon arriving from other countries. Thirteen percent of Washington children are English language learners, and 40 percent qualify for free or reduced-price lunches.

The large percentages of English language learners and children from low-income families present a significant challenge to the school; and although Washington Elementary has never failed to make adequate yearly progress relative to the requirements of No Child Left Behind, that success has required a constant focus on academic achievement.

The staff at Washington Elementary consistently strive to make classroom learning more meaningful by finding connections with all other aspects of the children's daily lives. Teachers also demonstrate their belief that the children can and will succeed; they then take time to celebrate their pupils' successes.

At a monthly celebration assembly, a feature of the continuing focus on acknowledging successes, children are publicly recognized for curricular and noncurricular attainments, which can involve such areas as most improved, citizenship, and academic achievement. At each assembly, every teacher recognizes three pupils, who receive student-of-the-month ribbons. Their names are also posted in the school's front lobby. It is a goal that, by the end of the year, every child will have been recognized for some accomplishment. This recognition builds self-esteem, promotes a sense of individual responsibility, and effectively motivates pupils to work hard academically.

Another component of the success of all of Mankato's schools is the tremendous support from the community. Last fall, Mankato-area voters approved two referenda: to provide $6 million to update many existing buildings throughout the district, and to provide $3.5 million over 7 years to update the schools' technology. In 2002, voters approved a $2.5 million per year operating referendum.

Much of the credit for Washington Elementary School's success belongs to its principal, Judi Brandon, and the dedicated teachers. The students and staff at Washington Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Washington Elementary School should be very proud of their accomplishments.

I congratulate Washington Elementary School in Mankato for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

RECOGNIZING THE BREN ROAD EDUCATION CENTER, MINNETONKA, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor the Bren Road Education Center, in Minnetonka, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Bren Road Education Center is truly a model of educational success. The center serves high school students, who often present the greatest challenges for educators. Those enrolled at Bren Road have been referred by their school districts and come with behavioral problems, unsuccessful social interactions, and, in some cases, neurobiological disorders and developmental delays. Nearly all students have significant special education needs in the areas of emotional and behavior functioning. Many have substance abuse and/or mental health illnesses or a history of involvement with the juvenile courts. All the teachers and staff at the Bren Road Education Center approach these tremendous challenges with the assumption that their students will succeed.

The Bren Road Education Center opened its doors in September, 2005, with a true sense of excitement and promise. One observer said, ''There was a sense of relief that the students at the Bren Road Education Center would now have a new chance, an opportunity for success, and a bright future!''

The staff at Bren Road consider each student to be unique, and they work tirelessly to build relationships with the students by engaging them respectfully. The philosophy at Bren Road is that these young people have often struggled unsuccessfully in traditional, large high schools, because their particular needs had gone unrecognized. Given the right environment, appropriate support, positive relationships with adults, and opportunities to give and receive respect, they can do well in an academic setting.

Bren Road's individualized instruction in reading, writing, and math prepares students to pass State-level proficiency tests. Experimental learning labs including science, art, and independent living labs afford students hands-on learning and vocational experiences. One student was repeatedly suspended from his regular high school, because he could not control his anger. At Bren Road, however, he has developed his interest in woodworking and takes pride in making Adirondack furniture.

Much of the credit for the Bren Road Education Center's success belongs to its supervisor, Jan Joslin, and the dedicated teachers and staff. The students and staff at the Bren Road Education Center understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at the Bren Road Education Center should be very proud of their accomplishments.

I congratulate the Bren Road Education Center in Minnetonka for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

RECOGNIZING THE EDEN PRAIRIE SCHOOL DISTRICT, EDEN PRAIRIE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor the Eden Prairie School District, in Eden Prairie, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Eden Prairie School District is truly a model of educational success.

The district takes a systemwide approach to ending a subtle form of racism that can plague schools and other institutions.

Some schools use an approach to teaching that has a bias—an approach that benefits white students and puts black students at a disadvantage. Eden Prairie Schools Superintendent Dr. Melissa Krull, believes the district has made progress toward a solution.

The 2005 Minnesota Comprehensive Assessments, MCA, results for Eden Prairie were impressive: All schools showed dramatic improvements. However, the district found that its Black students were not realizing the same level of success as other students.

Eden Prairie found that even excluding factors such as poverty, learning disabilities, and English as a second language, the district's Black students were still not doing as well as White students, who earned approximately 22 to 25 percentage points more than Black students on the MCAs.

Eden Prairie Schools have made a great commitment of time and resources to eliminating the achievement gap. Eden Prairie administrators base their response on research and data, breaking down test results by racial groups, then determining which schools, classrooms, and students need that extra attention.

The district created a program, at one elementary school, called ''The Mom's Club,'' inviting single mothers to visit and talk with staff and other single mothers while their sons interact with male high school students to establish friendships. Through the district's Somali Liaison Program, a Somali staff member visits new Somali families to answer questions about the schools and show families how to get involved. As part of a Homework Zone Initiative, staff members go to apartment complexes with diverse families and offer free, afterschool tutoring.

Much of the credit for the Eden Prairie School District's success belongs to its superintendent, Dr. Melissa Krull, the dedicated principals, teachers, and other staff. The students and staff within the district understand that, in order to be successful, a district must go beyond achieving academic success; it must also provide a nurturing environment where all students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at the Eden Prairie School District should be very proud of their accomplishments.

I congratulate Eden Prairie School District in Eden Prairie for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

RECOGNIZING THE ARTS HIGH SCHOOL—PERPICH CENTER FOR ARTS EDUCATION—GOLDEN VALLEY, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor the Arts High School at the Perpich Center for Arts Education, in Golden Valley, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Arts High School is truly a model of educational success. The school is a residential, tuition-free, public high school delivering a comprehensive education for eleventh- and twelfth-grade students motivated to focus their studies on the arts. Enrollment is limited to 310 students, affording a relatively small learning environment while allowing students from every part of Minnesota to take advantage of the wonderful arts resources in the Twin Cities. Dedicated and caring staff members furnish 24-hour supervision and coordinate many special activities for dormitory residents. Its 16-year history has demonstrated that the Arts High School is a highly effective means of promoting student achievement and artistic attainment.

In their morning classes, Arts High students study math, science, world languages, English, and social studies. In the afternoon, they delve deeply into their arts area studies; students can concentrate on dance, literary arts, media arts, music, theater, or visual arts. Over the past 5 years, the Arts High has had 9 National Merit Scholarship Finalists, 6 Semifinalists, and 18 Commended Students.

Testimonials from the Arts High School's graduates convey their appreciation of the school's merits. Ashley Wilkinson, class of 2004, says, ''My experiences at the Arts High School have given me the confidence to approach any situation and succeed. The extra confidence has made me stronger and prepared me for the world.'' Brian McManamon, class of 1993, who is an MFA candidate at the Yale School of Drama, says, ''As a student, I found myself continually interested in challenging myself and experiencing not just acting, but taking a risk once in a while and doing something I was not familiar with. I wouldn't be where I am today, if I hadn't gone to the Arts High School.''

Much of the credit for the Arts High School's success belongs to its Director, Rie Gilsdorf, and the dedicated teachers. The students and staff at the Arts High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at the Arts High School should be very proud of their accomplishments.

I congratulate the Arts High School in Golden Valley for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

RECOGNIZING MANKATO EAST JUNIOR HIGH SCHOOL, MANKATO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Mankato East Junior High School, in Mankato, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Mankato East Junior High School is truly a model of educational success. The school has formed a partnership with the Greater Mankato Diversity Council to augment the community's commitment to creating an environment of inclusiveness. Mankato East Junior High offers the council's prejudice reduction workshops to the seventh and eighth grades. The curriculum's core value is respect.

The seventh grade curriculum at Mankato East Junior High focuses on ''Global Awareness/World Mindedness: If the World Were a Village.'' This workshop identifies inequities in the distribution of resources among the world's people, and it encourages dialogue about how students can contribute to finding a solution to the problem.

The eighth grade workshop, ''Vive la Difference,'' gives students an opportunity to participate in an activity to learn about the feelings and behaviors accompanying inclusion and exclusion.

Mankato East Junior High School also supports P.E.A.C.E. People Experiencing and Accepting Cultures Everywhere. Approximately 50 of the school's 465 seventh and eighth graders participate in the PEACE project, helping them find new ways to increase cultural awareness, promote acceptance among all students, speak out against violence and racism, teach tolerance, lead by positive example, serve the community through special projects, improve self-esteem, and support others.

As part of its efforts to increase awareness and appreciation of other cultures, Mankato East Junior High invites the Mixed Blood Theater to perform for the entire student body. This year's presentation, the ''Black Eagle,'' tells the story of Dr. Ronald McNair, the African-American scientist who was aboard the Space Shuttle Challenger in 1986.

Another component of the success of all of Mankato's schools is the tremendous support from the community. Last fall, Mankato-area voters approved two referenda: to provide $6 million to update many existing buildings throughout the district and to provide $3.5 million over 7 years to update the schools' technology. In 2002, voters approved a $2.5 million per year operating referendum.

Much of the credit for Mankato East Junior High School's success belongs to its principal, Rich Dahman, and the dedicated teachers. The students and staff at Mankato East Junior High School understand that, in order to be successful, a school must go beyond

achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Mankato East Junior High School should be very proud of their accomplishments.

I congratulate Mankato East Junior High School in Mankato for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:43 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 310. An act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

H.R. 2977. An act 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. An act 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. An act 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. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massupequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

H.R. 4101. An act 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''.

H.R. 4108. An act 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. An act 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. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building''.

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office''.

H.R. 4786. An act 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. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Roland Bucca Post Office''.

H.R. 5245. An act to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILL SIGNED

At 12:30 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4472. An act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 9. An act to amend the Voting Rights Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 4804. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

H.R. 5013. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

H.R. 5024. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

H.R. 5068. An act to reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, and for other purposes.

H.R. 5074. An act to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

H.R. 5121. An act to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes.

H.R. 5187. An act to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

H.R. 5852. An act to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes.

The message also announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 3525. An act to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

The message further announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 145. Concurrent resolution expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling.

H. Con. Res. 235. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

H. Con. Res. 384. Concurrent resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans.

H. Con. Res. 449. Concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

At 5:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 456. Concurrent resolution providing for a correction to the enrollment of the bill, S. 203.

At 6:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 5865) to amend section 113 of the Social Security Act to temporarily assist United States citizens returned from foreign countries, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4804. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5024. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5068. An act to reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, and for

other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5074. An act to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5121. An act to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5852. An act to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 145. Concurrent resolution expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 235. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 384. Concurrent resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans; to the Committee on the Judiciary.

H. Con. Res. 449. Concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 26, 2006, she had presented to the President of the United States the following enrolled bill:

S. 310. An act to direct the Secretary of the Interior to convey the Newlans Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–412. A Senate Joint Memorial adopted by the Colorado General Assembly relative to recognition of NASA's space exploration vision; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT MEMORIAL NO. 06–002

Whereas, since its inception in 1958, the National Aeronautics and Space Administration (NASA) has accomplished many great scientific and technological feats, in addition to advancing humankind's knowledge of the earth and the universe; and

Whereas, Colorado, a leader in the aerospace industry, is home to more than 300 aerospace companies, has over 157,000 direct and indirect employees supported by the aerospace industry, and ranks third in the nation in private aerospace absolute employment; and

Whereas, Colorado is home to Air Force Space Command with facilities at Peterson, Schriever, and Buckley Air Force bases as well as the operational home to the Air Force Satellite Control Network and the Global Positioning System (GPS), for accurate navigation, position determination, and timing; and

Whereas, Colorado is also home to Northern Command, and the Army Space Battle Lab, each providing the Department of Defense with leading space technologies and homeland security, aiding in the protection of America from terrorists; and

Whereas, Colorado is home to world-class aerospace companies such as Lockheed Martin Space Systems, Ball Aerospace, Northrop Grumman, Boeing, Raytheon, and hundreds of small and mid-sized companies; and

Whereas, Colorado is home to world-class institutions of higher learning that continue to keep Colorado premier among the states with the most high-tech workers per capita and many astronauts, including the first Native American astronaut, and are the recipients of millions of dollars of federal government space research science and engineering grants and contracts; and

Whereas, Colorado is home to the Space Foundation, where the Aerospace Industry meets and focuses on 21st century education and the economic growth and strength of a broad range of space enterprises; and

Whereas, the desire to explore is part of America's character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and a legacy for future generations; and

Whereas, a Space Exploration Vision has been articulated to affirm the United States' commitment to human space exploration and to give NASA a new focus and clear objectives, including long-term human and robotic programs to explore the solar system and a return to the moon that will ultimately enable future exploration of Mars and other destinations; and

Whereas, the Space Exploration Vision began with NASA returning the space shuttle to safe flight, with the chief purpose of completing assembly on the International Space Station, in addition to developing a new crew exploration vehicle to explore beyond earth's orbit to other worlds; and

Whereas, the Space Exploration Vision has the potential to drive innovation, development, and advancement in the aerospace and other high-technology industries across the nation and in the state of Colorado; Now, therefore, be it

Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein, That the General Assembly of the State of Colorado hereby strongly encourages all members of the United States Congress to support the National Aeronautics and Space Administration's Space Exploration Vision to enable the United States and the State of Colorado to remain leaders in the exploration and development of space; and be it further

Resolved, That copies of this Joint Memorial be sent to George W. Bush, President of the United States; Dick Cheney, Vice President of the United States; the members of Colorado's Congressional delegation; and the National Aeronautics and Space Administration Administrator.

POM–413. A resolution adopted by the Senate of the Legislature of the State of Texas relative to enacting a free trade agreement between the United States and Taiwan; to the Committee on Finance.

SENATE RESOLUTION NO. 720

Whereas, Taiwan is Texas' fifth-largest foreign market, and the agriculture and manufacturing sectors of the Texas economy, most notably the computer and electronic products, chemicals, and machinery industries, would benefit significantly if the United States enacted a free trade agreement with Taiwan; and

Whereas, a free trade agreement between the United States and Taiwan would substantially reduce or eliminate most import quotas, duties, and other trade barriers and expand market opportunities for manufactured goods and agricultural products from Texas and the entire United States; and

Whereas, the United States has completed or is in the process of negotiating free trade agreements with several countries and regions; reasons for pursuing a free trade agreement with Taiwan include its status as the United States' eighth-largest trading partner, its robust economy, and its long-standing educational and cultural ties with the United States; and

Whereas, Taiwan was admitted to the World Trade Organization on January 1, 2001; a free trade agreement between the United States and Taiwan would extend the coverage of World Trade Organization agreements to products, sectors, and conditions of trade that are now not adequately covered, and it would provide a platform to address issues such as Taiwan's 15.2 percent average tariff rate on agricultural imports from the United States; and

Whereas, Public Law 107–210, the Trade Act of 2002, gives the president the authority to enter into trade agreements with foreign countries whenever the president determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States; and

Whereas, President George W. Bush, speaking before the historic signing of the United States-Australia Free Trade Agreement in 2004, emphasized that he supports free and open trade because ''it has the power to create new wealth for whole nations and new opportunities for millions of people'' and ''has a record of creating jobs, raising living standards, and lowering consumer prices''; Now, therefore, be it

Resolved, That the Senate of the State of Texas, 79th Legislature, Hereby respectfully encourage the president of the United States to extend the benefits of free trade by enacting a free trade agreement between the United States and Taiwan; and be it further

Resolved, That the secretary of the senate forward official copies of this Resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress.

POM–414. A Senate Joint Resolution adopted by the Colorado General Assembly relative to the condemnation of the Chinese government's persecution of practitioners of Falun Gong; to the Committee on Foreign Relations

SENATE JOINT RESOLUTION NO. 06–027

Whereas, Falun Gong is a peaceful spiritual movement that originated in the People's Republic of China and has grown rapidly worldwide, including thousands of practitioners in the United States; and

Whereas, Falun Gong encourages its practitioners to cultivate ''truthfulness, compassion, and forbearance''; and

Whereas, the Constitution of the People's Republic of China provides to its citizens freedom of speech, assembly, association, and religious belief; and

Whereas, Falun Gong practitioners, as well as members of pro-democracy groups and advocates of human rights reform, have become targets of severe government persecution in China in violation of China's own laws; and

Whereas, the 2005 United States Department of State's annual report on International Religious Freedom cited the Chinese government's persecution of Falun Gong practitioners in China; and

Whereas, a 2005 press release from the United Nations Special Rapporteur on Torture, Manfred Nowak, referred to continuing ill-treatment and torture of Chinese ethnic minorities, political dissidents, and religious groups, including practitioners of Falun Gong; and

Whereas, Falun Gong practitioners report first-hand of the Chinese government's terror campaign, which survivors say includes persecution, arrests, imprisonment, torture, and murder; and

Whereas, recent reports from Chinese journalists describe a hospital in Sujiatun, a suburb of Shenyeng in northeast China, that serves as a concentration camp for 6,000 Falun Gong practitioners and in which the medical staff performs experiments on detainees, including harvesting organs to be sold; and

Whereas, in addition to persecution in China, Falun Gong followers in the United States report that they have been victims of spying, harassment, intimidation, and violence by agents of the Chinese government; and

Whereas, the United States Constitution guarantees to its citizens freedom of religion, association, and speech, which allows Americans to live without fear and in accordance with their personal beliefs; now, therefore, be it

Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein, (1) That we, the members of the Sixty-fifth General Assembly, strongly urge the government of the People's Republic of China to: (a) End immediately the harassment, detention, physical abuse, and imprisonment of its own citizens who exercise their legitimate rights to freedom of religion, speech, and association; and (b) Cease its interference in the constitutionally guaranteed religious and political freedoms of United States citizens who practice Falun Gong; and (2) That, in order to encourage China to respect the religious freedom of its citizens, we urge the government of the United States to: (a) Issue, an official, public, diplomatic statement to the Chinese Foreign Ministry condemning China's repeated violations of basic human rights protected in international covenants to which the People's Republic of China is a signatory; (b) Work with Chinese human rights activists, including practitioners of Falun Gong, to identify any Chinese authorities who have been responsible for acts of violence and persecution against Falun Gong followers in the United States; and (c) Investigate any illegal acts committed by Chinese consular officials and agents in the United States and determine an appropriate legal response; and be it further

Resolved, That copies of this Joint Resolution be sent to George W. Bush, President of the United States; Richard Cheney, Vice President of the United States; Condoleezza Rice, Secretary of State; Bill Frist, Senate Majority Leader; Dennis Hastert, Speaker of the House of Representatives; His Excellency Zhou Wenzhong, the Ambasador of the People's Republic of China to the United States; Bill Owens, Governor of * * *

POM–415. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the Meth-Endangered Children Protection Act of 2005; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 750

Whereas, meth trafficking and abuse is on the rise in the United States, and it has increased sharply since 2000; according to the 2003 National Survey on Drug Use and Health, approximately 12.3 million Americans ages 12 and older reported trying meth at least once during their lifetimes; and

Whereas, the Office of National Drug Policy reports that between 2000 and 2003, more than 51,000 illegal meth labs were seized in the United States, and the number of clandestine labs has been rising rapidly; in fact, a high number of state and local governments now consider meth the greatest drug threat in the country; and

Whereas, sadly, thousands of children have become innocent victims of the meth epidemic; approximately 10,600 children in the United States were affected by meth lab seizures and incidents between 2000 and 2003; these children were either present at lab seizures or lived where the labs were seized, often in extremely filthy and neglectful conditions; and

Whereas, another 2,900 children were removed from their homes during the same period because of neglect or abuse by meth-addicted parents; incidents related to meth labs also accounted for injuries to 96 children and the deaths of eight others; in Tennessee alone, law enforcement seized nearly 1,200 labs between 2003 and 2004, representing a 397 percent increase from 2000; Tennessee accounts for 75 percent of the meth lab seizures in the Southeast, and more than 700 children in Tennessee are placed in protective custody each year as a result of meth lab seizures; and

Whereas, children exposed to meth because of a lab in the home often need specialized services to overcome the effects of their exposure; children removed from homes where meth is manufactured can suffer from increased heart rate, agitation, irritability and vomiting, muscle breakdown, fever, ataxia, and seizures; they can also suffer physical, medical, education neglect, and learning disabilities; and

Whereas, many of the children rescued from these environments need specialized medical attention, psychological care, and other services; unfortunately, few states have the funds to provide these services or to provide social workers and other professionals with the specialized training and resources necessary to render appropriate care to children and ensure that subsequent placements in foster or adoptive homes are successful; and

Whereas, the Meth-Endangered Children Protection Act would establish a $10 million annual competitive grant program to support model efforts such as California's DEC program and to assist states in establishing similar programs; grantees would be required to provide matching dollars for federal funds awarded under this grant; and

Whereas, thousands of children have become victims of the rising meth epidemic; through no fault of their own, these children, suffering at the hands of their meth-addicted parents, urgently need medical attention, psychological care, and social services; the Meth-Endangered Children Protection Act is of vital importance in ensuring that our nation's children recover from the ravages of meth abuse; now, therefore, be it

Resolved by the Senate of the 104th General Assembly of the State of Tennessee, the House of Representatives concurring, That we hereby urge the United States Congress to pass the Meth-Endangered Children Protection Act of 2005 to aid the most vulnerable victims of this terrible and destructive drug epidemic; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM–416. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the reauthorization of the special provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 911

Whereas, following the Civil War, Congress adopted the Thirteenth Amendment abolishing slavery, the Fourteenth Amendment establishing the citizenship rights of all persons born in the United States and requiring that no one be denied due process or equal protection of the laws, and the Fifteenth Amendment securing the right to vote for all citizens, regardless of a person's race, color, or former condition of servitude; and

Whereas, despite the enactment of these significant constitutional commands, for nearly 100 years, states and local jurisdictions passed laws and instituted practices designed to circumvent the Civil War amendments; many states erected barriers to access to the polls, including infamous poll taxes and literacy or good character tests; African-Americans, Latinos, and other minorities and those who advocated on their behalf often were subjected to severe violence and intimidation or, in some cases, death if they attempted to register to vote or cast a ballot; and

Whereas, confronted with aggressive and relentless defiance of the Constitution, Congress enacted the Voting Rights Act of 1965 in order to ensure that the rights guaranteed by the Fourteenth and Fifteenth Amendments were enforced; and

Whereas, the Voting Rights Act of 1965 is widely viewed as one of the most successful civil rights statutes ever enacted; it bans literacy tests and other discriminatory devices, outlaws discriminatory practices and procedures during the voting process, authorizes the appointment of federal election monitors and observers, and creates various means for protecting and enforcing the rights of American citizens, including racial and language minorities, to vote; and

Whereas, although the struggle to ensure fairness in the electoral process continues, as a result of the Voting Rights Act, racial and language minorities have enjoyed enhanced opportunities to participate in the electoral process, cast votes, and elect their candidates of choice; and

Whereas, in 2007, certain ''special provisions'' of the Voting Rights Act that were enacted to address discriminatory voting practices and the present effects of those practices could expire if not renewed by Congress; and

Whereas, these provisions include:

Section 2: This provision equips voters with the means to challenge election laws that result in a denial or abridgement of voting rights on account of race, color, or language minority status;

Section 4: The coverage provision, which determines which states and jurisdictions must seek Section 5 pre-clearance; the coverage formula reaches states and jurisdictions with some of the most active histories of discrimination;

Section 5: The federal pre-clearance of voting changes provisions, which requires covered jurisdictions to prove that voting

changes are not discriminatory before they may legally take effect;

Sections 6–9: The Federal Examiner/Observer provisions, which set forth criteria for election monitoring by the Department of Justice; and

Section 203: The bilingual voting materials provisions, which mandate that certain voting materials must be translated for language minorities in certain jurisdictions; and

Whereas, by 2007, Congress will vote on whether to extend these ''special provisions'' of the Voting Rights Act; the effects of the long history of voting discrimination persist; the ''special provisions'' of the Voting Rights Act continue to be extremely important tools for protecting minority voting; during the reauthorization process, Congress will compile a record that sets forth the continuing effects of the nation's widespread voting discrimination; and

Whereas, voting is the cornerstone of American democracy and, during the reauthorization process, Congress and individuals and organizations concerned with maintaining the protections afforded by the Voting Rights Act of 1965 will have an opportunity to present the evidence necessary to support renewal of the ''special provisions'' of the Voting Rights Act of 1965; in the meantime, all eligible voters should register, confirm their registration status, and exercise the right to vote so that the long struggle to expand the franchise yields meaningful results: Now, therefore, be it

Resolved by the Senate of the 104th General Assembly of the State of Tennessee, the House of Representatives concurring, That we hereby urge Congress to reauthorize the ''special provisions'' of the Voting Rights Act of 1965; and be it further

Resolved, That the General Assembly of the State of Tennessee will collaborate with all organizations dedicated to ensuring the reauthorization of the Voting Rights Act of 1965; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and each member of the Tennessee Congressional Delegation.

POM–417. A resolution adopted by the Senate of the Legislature of the State of Texas relative to memorializing the Congress of the United States to address problems in the Department of Veterans Affairs concerning the provision of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that ensures predictable and adequate funding for the health care programs of the Veterans Health Administration; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 9

Whereas, military veterans who have served their country honorably and who were promised and have earned health care and benefits from the federal government through the Department of Veterans Affairs are now in need of these benefit; and

Whereas, the funding of the health care programs of the Veterans Health Administration of the Department of Veterans Affairs has failed to reflect the admission of newly eligible veterans in the wake of the Veterans' Health Care Eligibility Reform Act of 1996 and has fallen short of the amount needed to counter soaring medical care inflation, resulting in a funding shortfall of at least $10 billion; and

Whereas, the current discretionary method of funding the health care programs of the Veterans Health Administration is uncertain and is subject annually to the whim and competing priorities of congress, to the detriment of the veterans being served; and

Whereas, the Vietnam Veterans of America organization supports the adoption of a new funding mechanism for the health care programs of the Veterans Health Administration that is indexed to medical inflation and the per capita use of the administration's health care system; and

Whereas, the substantial delay in adjudicating veterans' claims for service-connected disability compensation is the cause of much anguish and anger among veterans and is the result of a lack of funding of the Veterans Benefits Administration of the Department of Veterans Affairs, which has led to an insufficient number of adjudicators and the inadequate training and supervision of adjudicators; and

Whereas, while the vast majority of Department of Veterans Affairs employees are dedicated to serving veterans, it is necessary to ensure that employee accountability standards be strengthened at senior and junior levels; and

Whereas, while more than five million veterans use the Veterans Health Administration of the Department of Veterans Affairs for their health care needs, tens of thousands more are eligible for benefits of which they are unaware due, to inadequate outreach efforts by the department: Now, therefore be it

Resolved, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby respectfully urge the Congress of the United States to address problems in the Department of Veterans Affairs related to the provision of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that ensures predictable and adequate funding of the health care programs of the Veterans Health Administration; and be it further

Resolved, That the secretary of the senate forward official copies of this Resolution to the secretary of veterans affairs, the president of the United States, the president of the senate and speaker of the house of representatives of the United States Congress, and all members of the Texas delegation to the congress with the request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–418. A resolution adopted by the Cook County Board of Commissioners of the State of Illinois relative to extending or making permanent all sections of the Voting Right Act of 1965; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5576. A bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–293).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 3526. A bill to amend the Indian Land Consolidation Act to modify certain requirements under that Act (Rept. No. 109–294).

By Mr. SPECTER, from the Committee on the Judiciary:

Report to accompany S. 2703, a bill to amend the Voting Rights Act of 1965 (Rept. No. 109–295).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 3731. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 3732. A bill to suspend temporarily the duty on certain liquid crystal divide (LCD) flat panel displays; to the Committee on Finance.

By Mr. PRYOR:

S. 3733. A bill to suspend temporarily the duty on certain plasma flat panel displays; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. SESSIONS):

S. 3734. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 3735. A bill to suspend temporarily the duty on vulcanized rubber felt bottom boots for use in waders; to the Committee on Finance.

By Mr. BAUCUS:

S. 3736. A bill to suspend temporarily the duty on vulcanized rubber lug bottom boots for use in fishing waders; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BIDEN, Mr. REED, Mr. MENENDEZ, Mr. DODD, and Mr. CHAFEE):

S. 3737. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Route National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. MENENDEZ):

S. 3738. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. REED, Mr. KOHL, and Mr. MARTINEZ):

S. 3739. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3740. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BIDEN, Ms. STABENOW, and Mr. LEAHY):

S. 3741. A bill to provide funding authority to facilitate the evacuation of persons from Lebanon, and for other purposes; considered and passed.

By Mr. LOTT (for himself, Mr. CONRAD, Mr. SMITH, Mr. CRAPO, Mr. INOUYE, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. ISAKSON, and Mr. GRAHAM):

S. 3742. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. ALLEN):

S. 3743. A bill to amend the Public Health Service Act to improve newborn screening

activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 3744. A bill to establish the Abraham Lincoln Study Abroad Program; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 78

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 351

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1621

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1621, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2393

At the request of Mr. COLEMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2435, a bill 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, and for other purposes.

S. 2590

At the request of Mr. COBURN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2824

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2824, a bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002.

S. 3499

At the request of Mr. KYL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 3499, a bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes.

S. 3512

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3512, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past due.

S. 3535

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3647

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3647, a bill to amend title XVIII of the Social Security Act to waive the monthly beneficiary premium under a prescription drug plan or an MA-PD plan during months in which an individual enrolled in such a plan has a gap in prescription drug coverage.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3680

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3680, a bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes.

S. 3694

At the request of Mr. OBAMA, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3694, a bill to increase fuel economy standards for automobiles, and for other purposes.

S. 3706

At the request of Mr. MARTINEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3706, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 3724

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3724, a bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes.

S. RES. 312

At the request of Mr. LUGAR, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 312, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 494, 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. 540

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 540, a resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations.

AMENDMENT NO. 4690

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4690 intended to be proposed to S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3731. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Presidential Signing Statements Act of 2006. This bill achieves three important goals.

First, it prevents the President from issuing a signing statement that alters the meaning of a statute by instructing Federal and State courts not to rely on Presidential signing statements in interpreting a statute.

Second, it permits the Congress to seek what amounts to a declaratory judgment on the legality of Presidential signing statements that seek to modify—or even to nullify—a duly enacted statute.

Third, it grants Congress the power to intervene in any case in the Supreme Court where the construction or constitutionality of any act of Congress is in question and a presidential signing statement for that act was issued.

Presidential signing statements are nothing new. Since the days of President James Monroe, Presidents have issued statements when signing bills. It is widely agreed that there are legitimate uses for signing statements. For example, Presidents may use signing statements to instruct executive branch officials how to administer a law. They may also use them to explain to the public the likely effect of a law. And, there may be a host of other legitimate uses.

However, the use of signing statements has risen dramatically in recent years. As of June 26, 2006, President Bush had issued 130 signing statements. President Clinton issued 105 signing statements during his two terms. While the mere numbers may not be significant, the reality is that the way the President has used those statements renders the legislative process a virtual nullity.

The President cannot use a signing statement to rewrite the words of a statute nor can the President use a signing statement to selectively nullify those provisions he does not like. This much is clear from our Constitution. The Constitution grants the President a specific, narrowly defined role in enacting legislation. Article I, section 1 of the Constitution vests ''all legislative powers . . . in a Congress.'' Article I, section 7 of the Constitution provides that when a bill is presented to the President, he may either sign it or veto it with his objections. He may also choose to do nothing, thus rendering a so-called pocket veto. The President cannot veto part of bill, however; he cannot veto certain provisions he does not like.

The Founders had good reason for constructing the legislative process as it is: by creating a bicameral legislature and then granting the President the veto power. According to The Records of the Constitutional Convention, the veto power was designed by our Framers to protect citizens from a particular Congress that might enact oppressive legislation. However, the Framers did not want the veto power to be unchecked, and so, in article I, section 7, they balanced it by allowing Congress to override a veto by two-thirds vote.

As you can see, this is a finely structured constitutional procedure that goes straight to the heart of our system of check and balances. Any action by the President that circumvents this finely structured procedure is an unconstitutional attempt to usurp legislative authority. If the President is permitted to rewrite the bills that Congress passes and cherry pick which provisions he likes and does not like, he subverts the constitutional process designed by our Framers.

The Supreme Court has affirmed that the constitutional process for enacting legislation must be safe guarded. As the Supreme Court explained in INS v. Chahda, ''It emerges clearly that the prescription for legislative action in Article I, Section 1, clause 7 represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.''

So, while signing statements have been commonplace since our country's founding, we must make sure that they are not being used in an unconstitutional manner; a manner that seeks to rewrite legislation, and exercise line item vetoes.

President Bush has used signing statements in ways that have raised some eyebrows. For example, Congress passed the PATRIOT Act after months of deliberation. We debated nearly every provision—often redrafting and revising. Moreover, we worked very closely with the President because we wanted to get it right. We wanted to make sure that we were passing legislation that the executive branch would find workable. In fact, in many ways, the process was an excellent example of the legislative branch and the executive branch working together towards a common goal.

In the end, the bill that was passed by the Senate and the House contained several oversight provisions intended to make sure the FBI did not abuse the special terrorism-related powers to search homes and secretly seize papers. It also required Justice Department officials to keep closer track of how often the FBI uses the new powers and in what type of situations.

The President signed the PATRIOT Act into law, but afterwards, he wrote a signing statement that said he could withhold any information from Congress provided in the oversight provisions if he decided that disclosure would impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties.

Now, during the entire process of working with the President to draft

the PATRIOT Act, he never asked the Congress to include this language in the Act. At a hearing we held on signing statements, I asked an executive branch official, Michelle Boardman from the Office of Legal Counsel, why the President did not ask the Congress to put the signing statement language into the bill. She simply didn't have an answer. I asked her to get back to me with the answer and I still have not gotten a response.

Take another example, the McCain amendment. In that legislation, Congress voted by an overwhelming margin—90 to 9—to ban all U.S. personnel from inflicting cruel, inhuman or degrading treatment on any prisoner held anywhere by the United States. President Bush, who had threatened to veto the legislation, instead invited its prime sponsor, Senator JOHN MCCAIN, to the White House for a public reconciliation and declared they had a common objective: to make it clear to the world that this government does not torture and that we adhere to the international convention of torture.

Now from that, you might conclude that by signing the McCain amendment into law, the Bush administration has fully committed to not using torture. But you would be wrong. After the public ceremony of signing the bill into law, the President issued a signing statement saying his administration would interpret the new law ''in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.'' This vague language may mean that—despite the McCain amendment—the administration may still be preserving a right to inflict torture on prisoners and to evade the International Convention Against Torture.

The constitutional structure of enacting legislation must be safeguarded. That is why I am here today to introduce the Presidential Signing Statements Act of 2006. This bill does not seek to limit the President's power—and this bill does not seek to expand Congress's power. Rather, this bill simply seeks to safeguard our constitution.

First, the bill instructs courts not to rely on Presidential signing statements in construing an act. This will provide courts with much-needed guidance on how legislation should be interpreted. The Supreme Court's reliance on Presidential signing statements has been sporadic and unpredictable. In some cases—such as United States v. Lopez, where the Court struck down the Gun-Free School Zones Act—the Supreme Court has relied on Presidential signing statements as a source of authority, while in other cases, such as the recent military tribunals case, Hamdan v. Rumsfeld, it has conspicuously declined to do so. This inconsistency has the unfortunate effect of rendering the interpretation of Federal law unpredictable.

It is well within Congress's power to resolve judicial disputes such as this by enacting rules of statutory interpretation. This power flows from article I, section 8, clause 18 of the Constitution, which gives Congress the power ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.'' Rules of statutory interpretation are necessary and proper to execute the legislative power. Moreover, any legislation that sets out rules for interpreting an act makes legislation more clear and precise which is exactly what we aim to achieve here in Congress. Congress can and should exercise this power over the interpretation of Federal statutes in a systematic and comprehensive manner.

Second, this bill permits the Congress to seek a declaratory judgment on the legality of Presidential signing statements that seek to modify—or even to nullify—a duly enacted statute. Again, this simply ensures that signing statements are not used in an unconstitutional manner.

Third, it grants Congress the power to intervene in any case in the Supreme Court where the construction or constitutionality of any act of Congress is in question and a Presidential signing statement for that act was issued. That way, if the court is trying to determine the meaning or the constitutionality of an act, the Congress gets a voice in the debate.

Take for example United States v. Lopez. In that case, the Supreme Court struck down the Gun-Free School Zones Act as beyond Congress's power to regulate commerce. Chief Justice Rehnquist relied, in part, on President George Bush's signing statement to support the Court's conclusion that the plain language of the statute does not suggest that it affects interstate commerce. Now, I do not see, in a case like this, why Congress should not get to explain its side. This bill would allow Congress to intervene and present evidence as to the meaning of an act in question.

This bill does not seek to limit the President's power and it does not seek to expand Congress's power. It simply seeks to put measures in place that will safeguard the constitutional structure of enacting legislation. In preserving this structure, this bill reinforces our system of checks and balances and separation of powers set out in our Constitution and I urge my colleagues to support it.

By Mr. HATCH (for himself and Mr. SESSIONS):

S. 3734. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Multidistrict Litigation Restoration Act of 2006.

The word ''Lexecon'' is well known in the Federal judiciary. It refers to the 1998 Supreme Court decision holding that statutory authority does not exist for transferee courts handling cases centralized by the Multidistrict Litigation Panel, or the MDL Panel, to retain these cases for trial. For approximately 30 years, courts receiving cases for pretrial proceedings from the MDL Panel invoked the general venue statute to transfer cases to themselves for trial. The process worked well because the court that had handled the pretrial phase was well-versed in the case's facts and was in the best position to encourage all parties to reach a settlement, or—barring settlement—make a final determination by adjudicating the dispute. But with the Lexecon decision that practice ended, and ever since we have been left with a multidistrict, multiparty, multiforum system that is costly, time-consuming, repetitive, inefficient, and often inconsistent.

As many of my colleagues know, the MDL Panel is an entity comprising seven judges, authorized to transfer civil actions pending in more than one district and involving one or more common questions of fact to any district court for coordinated pretrial proceedings. The MDL Panel authorizes the transfer upon determining that it will be for the convenience of the parties and witnesses, and promote the just and efficient conduct of such actions. Congress established this centralization mechanism in 1968 to avoid duplication of discovery, prevent inconsistent rulings, and conserve the resources of the parties, their counsel, and the judiciary.

Typically, cases centralized by the MDL Panel are numerous and complex. About 150,000 cases with millions of claims have been resolved through the process since its creation. They have included such matters as mass torts, antitrust price fixing, securities fraud, and unfair employment practices. The transferee judge becomes highly knowledgeable about the litigation during his or her consideration of voluminous pretrial proceedings. When all of the cases are remanded to the various transferor courts following completion of pretrial proceedings, those courts know little or nothing about the litigation. Even when all the parties agree to keep the matter that has been transferred in the court it was transferred to, it cannot be done under the current law. In some instances, judges have followed cases to courts outside their judicial circuit to conduct trial, at considerable inconvenience and expense, in order to spare other judges from the nightmare of having such mammoth cases so suddenly thrust upon them.

Let me give you an example of what this means in real terms. In my own State of Utah, there have been nearly 1,000 cases that have been transferred

either in or out of Utah's judicial district by the MDL Panel since 1968. In fiscal year 2005, there were nearly 50 cases transferred out of Utah through the MDL process. That is 50 cases that could be dumped back onto our judges in Utah without any warning or preparation. At the same time, there were six MDL cases pending in Utah at the end of 2005. Under the post-Lexecon system, one or more of our judges could be required to follow these cases to other districts throughout the United States for trial. Both of these scenarios would prove to be a serious burden for a small judicial district like Utah, and could hamper or delay justice for the people of my State. This is the same challenge our courts face nationwide as a result of the Lexecon decision.

Congress is the only entity that can solve these problems. Writing for the Court in Lexecon, Justice Souter stated that ''the proper venue for resolving the issue remains the floor of Congress.'' That is why I am introducing the Multidistrict Litigation Restoration Act of 2006 today, to give the Federal judiciary the necessary statutory authority to transfer multidistrict litigation cases for the purposes of trial. This legislation will return the law to what was in effect for almost three decades prior to the Lexecon decision. It will provide the MDL Panel with the most efficient option for resolving complex issues, the best means to encourage universal settlements, and the most consistent approach for rendering decisions.

This legislation is supported by the Judicial Conference of the United States, the policy arm of the Federal judicial branch, as well as the U.S. Department of Justice. The legislation is also supported by the U.S. Chamber of Commerce Institute for Legal Reform.

Moreover, this is not a partisan effort. Proposals to reform multidistrict, multiparty litigation were first advanced by the Carter administration. I introduced similar legislation in the 106th Congress with Senators LEAHY, KOHL, and SCHUMER. That bill passed the Senate by unanimous consent.

This legislation is long overdue. Lexecon was decided 8 years ago. The House has passed a Lexecon fix four times since 1999. In a letter to the chairman of the MDL Panel, Judge Thomas W. Thrash, a Federal district court judge for the Northern District of Georgia, reporting on the disposition of a multidistrict litigation case that he was required to try in Texas because he could not transfer the case to Georgia, summed up the situation well. Judge Thrash wrote, ''Needless to say, resolution of this case has been prolonged and involved greater expense to the judiciary . . . because of my inability to transfer the Northern District of Texas case to myself for trial here in the Northern District of Georgia. On the other hand, it would have been almost criminal to dump this case on a new Northern District of Texas judge for trial. . . . I hope that this problem will be fixed by Congress soon.''

Mr. President, I share that hope. I urge all of my colleagues to support the Multidistrict Litigation Restoration Act of 2006 and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3734

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 ''Multidistrict Litigation Restoration Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) under section 1407 of title 28, United States Code (enacted April 29, 1968), the Judicial Panel on Multidistrict Litigation (in this section referred to as the ''Judicial Panel''), a group of 7 Federal judges selected by the Chief Justice of the United States, assists in the centralization of civil actions which share common questions of fact filed in more than 1 Federal judicial district nationwide;

(2) civil actions described under paragraph (1)—

(A) often arise from mass single-action torts that cause death and destruction in which the plaintiffs are from many different States; and

(B) often involve issues of critical importance to the Nation, including information technology, intellectual property, antitrust, contracts, and products liability cases;

(3) the Judicial Panel—

(A) identifies the 1 United States district court (referred to in this section as the ''transferee court'') best equipped at adjudicating pretrial matters; and

(B) after pretrial, remands individual civil actions back to the district where the civil action was originally filed unless that action has been previously terminated;

(4)(A) for approximately 3 decades, the transferee court often invoked a general venue statute that authorizes a district court to transfer a civil action in the interest of justice and for the convenience of the parties and witnesses;

(B) in effect, the transferee court simply transferred all of the civil actions for trial to itself; and

(C) this process worked well because the transferee court was well-versed in the facts and law of the centralized litigation and the court could assist all parties to settle when appropriate;

(5) in 1998, the United States Supreme Court held that the plain language of section 1407 of title 28, United States Code, requires the Judicial Panel to remand all civil actions for trial back to the respective districts from which such actions were originally referred;

(6) the absence of authority to transfer a centralized civil action for trial hampers the Judicial Panel and transferee judges in their ability to achieve the important goals of section 1407 of that title promoting the just and efficient conduct of multidistrict litigation;

(7) the Judicial Panel has inherent rulemaking authority to promulgate procedural rules pertaining to multidistrict litigation which the Judicial Panel has already exercised to ensure that when a centralization occurs all civil actions of a similar nature then filed and all later civil actions that may be filed are sent to 1 district court;

(8) Congress has statutorily conferred the Judicial Panel with rulemaking authority for the conduct of its business not inconsistent with the United States Constitution, Acts of Congress, and the Federal Rules of Civil Procedure; and

(9) in civil actions in which punitive damages are to be imposed, individual courts, including transferee courts, must ensure that the measure of punishment is both reasonable and proportionate to the amount of harm to plaintiffs and to the amount of compensatory damages received.

(b) PURPOSE.—The purpose of this Act is to improve the litigation system in the Nation to allow a Federal judge to whom a civil action is transferred under section 1407 of title 28, United States Code, to retain jurisdiction over certain civil actions for trial to determine liability and compensatory and punitive damages, if appropriate, in compliance with due process requirements.

SEC. 3. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

(2) by adding at the end the following:

''(i)(I) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

SEC. 4. TECHNICAL AMENDMENT TO MULTIPARTY, MULTI FORM TRIAL JURISDICTION ACT OF 2002.

Section 1407 of title 28, United States Code, as amended by section 3 of this Act, is further amended by adding at the end the following:

''(j)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1369 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

''(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

''(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

''(4) Any decision under this subsection concerning remand for the determination of damages, other than punitive damages, shall not be reviewable by appeal or otherwise.

''(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.''.

SEC. 5. EFFECTIVE DATE.

(a) MULTIDISTRICT LITIGATION.—The amendments made by section 3 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

(b) TECHNICAL AMENDMENT.—The amendment made by section 4 shall be effective as if enacted in section 11020(b) of the Multiparty, Multiforum Trial Jurisdiction Act of 2002 (Public Law 107–273; 116 Stat. 1826 et seq.).

By Mr. COLEMAN (for himself, Mr. REED, Mr. KOHL, and Mr. MARTINEZ):

S. 3739. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to join my colleagues, Senator COLEMAN, Senator KOHL, Senator MARTINEZ, Congressman RAMSTAD, and Congresswoman ESHOO, today to introduce the Consortium on the Impact of Technology in Health Services Act.

We face a challenging and exciting time in the evolution of America's health care system. Today, roughly 40 million men and women are over age 65. A full doubling of the elderly population is predicted to occur by the year 2030—with the first of the baby boom generation turning 65 in the year 2011—only 5 years from now.

Nowhere is the aging of the population more apparent than in my home State of Rhode Island. We exceed the national average in terms of citizens over the age of 65 as well as those over the age of 85. In a State of slightly more than a million people, almost 15 percent of the population is over the age of 65 today. According to Census Bureau estimates, the number of elderly is expected to increase to 18.8 percent of Rhode Island's population by 2025. Rhode Island also has one of the highest concentrations of persons age 85 and over in the country.

Dramatic increases in life expectancy over the last century can be attributed to tremendous advances in public health and medical research. These demographic changes also pose new challenges to our health care system that require creative and innovative solutions.

In addition to Americans living longer, keeping up with advancements in medical science poses unique burdens and challenges for our health care system. We are facing shortages in a number of critical health care fields—nurses, primary care physicians, and geriatricians—to name a few. These workforce issues further hinder our ability to keep up with the health care needs of aging Americans.

Greater use of technology has the potential to enhance the quality of care to our aging population and enable seniors to remain healthy and live independently longer.

The application of technology in the aging health care services field would also help mitigate the burden on providers by allowing physicians, home health care workers, and family members to keep in regular contact with patients and loved ones. Better monitoring of elderly patients would also serve to identify changes in their health condition before a serious problem arises.

Smarter applications of technology in caring for the aged could also address some of the growing concerns with skyrocketing budget deficits. As we grapple with Medicare and Medicaid taking up a growing proportion of overall Federal spending, we need to carefully balance health care expenditures while also improving the quality of care. We need to be thoughtful and wiser with our health care dollars as well as creative in the provision of services to the elderly.

The Consortium on the Impact of Technology in Health Services Act will bring together experts from the medical, aging, and technology fields to build a vision and a framework for the development and implementation of a 21st century health care system able to meet the needs of our burgeoning aging population.

We need to change the way we think about health care for our Nation's seniors. We need a model that is oriented toward health promotion and disease prevention. This legislation gives us a jumpstart on developing and implementing the tools and strategies needed to serve the senior population of America more effectively and with greater cost savings.

I am pleased to join with my colleagues in introducing this important initiative and hope the Senate will give it careful consideration.

By Mr. FEINGOLD:

S. 3740. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will introduce a bill to repair and strengthen the Presidential public financing system. The Presidential Funding Act of 2006 will ensure that this system that has served our country so well for over a generation will continue to fulfill its promise in the 21st century.

The Presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election, too. In the last election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the Presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but took the general election grant.

It is unfortunate that the matching funds system for the primaries is becoming less viable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out because their opponents are opting out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by both participants in the system and experts on the presidential election financing process. First and most important, it eliminates the State-by-State spending limits in the current law and substantially increases the overall spending limit from the current limit of approximately $45 million to $150 million, of which up to $100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public

money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at $100 million, indexed for inflation. And if a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the ''gap'' between the primary and general election seasons. Presumptive Presidential nominees have emerged earlier in the election year over the life of the public financing system. This had led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional $50 million. In addition, the bill allows the political parties to spend up to $25 million between April 1 and the date that a candidate is nominated and an additional $25 million after the nomination. The total amount of $50 million is over three times the amount allowed under current law. This should allow any gap to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our Presidential races over the past several decades. For one thing, it makes matching funds available starting on July 1 of the year preceding the election, 6 months earlier than is currently the case. For another, it sets a single date for release of the public grant for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grant is released after each nominating convention, which can be several weeks apart.

The bill will also end the political parties' use of soft money for their conventions and requires presidential candidates to disclose bundled contributions. Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I will ask to be printed in the RECORD, following my statement. I will also ask that a copy of the bill itself be printed in the RECORD, following my statement.

Mr. President, the purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, with the country looking forward to the first Presidential election since 1952 where both the incumbent President and the sitting Vice-President are not running, this is a perfect time to make changes in the Presidential public funding system. Each party will have numerous candidates in the primaries, and no party can claim it will be helped or hurt by these changes.

Fixing the Presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from $3 to just $10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around $360 million over the 4-year election cycle. To offset that increased cost, this bill caps taxpayer subsidies for promotion of agricultural products, including some brand-name goods, by limiting the Market Access Program to $100 million per year.

Though the numbers are large, this is actually a very small investment to make to protect the health of our democracy and integrity of our Presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act now to preserve the crown jewel of the Watergate reforms and ensure the fairness of our elections and the confidence of our citizens in the process.

Mr. President, I ask unanimous consent that the text of the bill and additional materials be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Presidential Funding Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Revisions to system of Presidential primary matching payments.
Sec. 3. Requiring participation in primary payment system as condition of eligibility for general election payments.
Sec. 4. Revisions to expenditure limits.
Sec. 5. Additional payments and increased expenditure limits for candidates participating in public financing who face certain nonparticipating opponents.
Sec. 6. Establishment of uniform date for release of payments from Presidential Election Campaign Fund to eligible candidates.
Sec. 7. Revisions to designation of income tax payments by individual taxpayers.
Sec. 8. Amounts in Presidential Election Campaign Fund.
Sec. 9. Repeal of priority in use of funds for political conventions.
Sec. 10. Regulation of convention financing.
Sec. 11. Disclosure of bundled contributions.
Sec. 12. Offset.
Sec. 13. Effective date.

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''an amount equal to the amount'' and inserting ''an amount equal to 400 percent of the amount''; and

(B) by striking ''$250'' and inserting ''$200''.

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—Section 9034(b) of such Code is amended to read as follows:

''(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds $200.''.

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

(B) by inserting after subsection (b) the following new subsection:

''(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking ''$5,000'' and inserting ''$25,000''.

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking ''$250'' and inserting ''$200''.

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting '', and''; and

(C) by adding at the end the following new paragraph:

''(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate's authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.''.

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—

(1) IN GENERAL.—Section 9032(6) of such Code is amended by striking ''the beginning

of the calendar year'' and inserting ''July 1 of the calendar year preceding the calendar year''.

(2) CONFORMING AMENDMENT.—Section 9034(a) of such Code is amended by striking ''the beginning of the calendar year'' and inserting ''July 1 of the calendar year preceding the calendar year''.

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) the candidate received payments under chapter 96 for the campaign for nomination;''.

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking ''may make expenditures in excess of'' and all that follows and inserting ''may make expenditures—

''(A) with respect to a campaign for nomination for election to such office—

''(i) in excess of $100,000,000 before April 1 of the calendar year in which the presidential election is held; and

''(ii) in excess of $150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

''(B) with respect to a campaign for election to such office, in excess of $100,000,000.''.

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''section 320(b)(1)(B) of the Federal Election Campaign Act of 1971'' and inserting ''section 315(b)(1)(B) of the Federal Election Campaign Act of 1971''.

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

''(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

''(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed $25,000,000.

''(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate's campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection (b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

''(ii) The period described in this clause is the period—

''(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

''(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

''(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

''(D) For purposes of this paragraph—

''(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

''(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

''(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.''.

(c) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (2 U.S.C. 441(c)(1)) is amended—

(A) in subparagraph (B), by striking ''(b), (d),'' and inserting ''(d)(3)''; and

(B) by inserting at the end the following new subparagraph:

''(D) In any calendar year after 2008—

''(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

''(ii) each amount so increased shall remain in effect for the calendar year; and

''(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.''.

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking ''subsections (b) and (d)'' and inserting ''subsection (d)(3)''; and

(ii) by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.''.

(d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS FROM TREATMENT AS EXPENDITURES.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking ''in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)'' and inserting the following: ''who is seeking nomination for election or election to the office of President or Vice President of the United States''.

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) CANDIDATES IN PRIMARY ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL PAYMENTS FOR CANDIDATES FACING NONPARTICIPATING OPPONENTS.—

''(1) IN GENERAL.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

''(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after July 1 of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200, and

''(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200.

''(2) CANDIDATES TO WHOM THIS SUBSECTION APPLIES.—A candidate is described in this paragraph if such candidate—

''(A) is eligible to receive payments under section 9033, and

''(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

''(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

''(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

''(3) NONPARTICIPATING PRIMARY CANDIDATE.—In this subsection, the term 'nonparticipating primary candidate' means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

''(4) QUALIFYING DATE.—In this subsection, the term 'qualifying date' means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.''.

(B) CONFORMING AMENDMENT.—Section 9034(b)(2) of such Code, as amended by section 2, is amended by striking ''subsection (a)'' and inserting ''subsections (a) and (c)''.

(2) INCREASE IN EXPENDITURE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

''(i) by $50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

''(ii) by $100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

''(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

''(C) In this paragraph, the term 'eligible candidate' means, with respect to any period, a candidate—

''(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

''(ii) who is opposed by a nonparticipating primary candidate; and

''(iii) with respect to whom the Commission has given notice under section 304(i)(1)(B)(i).

''(D) In this paragraph, the term 'nonparticipating primary candidate' means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.''.

(b) CANDIDATES IN GENERAL ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''(1) The eligible candidates'' and inserting ''(1)(A) Except as provided in subparagraph (B), the eligible candidates''; and

(ii) by adding at the end the following new subparagraph:

''(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.''.

(B) SPECIAL RULE FOR MINOR PARTY CANDIDATES.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking ''(A) The eligible candidates'' and inserting ''(A)(i) Except as provided in clause (ii), the eligible candidates''; and

(ii) by adding at the end the following new clause:

''(ii) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).''.

(2) EXCLUSION OF ADDITIONAL PAYMENT FROM DETERMINATION OF EXPENDITURE LIMITS.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.''.

(c) PROCESS FOR DETERMINATION OF ELIGIBILITY FOR ADDITIONAL PAYMENT AND INCREASED EXPENDITURE LIMITS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(i) REPORTING AND CERTIFICATION FOR ADDITIONAL PUBLIC FINANCING PAYMENTS FOR CANDIDATES.—

''(1) PRIMARY CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—

''(i) EXPENDITURES IN EXCESS OF 120 PERCENT OF LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(ii) EXPENDITURES IN EXCESS OF 120 PERCENT OF INCREASED LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

''(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

''(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

''(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

''(2) GENERAL ELECTION CANDIDATES.—

''(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

''(B) CERTIFICATION.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.''.

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) IN GENERAL.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: ''If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.''.

(b) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking ''the time of a certification by the Comptroller General under section 9005 for payment'' and inserting ''the time of making a payment under subsection (b)''.

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) INCREASE IN AMOUNT DESIGNATED.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking ''$3'' each place it appears and inserting ''$10''; and

(2) in the second sentence—

(A) by striking ''$6'' and inserting ''$20''; and

(B) by striking ''$3'' and inserting ''$10''.

(b) INDEXING.—Section 6096 of such Code is amended by adding at the end the following new subsection:

''(d) INDEXING OF AMOUNT DESIGNATED.—

''(1) IN GENERAL.—With respect to each taxable year after 2006, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

''(2) PERCENT DIFFERENCE DESCRIBED.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2006.''.

(c) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

''(e) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.''.

(d) PUBLIC INFORMATION PROGRAM ON DESIGNATION.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

''(f) PUBLIC INFORMATION PROGRAM.—

''(1) IN GENERAL.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

''(2) USE OF FUNDS FOR PROGRAM.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed $10,000,000 with respect to any Presidential election cycle. In this paragraph, a 'Presidential election cycle' is the 4-year period beginning with January of the year following a Presidential election.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) DETERMINATION OF AMOUNTS IN FUND.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.''.

(b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE UNDER THIS ACT.—

(1) IN GENERAL.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) SPECIAL AUTHORITY TO BORROW.—

''(1) IN GENERAL.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

''(B) RATE OF INTEREST.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 9. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: '', except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.''.

(b) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking ''section 9006(c) and for payments under section 9008(b)(3)'' and inserting ''section 9006''.

SEC. 10. REGULATION OF CONVENTION FINANCING.

(a) IN GENERAL.—Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

''(g) NATIONAL CONVENTIONS.—

''(1) IN GENERAL.—Any person described in subsection (a) or (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee, municipality, or any other person or entity spending funds in connection with such a convention, unless such funds—

''(A) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

''(B) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) payments by a Federal, State, or local government if the funds used for the payments are from the general public tax revenues of such government and are not derived from donations made to a State or local government for purposes of any convention; and

''(B) payments by any person for the purpose of promoting the suitability of a city as a convention site in advance of its selection, welcoming convention attendees to the city, or providing shopping or entertainment guides to convention attendees.''.

(b) PUBLIC FINANCING.—Subsection (d) of section 9008 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) EXPENDITURES FOR CONVENTIONS.—

''(1) IN GENERAL.—The Commission shall not certify any major party or minor party under subsection (g) unless such party agrees that—

''(A) expenses incurred with respect to a presidential nominating convention will only be paid with payments received under subsection (a) or with funds that are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971, and

''(B) the committee will not accept or use any goods or services related to or in connection with any presidential nominating convention that are paid for or provided by any other person.

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) payments by a Federal, State, or local government if the funds used for the payments are from the general public tax revenues of such government and are not derived from donations made to a State or local government for purposes of any convention, and

''(B) payments by any person for the purpose of promoting the suitability of a city as a convention site in advance of its selection, welcoming convention attendees to the city, or providing shopping or entertainment guides to convention attendees.''.

SEC. 11. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) in the case of an authorized committee of a candidate for President, the name, address, occupation, and employer of each person who makes a bundled contribution, and the aggregate amount of the bundled contributions made by such person during the reporting period.''.

(b) BUNDLED CONTRIBUTION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) BUNDLED CONTRIBUTION.—The term 'bundled contribution' means a series of contributions that are, in the aggregate, $10,000 or more and—

''(A) are transferred to the candidate or the authorized committee of the candidate by one person; or

''(B) include a written or oral notification that the contribution was solicited, arranged, or directed by a person other than the donor.''.

SEC. 12. OFFSET.

(a) IN GENERAL.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ''and $200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for fiscal year 2006, and $100,000,000 for fiscal year 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL FUNDING ACT OF 2006—SECTION-BY-SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4-to-1 ratio, so $200 in individual contribution can be matched with $800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to $200 of contributions received after

March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave $200 or more prior to April 1.

The bill defines ''contribution'' as ''a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.''

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available beginning on July 1 of the previous year.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by a primary election spending limit of about $45 million and a general election spending limit of about $75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of $150 million, of which only $100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be $100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about $15 million. The bill provides two limits of $25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20%.

This will allow the party to support the presumptive nominee during the so-called ''gap'' between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit ($100 million prior to April 1 and $150 million after April 1), the participating candidate will receive a 5–to–1 match, instead of a 4–to–1 match for contributions of less than $200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate's primary spending limit is raised by $50 million when a nonparticipating candidate raise spends more than the 120 percent of either the $100 million (before April 1) or $150 million (after April 1) limit. The limit is raised by another $50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be $250 million if an opposing candidate has spent more than $240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate's eligibility for increased spending limits, matching funds, and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate's formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. This amount will be adjusted during each tax year after 2006. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2007.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (''PECF'') and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 10: REGULATION OF CONVENTION FINANCING

(a) Soft money ban: National political parties and federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

(b) Agreement not to spend soft money: To receive public money for its nominating convention, a political party must agree not to spend soft money on that convention and that it will not accept any goods or services donated by any person in connection with the convention.

These soft money prohibitions do not apply to payments by Federal, state or local governments from general tax revenues or payments from any person for the purpose of promoting a particular city as the site for a future convention or to welcome or provide shopping or entertainment guides to convention attendees.

SECTION 11: DISCLOSURE OF BUNDLED CONTRIBUTIONS

(a) Disclosure requirement: The authorized committees of presidential candidate committee must report the name, address, and occupation of each person making a bundled contribution and the aggregate amount of bundled contributions made by that person.

(b) Definition of bundled contribution. A bundled contribution is a series of contributions totaling $10,000 or more that are (1) collected by one person and transferred to the candidate; or (2) delivered directly to the candidate from the donor but include a written or oral communication that the funds were ''solicited, arranged, or directed'' by someone other than the donor. This covers the two most common bundling arrangements where fundraisers get ''credit'' for collecting contributions for a candidate.

SECTION 12: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2006.

By Mrs. CLINTON (for herself and Mr. ALLEN):

S. 3743. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am pleased to introduce the SHINE Act of 2006 with my colleague Senator GEORGE ALLEN. This legislation is critical for the health of newborns and children.

Each year in our Nation at least 4 million newborns are screened and severe disorders are detected in 5,000 of them. Although these numbers may seem small, these disorders are often life threatening and can cause mental and physical disabilities if left untreated. Early detection by newborn screening can lessen side effects or completely prevent progression of many of these disorders if medical intervention is started early enough.

I am proud to say that New York has been a leader in newborn screening since 1960 when Dr. Robert Guthrie developed the first newborn screening test. Since then, more than 10 million babies have been tested. In 2004, New York expanded their newborn screening panel from 11 to 44 conditions. These improvements were a concerted effort by State officials and parent advocacy groups like the Newborn Screening Saves Lives and Hunter's Hope Foundation. They share a common goal that every child born with a treatable disease should receive early diagnosis and lifesaving treatment so that they can grow up happy and healthy. Today, we want to ensure that the great strides made by New York can be a model for all States and that New York can continue to make advancements that will benefit the children of New York and around the Nation.

Newborn screening experts suggest States should test for a minimum of 29 treatable core conditions. However, as of today, some States only screen for seven conditions. Every child should have access to tests that may prevent them from a life-threatening disease. Parents should not have to drive across State lines to improve the health of their baby. This bill establishes grant programs so that States can increase their capacity to screen for all the core conditions. Grant funds are also available for States like New York to expand newborn screening panels above and beyond the core conditions by developing additional newborn screening tests.

We should expect equity within newborn screening so that it does not matter where your baby is born. This legislation will establish recommended guidelines for States for newborn screening tests, reporting, and data standards. Our goal should be that affected babies be identified quickly, babies who have the diseases should not be missed, and the number of newborns falsely identified as sick should be minimized. By tracking the prevalence of diseases identified by newborn screening within States, we will be able to meet these goals and improve the long-term health of our children.

I hear from many parents how scary it is to have a sick child and to not have a diagnosis. Many parents spend years trying to find out what is wrong with their child and feel helpless. This legislation will make sure that current information on newborn screening is available and accessible to health providers and parents. The SHINE Act will provide interactive formats so that parents and providers can ask questions and receive answers about the newborn screening test, diagnosis, follow-up and treatment.

Early treatment can prevent negative and irreversible health outcomes for affected newborns. We should be doing all we can to give every child born in our country the opportunity for a happy and healthy life.

I ask unanimous consent that the following letters in support of this legislation from the March of Dimes, Hunter's Hope Foundation, Save Babies Through Screening Foundation, and Blythedale Children's Hospital be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAVE BABIES THOUGH SCREENING FOUNDATION, INC.,
Scarsdale, NY, July 24, 2006.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the Save Babies Through Screening Foundation to show our support for the Screening for Health of Infants and NEwborns (SHINE Act). As you know, our organization's mission is to improve the lives of babies by working to prevent disabilities and early death resulting from disorders detectable through newborn screening. Our organization was founded in 1998 and is the only organization solely dedicated to raising awareness in regard to newborn screening.

We believe that this bill will greatly enhance the expansion of newborn screening throughout the United States and will save the lives of thousands of babies—our tiniest citizens. Additionally, this will spare Parents the agonizing pain of watching their children suffer as I can attest to first-hand. With the great expansion of newborn screening, children will be able to live healthy and productive lives.

We thank you for your vision and hard work. Nobody should suffer the loss or impairment of a child when there are tests and treatment available and this bill will put an end to future suffering. Please feel free to contact me if we can be of any assistance.

Regards,

JILL LEVY-FISCH,
President.

HUNTER'S HOPE,
Orchard Park, NY, July 21, 2006.

Hon. HILLARY CLINTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Hunter's Hope Foundation, I respectively submit this letter as our full and complete support for the bill titled ''Screening for Health of Infants and NEwborns (SHINE Act)''.

The Hunter's Hope Foundation was established in 1997 by Pro Football Hall of Fame member and former Buffalo Bills Quarterback, Jim Kelly, and his wife, Jill, after their infant son, Hunter, was diagnosed with Krabbe (Crab ã) Leukodystrophy, an inherited, fatal, nervous system disease.

The Foundation's mission is to: Increase public awareness of Krabbe disease and other leukodystrophies, support those afflicted and their families, identify new treatments, and ultimately find a cure.

Since 1997, Cord Blood Transplant (CBT) has become a viable treatment for Krabbe disease as well as a few other leukodystrophies. But, CBT is only effective if the child is treated before the disease inflicts irreversible damage to the brain and nervous system. There are many other treatable diseases that if not treated early will cause irreversible damage. And, the number of such diseases continues to increase with advancements in science and technology. We must establish an infrastructure in our country that not only addresses the immediate need, but also creates a system for expansion. The SHINE Act will accomplish this.

Hunter passed away August 5, 2005. Like thousands of other children, if he had been screened at birth, he may be living a healthy life today. Please help these children and their families and pass this bill. We implore you to expedite the passing and implementing of this bill. With each day that passes, children are suffering and dying needlessly.

Thank you from the bottom of our hearts.

Sincerely,

JACQUE WAGGONER,
Board of Directors, Chair.

BLYTHEDALE CHILDREN'S HOSPITAL,
Valhalla, NY, July 25, 2006.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: We are pleased to write this letter of support for the Screening for Health of Infants and Newborns Act of 2006. We commend you for your leadership in calling for a uniform and comprehensive national approach to screening newborns for the full panel of core conditions recommended by the American College of Medical Genetics and endorsed by the American Academy of Pediatrics. If diagnosed early, these disorders, including metabolic and hearing deficiency, can be managed or treated to prevent severe consequences.

As a hospital which provides a wide array of services to children with special health care needs, we know how important early detection and treatment of conditions can be. We were particularly pleased to see the provisions of this legislation which provide for a Central Clearinghouse of current educational and family support information, critical to assuring a national standard of care.

According to the latest March of Dimes Newborn Screening Report Card, nearly two-thirds of all babies born in the United States this year will be screened for more than 20 life-threatening disorders. However, disparities in state newborn screening programs mean some babies will die or develop brain damage or other severe complications from these disorders because they are not identified in time for effective treatment.

At present, the United States lacks consistent national guidelines for newborn screening, and each state decides how many and which screening tests are required for every baby. As a result, only 9 percent of all

babies are screened for all of the 29 recommended conditions. Clearly it is a wise investment to take full advantage of the information available to detect treatable conditions in children.

We commend you for your leadership on this most important issue and look forward to working with you and your colleagues to secure passage of this legislation.

Sincerely,

LARRY LEVINE,
President.
JUDITH WIENER GOODHUE,
Vice Chair, Board of Trustees, Chair, Government Relations Committee.

MARCH OF DIMES,
Washington, DC, July 24, 2006.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of more than 3 million volunteers and 1,400 staff members of the March of Dimes, I am writing to thank you for introducing the ''Screening for Health of Infants and Newborns (SHINE) Act.'' If enacted, this legislation would authorize grant programs to assist states in expanding the number of conditions screened for at birth and improve the dissemination of educational resources to the public and healthcare providers.

As you know, disparities among states in health screening at birth mean too many babies with serious birth defects are not being diagnosed and treated in time to avoid long term disability or even death. The March of Dimes has endorsed the recommendation of the American College of Medical Genetics that calls for every baby born in the United States to be screened for twenty-nine disorders, including certain metabolic conditions and hearing deficiency. The July 2006 March of Dimes newborn screening report card made clear the need for additional state efforts to expand programs to screen for the full range of the twenty-nine disorders. Specifically, only 9 percent of the babies born in the United States were tested for all of the recommended conditions. The ''SHINE Act'' will enhance state's capacity to expand the number of screens and provide important newborn screening educational materials to families via the internet.

We at the March of Dimes are sincerely grateful for your efforts related to newborn screening and look forward to working with you, and others in Congress with an interest in newborn screening.

Sincerely,

MARINA L. WEISS,
Senior Vice President,
Public Policy & Government Affairs.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 3744. A bill to establish the Abraham Lincoln Study Abroad Program; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I am a lucky politician, a fortunate soul. I am lucky that early in my political life, I met two men who had a dramatic impact on me and on my decision to seek public office and to be involved in public service. The first was a Senator from Illinois named Paul Douglas who served from 1948 to 1966 and decided in the year 1966 to hire a college intern named DURBIN from East St. Louis, IL, who was going to school at Georgetown University. That was the first time I ever walked into a Senate office building, and I tell you, I was swept away by the experience. I knew at that time that I wanted to be a part of the excitement of this life on Capitol Hill and government, and I didn't know how I would ever have a chance to do it. I never dreamed I would run for office. But Paul Douglas, my first mentor in public service and political office, was there at the right moment in my life to inspire me to pursue at least some aspect of public service.

He introduced me to a fellow named Paul Simon who later served as the U.S. Senator from Illinois. Paul was elected in 1984 and served until 1996. During that 12-year period of time, I was a Member of the House of Representatives. For many years before, Paul Simon had been my closest friend and mentor in politics. He gave me my first job out of law school, when my wife Loretta and I packed everything we owned in a very small truck. She took the baby on a plane to fly to Springfield, IL, and I drove the truck out with our dog sitting in the front seat of my U-Haul truck with me and took my first job working for then Lieutenant Governor Paul Simon.

I was lucky. I learned the craft of politics from Paul Simon. I saw in his public service, in his public life, how good this job can be and how important it can be if you realize you need to be driven by some basic principles. Paul Simon used to say—and I have heard the speech so many times; I have even given it—that politics is about two things. First, people expect you to be honest, and I think he meant beyond dollar honesty—issue honesty; people expect you to tell them what you really believe rather than try to hide what your beliefs might be in some political double-talk.

The second thing Paul Simon says is that politics is about helping the helpless. He believed there is some mission to this. He was a son of a Lutheran minister and a proud Christian but reached across to other denominations of religions for his own inspiration. He believed that helping the helpless was an important part of government responsibility.

Mr. President, today I am going to introduce legislation with Senator NORM COLEMAN of Minnesota. It is legislation that reflects the vision of Senator Paul Simon.

After the terrible attack of September 11, 2001, Paul Simon, typical of his outlook on the world, decided that he could imagine a more peaceful world, even in that time of great upheaval. He talked about promoting peace and security through understanding and global awareness. Specifically, he began to lay out a path to a United States that would be populated by Americans who have been abroad and have a personal connection to another part of the world. His vision was to help prepare a generation with greater cultural competence and real life experience in societies unlike our own.

In the months before his untimely death, Senator Paul Simon came back to Washington to talk to me and his former colleagues in the Senate about the need to strengthen this country's international understanding. As a direct result of his work, Congress established the Abraham Lincoln Study Abroad Commission to develop the framework for an international study abroad program for America's college students. I was honored to serve on this bipartisan Lincoln Commission.

Late last year, the Commission published its report recommending the Congress establish a study abroad program for undergraduate students that would help build this global awareness and international understanding. It is a privilege for me to introduce legislation based on the recommendations of this Commission.

Paul Simon, like so many committed to strengthening our ability to lead by investing in the education of young people, struggled with the question of how America could lead while so few of our citizens have an appropriate knowledge and understanding of the world outside of our borders. The United States is a military and economic superpower, yet it is continuously threatened by a serious lack of international competence in an age of growing globalization. When you travel overseas, you cannot help but be struck by the fact that people in other countries know so much more about us than we know about them.

Our lack of world awareness is now seen as a national liability. The challenges we face as Americans are increasingly global in nature, and our youth must be well prepared for its future. Our national security, international economic competitiveness, and diplomatic efforts in working toward a peaceful society rest on our global competence and ability to appreciate language and culture throughout the world.

Today I joined a number of our colleagues who walked across the Rotunda over to the House of Representatives for a joint meeting of Congress where the Prime Minister of Iraq, Mr. al-Maliki, spoke to us. He spoke in inspiring terms about his goals for Iraq, an Iraq that was based on democratic principles, an Iraq that was based on freedom, an Iraq that was free of terrorism.

The United States has made a major investment in that effort. We are now in the fourth year of a war, a war that has claimed over 2,569 American lives, including 102 brave soldiers from my home State of Illinois. Over 20,000 of our soldiers have returned with serious injuries—2,000 of those with brain injuries and lives that will be compromised and more challenging because they agreed to stand and serve and fight for America and they went to Iraq and paid a heavy price.

We have spent some $320 billion of American treasure on the war in Iraq, and we continue to spend, by estimate, $3 billion every single week on Iraq, realizing that the end is not near and

there is no end in sight. We hope our troops will start to come home soon, but there is no indication they will.

Yet, the best military leaders in America, when they sit face to face with us here in private meetings, tell us the same thing we have heard from many members of this administration. We will not win in Iraq a military victory. The victory ultimately has to be a political victory, a victory where we convince the Iraqi people that this is a far better course to follow, to move toward self-governance and democracy, freedom and free markets, and to move away from the days of dictatorships and the thinking that led people to a divisive moment in their lives. We need to move away from that.

It suggests, even with the strongest military in the world, giving it their best efforts every single minute of every single day, the ultimate answer in Iraq and so many other countries is not a military answer. It is an answer that brings together political and economic elements that ultimately will spell the success of that nation.

The capacity of the United States to lead in the 21st century, not just in Iraq but all over the world, demands that we school new generations of American citizens who understand the cultural and social realities beyond what they have experienced here at home. Senator Simon understood this. He saw the United States as a large community, part of an even larger world family. When he saw signs that read, ''God bless America,'' Paul Simon used to say, ''I wish they would read 'God bless America and the rest of the world.' ''

Senator Simon was a great public servant. His service in Congress was exemplary. He was a man with an intrinsic sense of justice and passion for the public good. His deep convictions were matched by a genuine zeal for the work he did here in Washington and back in Illinois.

When he retired from the Senate, there was a little ceremony on the floor of the Senate, the likes of which this Chamber has never seen. The decision was made that since Paul Simon always wore a bow tie, that on one given day all of the Senators would come to the floor wearing bow ties. To Paul's surprise, he walked in here to find so many of his colleagues on both sides of the aisle saluting his retirement by wearing his trademark bow tie.

After he retired from the Senate, Paul Simon carried his vision and his energy for leadership back to Southern Illinois University, founding the Public Policy Institute at that university in Carbondale, IL. In that role, he trained future generations to understand the values he fought for his entire life.

The Abraham Lincoln Study Abroad Fellowship Program, which Paul Simon inspired, is designed to encourage and support the experience of studying overseas in countries whose people, culture, language, government, and religion might be very different from ours. The bill I am introducing today with Senator COLEMAN would create a program that encourages nontraditional students to spend part of their undergraduate careers in nontraditional study abroad destinations. It is said you never understand a country until you visit it and you never appreciate your home until you leave it. The program we envision provides direct fellowships to students but also provides financial incentives to colleges and universities to make internal policy changes that make it easier for students to study abroad.

We believe it is the institutional change that will allow the U.S. to sustain a steady growth in the number of students who experience this learning abroad. As we become a nation whose citizens have studied in other countries, we will become more understanding of the rest of the world and they will come to know us better.

We learned this with the Peace Corps. As I travel around the world, I never cease to be amazed at the impact which the Peace Corps has had on countries, on small villages, and on people. I can recall visiting Nepal. I went to Nepal with a former colleague from the home State of the Presiding Officer, Oklahoma, Mike Synar. We went to a tiny little village way up in the mountains outside of Kathmandu. After we trekked up there at high altitudes, out of breath, we came to this little village and all of the people were there. They had the third eye on their head. There were garlands of flowers around their necks. They were dressed in the best clothes they had, and offered us food. And as we sat down, they asked us if we knew Paul Jones, from Pittsburgh, PA.

Of course, we didn't. But we didn't want to say that right off. We said, ''Who was he?''

''Well, you must know him. He was our Peace Corps volunteer. He was here for 2 years. He made such a difference in this village. You must know Paul.''

I made up the name, but it goes to show you that the efforts and involvement of Americans overseas not only will help people there but will help those who live through the experience. For so many Peace Corps volunteers that I met, it was a transformative moment, to serve in that Peace Corps at that moment in their life and to go through that experience.

Sending more American students for that overseas experience will not only help those students, it will help others around the world to see who we are. Think of the battle of images going on in the world today even as we speak, images of America that are terrible, images that are distorted, that are being shown to people around the world every day. And they say this is what America looks like when in fact it isn't even close to the truth.

We can become a nation where we use our public education system to expand not only the reach of America's message, but the experience of Americans in other countries. I can think of no more appropriate tribute to honor Paul Simon, a great statesman himself, than to establish this study abroad program.

In the weeks before Senator Simon's death, Senator Simon wrote the following:

> A nation cannot drift into greatness. We must dream and we must be willing to make small sacrifices to achieve those dreams. If I want to improve my home, I must sacrifice a little. If we want to improve our Nation and the world, we must be willing to sacrifice a little. This major national initiative . . . can lift our vision and responsiveness to the rest of the world. Those who read these lines need to do more than nod in agreement [Paul Simon wrote.] This is a battle for understanding that you must help wage.

I ask my colleagues to join Senator COLEMAN and myself in this bipartisan legislation to help keep alive Senator Paul Simon's vision for a culturally aware and a better world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4695. Mr. MARTINEZ (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5865, to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

SA 4696. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

SA 4697. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4698. Mrs. FEINSTEIN (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4699. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. COLLINS, Ms. CANTWELL, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4700. Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4701. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4702. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4703. Mr. SHELBY proposed an amendment to the bill S. 3549, to amend the Defense Production Act of 1950 to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional Oversight with respect thereto, and for other purposes.

SA 4704. Mr. HARKIN (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance

the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

SA 4705. Mr. HARKIN (for himself, Mr. LUGAR, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4706. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mr. LUGAR, Mr. OBAMA, Mr. CHAFEE, Mr. AKAKA, Mrs. CLINTON, Ms. CANTWELL, Ms. COLLINS, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, Mr. GRAHAM, Mr. MENENDEZ, Mr. DODD, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4707. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mr. LUGAR, Mr. OBAMA, Mr. CHAFEE, Mr. AKAKA, Mrs. CLINTON, Mr. DODD, Mr. KOHL, Ms. CANTWELL, Mr. KERRY, Mr. GRAHAM, Mr. MENENDEZ, Ms. COLLINS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4708. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mr. LUGAR, Mr. OBAMA, Mr. CHAFEE, Mr. AKAKA, Mrs. CLINTON, Mr. DODD, Mr. KOHL, Ms. CANTWELL, Mr. KERRY, Mr. GRAHAM, Mr. MENENDEZ, Ms. COLLINS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4709. Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. COLEMAN, Mr. SPECTER, Mr. SMITH, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4710. Mr. OBAMA (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4711. Mr. OBAMA (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4695. Mr. MARTINEZ (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5865, to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance to United States citizens returned from foreign countries, and for other purposes; as follows:

Strike all after the enacting clause and insert

SECTION 1. PAYMENTS FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

(a) INCREASE IN AGGREGATE PAYMENTS LIMIT FOR FISCAL YEAR 2006.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by inserting '', except that, in the case of fiscal year 2006, the total amount of such assistance provided during that fiscal year shall not exceed $6,000,000'' after ''2003''.

SEC. 2. DISCLOSURE OF INFORMATION IN THE DIRECTORY OF NEW HIRES TO ASSIST ADMINISTRATION OF FOOD STAMP PROGRAMS.

Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended—

(1) by redesignating the second paragraph (7) as paragraph (9); and

(2) by adding at the end the following new paragraph

''(10) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF FOOD STAMP PROGRAMS.—

''(A) IN GENERAL.—If, for purposes of administering a food stamp program under the Food Stamp Act of 1977, a State agency responsible for the administration of the program transmits to the Secretary the names and social security account numbers of individuals, the Secretary shall disclose to the State agency information on the individuals and their employers maintained in the National Directory of New Hires, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE BY THE SECRETARY.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE AND DISCLOSURE OF INFORMATION BY STATE AGENCIES.—

''(i) IN GENERAL.—A State agency may not use or disclose information provided under this paragraph except for purposes of administering a program referred to in subparagraph (A).

''(ii) INFORMATION SECURITY.—The State agency shall have in effect data security and control policies that the Secretary finds adequate to ensure the security of information obtained under this paragraph and to ensure that access to such information is restricted to authorized persons for purposes of authorized uses and disclosures.

''(iii) PENALTY FOR MISUSE OF INFORMATION.—An officer or employee of the State agency who fails to comply with this subparagraph shall be subject to the sanctions under subsection (l)(2) to the same extent as if the officer or employee were an officer or employee of the United States.

''(D) PROCEDURAL REQUIREMENTS.—State agencies requesting information under this paragraph shall adhere to uniform procedures established by the Secretary governing information requests and data matching under this paragraph.

''(E) REIMBURSEMENT OF COSTS.—The State agency shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.''.

SA 4696. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 21, insert after ''Treasury'' the following: '', from which the Secretary of the Treasury shall transfer to the Secretary such amounts as are necessary to carry out the payment in lieu of taxes program under chapter 69 of title 31, United States Code''.

On page 18, after line 17, add the following:

(g) AVAILABILITY OF PAYMENT IN LIEU OF TAXES AMOUNTS.—Amounts made available for the payment in lieu of taxes program under subsection (a)(1) shall—

(1) be made available without further appropriation;

(2) remain available until expended; and

(3) be in addition to any amounts made available for the payment in lieu of taxes program under—

(A) section 6906 of title 31, United States Code; or

(B) any other provision of law.

SA 4697. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REFINERY PERMITTING PROCESS.

(a) SHORT TITLE.—This section may be cited as the ''Domestic Fuel Security Act''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term ''refinery'' includes—

(i) an expansion of a refinery;

(ii) a biorefinery; and

(iii) any facility that produces a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(6) REFINERY EXPANSION.—The term ''refinery expansion'' means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (d).

(8) REFINERY PROJECT.—The term ''refinery project'' means a project for—

(A) acquisition or development of a base realignment and closure site for use for a refinery; or

(B) acquisition, development, rehabilitation, expansion, or improvement of refining operations on a base realignment and closure site or in a community affected by a base realignment and closure site.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(c) ECONOMIC DEVELOPMENT ASSISTANCE TO ENCOURAGE PETROLEUM-BASED REFINERY ACTIVITY ON BRAC PROPERTY.—

(1) PRIORITY.—Notwithstanding section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146), in awarding funds made available to carry out section 209(c)(1) of that Act (42 U.S.C. 3149(c)(1)) pursuant to section 702 of that Act (42 U.S.C. 3232), the Secretary and the Economic Development Administration shall give priority to refinery projects.

(2) FEDERAL SHARE.—Except as provided in paragraph (3)(C)(ii) and notwithstanding the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), the Federal share of a refinery project shall be 80 percent of the project cost.

(3) ADDITIONAL AWARD.—

(A) IN GENERAL.—The Secretary shall make an additional award in connection with a grant made to a recipient for a refinery project.

(B) AMOUNT.—The amount of an additional award shall be 10 percent of the amount of the grant for the refinery project.

(C) USE.—An additional award under this paragraph shall be used—

(i) to carry out any eligible purpose under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(ii) notwithstanding section 204 of that Act (42 U.S.C. 3144), to pay up to 100 percent of the cost of an eligible project or activity under that Act; or

(iii) to meet the non-Federal share requirements of that Act or any other Act.

(D) NON-FEDERAL SOURCE.—For the purpose of subparagraph (C)(iii), an additional award shall be treated as funds from a non-Federal source.

(E) FUNDING.—The Secretary shall use to carry out this paragraph any amounts made available for economic development assistance programs or under section 702 of that Act (42 U.S.C. 3232).

(d) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) INTERDISCIPLINARY APPROACH.—

(A) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of permits subject to this subsection.

(B) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(i) environmental management practices; and

(ii) third party contractors.

(5) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(6) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(7) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(8) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(9) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (5), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(10) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(11) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(13) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(e) EFFICIENCY.—

(1) NATURAL GAS EFFICIENCY PROJECTS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall solicit applications from eligible entities, as determined by the Administrator, for grants under the Natural Gas STAR Program under the Environmental Protection Agency to pay the Federal share of the cost of projects relating to the reduction of methane emissions in the oil and gas industries.

(B) PROJECT INCLUSIONS.—To receive a grant under subparagraph (A), the application of the eligible entity shall include—

(i) an identification of 1 or more technologies used to achieve a reduction in the emission of methane; and

(ii) an analysis of the cost-effectiveness of a technology described in clause (i).

(C) LIMITATION.—A grant to an eligible entity under this paragraph shall not exceed $50,000.

(D) FEDERAL SHARE.—The Federal share of the cost of a project under this paragraph shall not exceed 50 percent.

(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for the period of fiscal years 2006 through 2010.

(2) EFFICIENCY PROMOTION WORKSHOPS.—

(A) IN GENERAL.—The Administrator, in conjunction with the Interstate Oil and Gas Compact Commission, shall conduct a series of technical workshops to provide information to officials in oil- and gas-producing States relating to methane emission reduction techniques.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for the period of fiscal years 2006 through 2010.

(f) FUEL EMERGENCY WAIVERS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) (as amended by section 1541 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106)) is amended—

(1) by redesignating the first clause (v) as clause (vi);

(2) by redesignating the second clause (v) as clause (vii); and

(3) by inserting after clause (iv) the following:

''(v) A State shall be held harmless and not be required to revise its State implementation plan under section 110 to account for the emissions from a waiver granted by the Administrator under clause (ii).''.

(g) PROCUREMENT OF FUEL DERIVED FROM COAL, OIL SHALE, AND TAR SANDS.—

(1) DEFINITIONS.—In this subsection:

(A) COAL-TO-LIQUID.—The term ''coal-to-liquid'' means—

(i) with respect to a process or technology, the use of the coal resources of the United

States, using the class of chemical reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(ii) with respect to a facility, the portion of a facility related to the Fischer-Tropsch process, Fischer-Tropsch finished fuel production, or the capture, transportation, or sequestration of byproducts of the use of coal at the Fischer-Tropsch facility, including carbon emissions.

(B) COVERED FUEL.—The term ''covered fuel'' means fuel that is—

(i) produced, in whole or in part, from coal, oil shale, or tar sands;

(ii) extracted by mining or in-situ methods; and

(iii) refined or otherwise processed in the United States.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(2) USE OF FUEL TO MEET DEPARTMENT OF DEFENSE NEEDS.—The Secretary shall develop a strategy to use covered fuel to assist in meeting the fuel requirements of the Department of Defense at any time at which the Secretary determines that the use of covered fuel would be in the national interest.

(3) PROCUREMENT AUTHORITY.—

(A) IN GENERAL.—The Secretary may enter into 1 or more contracts or other agreements that meet the requirements of this subsection to procure covered fuel to meet 1 or more fuel requirements of the Department of Defense.

(B) COAL-TO-LIQUID PRODUCTION FACILITIES.—

(i) IN GENERAL.—The Secretary may enter into contracts or other agreements with private and other entities to develop and operate coal-to-liquid facilities on or near military installations.

(ii) CONSIDERATIONS.—In entering into contracts and other agreements under clause (i), the Secretary shall consider land availability, testing opportunities, and proximity of raw materials.

(4) CLEAN FUEL REQUIREMENTS.—A covered fuel may be procured under this subsection only if the covered fuel meets such standards for clean fuel produced from domestic sources as the Secretary, in consultation with the Secretary of Energy, shall establish for purposes of this subsection.

(5) LONG-TERM CONTRACT AUTHORITY.—The Secretary may enter into any contract or other agreement under this subsection for a period of up to 25 years.

(6) FUEL SOURCE ANALYSIS.—To facilitate the procurement by the Department of Defense of covered fuel under this subsection, the Secretary may carry out a comprehensive assessment of current and potential locations in the United States for the supply of covered fuel to the Department of Defense.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(h) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than October 1, 2006, an interim report on actions taken to carry out this subsection; and

(B) not later than December 1, 2007, a final report on actions taken to carry out this subsection.

SA 4698. Mrs. FEINSTEIN (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 6. ENSURING AVAILABILITY OF FLEXIBLE FUEL VEHICLES.

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

''§ 32902A. Requirement to manufacture flexible fuel vehicles

''(a) IN GENERAL.—For each model year, each manufacturer of new motor vehicles (as defined under section 30(c)(2) of the Internal Revenue Code of 1986) described in subsection (b) shall ensure that the percentage of such vehicles manufactured in a particular model year that are flexible fuel vehicles shall be not less than the percentage set forth for that model year in the following table:

''If the model year is:	The percentage of flexible fuel vehicles shall be:
2010	25 percent
2020	50 percent

''(b) MOTOR VEHICLES DESCRIBED.—A motor vehicle is described in this subsection if the vehicle—

''(1) is capable of operating on gasoline or diesel fuel;

''(2) is distributed in interstate commerce for sale in the United States; and

''(3) does not contain certain engines that the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, may temporarily exclude from the definition because it is technologically infeasible for the engines to have flexible fuel capability at any time during a period that the Secretaries and the Administrator are engaged in an active research program with the vehicle manufacturers to develop that capability for the engines.''.

(2) DEFINITION OF FLEXIBLE FUEL VEHICLE.—Section 32901(8) of title 49, United States Code, is amended by inserting ''or 'flexible fuel vehicle' '' after '''dual fueled automobile' ''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''Sec. 32902A. Requirements to manufacture flexible fuel vehicles.''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out the amendments made by subsection (a).

(2) HARDSHIP EXEMPTION.—The regulations issued pursuant to paragraph (1) shall include a process by which a manufacturer may be exempted from the requirement under section 32902A(a) upon demonstrating that such requirement would create a substantial economic hardship for the manufacturer.

SEC. 7. ALTERNATIVE FUELS INFRASTRUCTURE.

(a) GOAL.—Congress declares that it is the goal of the United States to increase the accessibility of alternative fuels to retail consumers, and to ensure that at least 10 percent of motor vehicle refueling stations provide alternative fuels, by calendar year 2015.

(b) ALTERNATIVE FUEL INFRASTRUCTURE INITIATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Energy, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, and in consultation with State and local governments, shall—

(A) subject to subparagraph (B), develop and implement measures to increase the accessibility of alternative fuels to retail consumers to a level sufficient to ensure that at least 10 percent of motor vehicle refueling stations provide alternative fuels by calendar year 2015; and

(B) if the Secretary of Energy determines that there are insufficient legal authorities to achieve the target for calendar year 2015 described in subparagraph (A)—

(i) develop and implement measures to increase the accessibility of alternative fuels to retail consumers, to the maximum extent practicable; and

(ii) submit to Congress by January 1, 2008, proposed legislation or other recommendations to achieve that target.

(2) REQUIREMENT FOR MAJOR INTEGRATED OIL COMPANIES.—

(A) IN GENERAL.—Each major integrated oil company shall install and make available to retail consumers alternative fuels refueling infrastructure at—

(i) not less than 50 percent of the motor vehicle fueling stations owned by the company by not later than December 31, 2010; and

(ii) 100 percent of the motor vehicle refueling stations owned by the company by not later than January 1, 2015.

(B) MEANS OF COMPLIANCE.—A major integrated oil company shall meet the requirements of subparagraph (A) by—

(i) installing alternative refueling infrastructure at motor vehicle fueling stations;

(ii) purchasing alternative refueling infrastructure credits issued under subparagraph (C); or

(iii) carrying out a combination of the actions described in clauses (i) and (ii).

(C) ALTERNATIVE REFUELING INFRASTRUCTURE CREDIT TRADING PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a credit trading program—

(i) to permit a major integrated oil company that does not install alternative refueling infrastructure to comply with subparagraphs (A) and (B) to achieve that compliance by purchasing sufficient alternative refueling infrastructure credits; and

(ii) under which the Secretary shall issue alternative refueling infrastructure credits to entities that install new alternative refueling infrastructure.

SA 4699. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. COLLINS, Ms. CANTWELL, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. AUTOMOBILE FUEL ECONOMY AND SAFETY; REDUCTION IN GREENHOUSE GAS EMISSIONS AND DEPENDENCE ON FOREIGN OIL.

(a) AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

(1) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) by striking the subsection heading and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—''; and

(ii) by striking ''(except passenger automobiles)'' and inserting ''(except passenger automobiles and light trucks)''; and

(B) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2009 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2017 of at least 35 miles per gallon, or such other number as the Secretary may prescribe under subsection (c).

''(2) ELIMINATION OF SUV LOOPHOLE.—Beginning not later than with model year 2011, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

''(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

''(A) increase the applicable average fuel economy standard ratably beginning with model year 2009 and ending with model year 2017; and

''(B) require that each manufacturer achieve—

''(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 31.1 miles per gallon not later than model year 2009; and

''(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.6 miles per gallon not later than model year 2009.

''(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for the domestic fleet and foreign fleet of the manufacturer, as calculated under section 32904 of this title (as in effect before the date of enactment of the Gulf of Mexico Energy Security Act of 2006), shall be the greater of—

''(A) 27.5 miles per gallon; or

''(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

''(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form not later than 18 months after the date of enactment of the Gulf of Mexico Energy Security Act of 2006.''.

(b) PASSENGER CAR PROGRAM REFORM.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) in subsection (c)—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''(1) Subject to paragraph (2) of this subsection'' and inserting the following:

''(1) IN GENERAL.—Not later than 18 months before the beginning of each model year''; and

(II) by striking ''the standard under subsection (b) of this section'' and inserting ''a standard under subsection (b)''; and

(ii) in the second sentence—

(I) by striking ''Section'' and inserting the following:

''(2) AMENDMENTS.—Section''; and

(II) by striking ''the standard'' and inserting ''any standard prescribed under subsection (b)''.

(c) DEFINITION OF WORK TRUCK.—

(1) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

''(18) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium duty passenger vehicle, as defined in section 86.1803–01 of title 40, Code of Federal Regulations (or a successor regulation).''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(B) shall issue final regulations implementing that amendment not later than 18 months after the date of enactment of this Act.

(3) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(18) of title 49, United States Code) manufactured by a manufacturer in each model year beginning in model year 2011.

(d) DEFINITION OF LIGHT TRUCK.—

(1) DEFINITION.—

(A) IN GENERAL.—Section 32901(a) of title 49, United States Code (as amended by subsection (c)), is amended—

(i) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(ii) by inserting after paragraph (11) the following:

''(12) 'light truck' means an automobile that the Secretary determines by regulation—

''(A) is manufactured primarily for transporting not more than 10 individuals;

''(B) is rated at not more than 10,000 pounds gross vehicle weight;

''(C) is not a passenger automobile; and

''(D) is not a work truck.''.

(B) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(i) shall issue proposed regulations implementing the amendment made by subparagraph (A) not later than 1 year after the date of enactment of this Act; and

(ii) shall issue final regulations implementing that amendment not later than 18 months after the date of enactment of this Act.

(C) EFFECTIVE DATE.—Regulations prescribed under subparagraph (A) shall apply beginning with model year 2009.

(2) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2009.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2007 through 2019.

(e) ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

(1) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(A) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(B) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(C) progress is made in maximizing United States employment.

(2) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(3) RULEMAKING DEADLINES.—

(A) RULEMAKING.—The Secretary of Transportation shall issue—

(i) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2008; and

(ii) a final rule under that section not later than December 31, 2009.

(B) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final

rule issued under subparagraph (A) shall become fully effective not later than September 1, 2012.

(4) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility and aggressivity reduction standard''.

(f) TRUTH IN FUEL ECONOMY TESTING.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall use, as appropriate, existing emission test cycles and updated adjustment factors to update and revise the process used to determine fuel economy values for labeling purposes as described in sections 600.209–85 and 600.209–95 of title 40, Code of Federal Regulations (or successor regulations), to take into consideration current factors, such as—

(A) speed limits;

(B) acceleration rates;

(C) braking;

(D) variations in weather and temperature;

(E) vehicle load;

(F) use of air conditioning;

(G) driving patterns; and

(H) the use of other fuel-consuming features.

(2) LABELS FOR FUEL ECONOMY MODE DEVICES.—The Administrator of the Environmental Protection Agency shall include fuel economy label information for all fuel economy modes provided by devices described in paragraph (1).

(3) DEADLINE.—In carrying out paragraph (1), the Administrator shall—

(A) issue a notice of proposed rulemaking, or amend the notice of proposed rulemaking for Docket Id. No. OAR–2003–0214, not later than 90 days after the date of enactment of this Act; and

(B) promulgate a final rule not later than 180 days after the date on which the notice under subparagraph (A) is issued.

(4) USE OF COMMON MEASUREMENTS FOR LABELING AND COMPLIANCE TESTING.—Section 32904 of title 49, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) TESTING AND CALCULATION PROCEDURES.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer using the same procedures and factors used by the Administrator for labeling purposes under section 32908 by model year 2015.''.

(5) REEVALUATION AND REPORT.—Not later than 3 years after the date of promulgation of the final rule under paragraph (3)(B), and triennially thereafter, the Administrator shall—

(A) reevaluate the fuel economy labeling procedures described in paragraphs (2) and (4) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(B) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the results of the reevaluation process.

(g) ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code (as amended by subsection (e)), is further amended by adding at the end the following:

''§ 32921. Fuel economy indicators and devices

''(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2013 that requires each such automobile and light truck to be equipped with—

''(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

''(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

''(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

''(b) EXCEPTION.—Subsection (a) does not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

''(c) ENFORCEMENT.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code (as amended by subsection (e)), is amended by inserting after the item relating to section 32920 the following:

''32921. Fuel economy indicators and devices''.

(h) SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.—Beginning with model year 2009, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to Congress, in accordance with the average fuel economy standards under section 32902 of title 49, United States Code—

(1) the annual reduction in United States consumption of gasoline or petroleum distillates used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

(i) CREDIT TRADING PROGRAM.—Section 32903 of title 49, United States Code, is amended—

(1) in subsections (a) through (d), by striking ''passenger'' each place it appears;

(2) in subsections (a), (b), and (c), by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) in subsection (a)(2), by striking ''clause (1) of this subsection'' and inserting ''paragraph (1)''; and

(4) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 of this title to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.''.

(j) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(4) of title 49, United States Code.

(k) LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.—Section 32908 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking the period at the end and inserting '', and a light truck manufactured by a manufacturer in a model year after model year 2009; and''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraph (F) as subparagraph (H); and

(ii) by inserting after subparagraph (E) the following:

''(F) A label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects the performance of an automobile on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks; and

''(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

''(G) A fuelstar under paragraph (5).''; and

(B) by adding at the end the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of enactment of the Gulf of Mexico Energy Security Act of 2006, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date of enactment of the Gulf of Mexico Energy Security Act of 2006, the Administrator shall issue requirements for the label or logo required by paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

''(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

''(i) The recyclability of the automobile.

''(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'fuelstar' program, under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the program a manufacturer may place green stars on the label maintained on an automobile under paragraph (1) as follows:

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902.

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds that standard.

''(C) GOLD STARS.—Under the program a manufacturer may place a gold star on the label maintained on an automobile under paragraph (1) if—

''(i) in the case of a passenger automobile, it obtains a fuel economy of 50 miles per gallon or more; and

''(ii) in the case of a light truck, it obtains a fuel economy of 37 miles per gallon or more.''.

SA 4700. Ms. SNOWE (for herself. Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—EXTEND THE EFFICIENCY INCENTIVES ACT OF 2006

SEC. 200. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''EXTEND the Energy Efficiency Incentives Act of 2006''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Non-Business Energy Improvements

SEC. 201. PERFORMANCE BASED ENERGY IMPROVEMENTS FOR NON-BUSINESS PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount of qualified energy efficiency expenditures paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The amount allowed as a credit under subsection (a) shall not exceed—

''(A) in the case of a principal residence that achieves a qualified energy savings of 50 percent or more, $2,000, and

''(B) in the case of a principal residence which achieves a qualified energy savings of less than 50 percent, the product of—

''(i) the qualified energy savings achieved, and

''(ii) $4,000.

''(2) MINIMUM AMOUNT OF QUALIFIED ENERGY SAVINGS.—No credit shall be allowed under subsection (a) with respect to any principal residence which achieves a qualified energy savings of less than 20 percent.

''(c) QUALIFIED ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section:

''(1) IN GENERAL.—The term 'qualified energy efficiency expenditures' means any amount paid or incurred which is related to producing qualified energy savings in a principal residence of the taxpayer which is located in the United States.

''(2) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term 'qualified energy efficiency expenditures' shall not include any expenditure for which a deduction or credit is otherwise allowed to the taxpayer under this chapter.

''(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that—

''(A) no ownership requirement shall be imposed, and

''(B) the period for which a building is treated as used as a principal residence shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as used as a principal residence.

''(d) QUALIFIED ENERGY SAVINGS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified energy savings' means, with respect to any principal residence, the amount (measured as a percentage) by which—

''(A) the annual energy use with respect to the principal residence after qualified energy efficiency expenditures are made, as certified under paragraph (2), is less than

''(B) the annual energy use with respect to the principal residence before the qualified energy efficiency expenditures were made, as certified under paragraph (2).

In determining annual energy use under subparagraph (B), any energy efficiency improvements which are not attributable to qualified energy efficiency expenditures shall be disregarded.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall prescribe the procedures and methods for the making of certifications under this paragraph based on the Residential Energy Services Network (RESNET) Technical Guidelines in effect on the date of the enactment of this section.

''(B) QUALIFIED INDIVIDUALS.—Any certification made under this paragraph may only be made by an individual who is recognized by an organization certified by the Secretary for such purposes.

''(e) SPECIAL RULES.—For purposes of this section rules similar to the rules under paragraphs (4), (5), (6), (7), (8), and (9) of section 25D(e) and section 25C(e)(2) shall apply.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2010.''.

(b) INTERIM GUIDANCE ON CERTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Energy, shall issue interim guidance on—

(A) the procedures and methods for making certifications under sections 25E(d)(2)(A) and 179E(d)(2)(A) of the Internal Revenue Code of 1986, as added by subsection (a) and section 213, respectively; and

(B) the recognition of qualified individuals under sections 25E(d)(2)(B) and 179E(d)(2)(B) of such Code for the purpose of making such certifications.

(2) CONSULTATION WITH STAKEHOLDERS.—

(A) IN GENERAL.—The Secretary of the Treasury, in issuing guidance pursuant to paragraph (1), shall consider comments from energy efficiency experts and other interested parties.

(B) OTHER CONSIDERATIONS.—In the case of guidance issued pursuant to paragraph (1)(B), the Secretary of the Treasury shall also consider—

(i) the Residential Energy Services Network Technical Guidelines and other pertinent guidelines for evaluating energy savings;

(ii) energy modeling software, including software accredited through the Residential Energy Services Network; and

(iii) quality assurance procedures of the Building Performance Institute, Home Performance through Energy Star, and the Residential Energy Services Network.

(c) ALTERNATIVE CERTIFICATION METHODS.—

(1) IN GENERAL.—The Secretary of the Treasury shall establish a procedure for individuals and businesses to petition for the approval of alternative methods of certification under sections 25E(d)(2)(A) and 179E(d)(2)(A) of the Internal Revenue Code of 1986, as added by subsection (a) and section 213, respectively.

(2) DETERMINATION.—The Secretary of the Treasury shall make a determination on the approval or disapproval of such alternative methods of certification not later than 90 days after receiving a petition under paragraph (1).

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(f).''.

(2) The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Performance based energy improvements.''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 202. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION.—Subsection (g) of section 25C of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) MODIFICATIONS FOR RESIDENTIAL ENERGY EFFICIENCY PROPERTY EXPENDITURES.—

(1) INCREASED LIMITATION FOR OIL FURNACES AND NATURAL GAS, PROPANE, AND OIL HOT WATER BOILERS.—

(A) IN GENERAL.—Subparagraphs (B) and (C) of section 25C(b)(3) are amended to read as follows:

''(B) $150 for any qualified natural gas furnace or qualified propane furnace, and

''(C) $300 for—

''(i) any item of energy-efficient building property, and

''(ii) any qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler.''.

(B) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or''.

(2) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(A) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2007.''.

(B) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ''2006'' and inserting ''2007''.

(C) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot

water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(c) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(d) ELIMINATION OF CREDIT FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS IN 2010.—

(1) IN GENERAL.—Subsection (a) of section 25C of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount of residential energy property expenditures paid or incurred by the taxpayer during the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(b) of such Code, as amended by subsection (b)(1), is amended by striking paragraphs (1) and (2) and by redesignating paragraph (3) as paragraph (1).

(B) Section 25C(b)(1) of such Code, as redesignated by subparagraph (A), is amended by striking ''by reason of subsection (a)(2)''.

(C) Section 25C of such Code is amended by striking subsection (c).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2006.

(3) SUBSECTION (d).—The amendments made by subsection (d) shall apply to property placed in service after December 31, 2009.

SEC. 203. MODIFICATION OF CREDIT FOR SOLAR ELECTRIC PROPERTY AND SOLAR HOT WATER PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 25D (relating to allowance of credit) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) 100 percent of the qualified solar electric property expenditures made by the taxpayer during such year,

''(2) 100 percent of the qualified solar hot water property expenditures made by the taxpayer during such year, and''.

(b) LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 25D(b) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) $2 with respect to each peak watt of capacity of qualified solar electric property for which qualified solar electric property expenditures are made,

''(B) in the case of qualified solar water heating property expenditures, an amount equal to—

''(i) in the case of a dwelling unit which uses electricity to heat water, $0.35 with respect to each kilowatt per year of savings of qualified solar hot water property for which qualified solar water heating property expenditures are made, or

''(ii) in the case of a dwelling unit which uses natural gas to heat water, $7 with respect to each annual Therm of natural gas savings of qualified solar hot water property for which qualified solar water heating property expenditures are made, and''.

(2) DETERMINATION OF SAVINGS.—Paragraph (1) of section 25D(b) is amended by adding at the end the following new flush sentence:

''For purposes of subparagraph (B), savings shall be determined under regulations prescribed by the Secretary based on the OG–300 Standard for the Annual Performance of OG–300 Certified Systems of the Solar Rating and Certification Corporation.''.

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 25D(d) is amended—

(A) by redesignating paragraph (3) as paragraph (5), and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURES.—The term ' qualified solar electric property expenditures' means any amount paid or incurred for qualified solar electric property.

''(2) QUALIFIED SOLAR ELECTRIC PROPERTY.—The term 'qualified solar electric property' means solar electric property (as defined in section 179F(c)(2)(B)) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(3) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURES.—The term 'qualified solar water heating property expenditures' means any amount paid or incurred for qualified solar hot water property.

''(4) QUALIFIED SOLAR HOT WATER PROPERTY.—The term 'qualified solar hot water property' means solar hot water property (as defined in section 179F(c)(2)(C)) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 25D(e)(2) is amended by striking ''property described in paragraph (1) and (2) of subsection (d)'' and inserting ''qualified solar electric property or qualified solar hot water property''.

(B) Section 25D(e)(4)(C) is amended by striking ''paragraphs (1), (2), and (3)'' and inserting ''paragraphs (1),(3), and (5)''.

(d) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—Clauses (i) and (ii) of section 25D(e)(4)(A) are amended to read as follows:

''(i) $2 in the case of each peak watt of capacity of qualified solar electric property for which qualified solar electric property expenditures are made,

''(ii) in the case of qualified solar water heating property expenditures, an amount equal to—

''(I) in the case of a dwelling unit which uses electricity to heat water, $0.35 with respect to each kilowatt per year of savings of qualified solar hot water property for which qualified solar water heating property expenditures are made, or

''(II) in the case of a dwelling unit which uses natural gas to heat water, $7 with respect to each annual Therm of natural gas savings of qualified solar hot water property for which qualified solar water heating property expenditures are made, and''.

(e) EXTENSION OF CREDIT.—Subsection (g) of section 25D is amended by striking ''2007'' and inserting ''2010''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Business-Related Energy Improvements

SEC. 211. EXTENSION AND CLARIFICATION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) CLARIFICATION.—

(1) IN GENERAL.—Paragraph (1) of section 45L(a) is amended by striking ''and'' at the end of subparagraph (A) and by striking subparagraph (B) and inserting the following:

''(B) acquired by a person from such eligible contractor, and

''(C) used by any person as a residence during the taxable year.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 1332 of the Energy Policy Act of 2005.

SEC. 212. EXTENSION AND MODIFICATION OF DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) EXTENSION.—Subsection (h) of section 179D (relating to termination) is amended to read as follows:

''(h) TERMINATION.—This section shall not apply with respect to property—

''(1) which is certified under subsection (d)(6) after December 31, 2011, or

''(2) which is placed in service after December 31, 2013.''.

(b) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) is amended by striking ''$1.80'' and inserting ''$2.25''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking ''$.60'' and inserting ''$0.75'', and

(B) by striking ''$1.80'' and inserting ''$2.25''.

(c) MODIFICATIONS TO CERTAIN SPECIAL RULES.—

(1) REQUIREMENTS FOR COMPUTER SOFTWARE USED IN CALCULATING ENERGY AND POWER CONSUMPTION COSTS.—Computer software used in preparing a calculation under section 179D(d)(2) of the Internal Revenue Code of 1986 shall automatically—

(A) generate the features, energy use, and energy and power consumption costs of a reference building that meets Standard 90.1–2001 (as defined under section 179D(c)(2) of such Code), and

(B) compare such features, energy use, and consumption costs to the features, energy use, and consumption costs of the building or system with respect to which the calculation is being made.

(2) TARGETS FOR PARTIAL ALLOWANCE OF CREDIT.—The targets established by the Secretary of Treasury under section 179D(b)(1)(B) of the Internal Revenue Code of 1986 shall be based on prescriptive criteria that can be modeled explicitly.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SEC. 213. DEDUCTION FOR ENERGY EFFICIENT LOW-RISE BUILDINGS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:

''SEC. 179E. ENERGY EFFICIENT LOW-RISE BUILDINGS DEDUCTION.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the

amount of qualified energy efficiency expenditures paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The amount allowed as a credit under subsection (a) shall not exceed—

''(A) in the case of a qualified low-rise building that achieves a qualified energy savings of 50 percent or more, $6,000, and

''(B) in the case of a qualified low-rise building which achieves a qualified energy savings of less than 50 percent, the product of—

''(i) the qualified energy savings achieved, and

''(ii) $12,000.

''(2) MINIMUM AMOUNT OF QUALIFIED ENERGY SAVINGS.—No credit shall be allowed under subsection (a) with respect to any qualified low-rise building which achieves a qualified energy savings of less than 20 percent.

''(c) QUALIFIED ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section:

''(1) IN GENERAL.—The term 'qualified energy efficiency expenditures' means any amount paid or incurred which is related to producing qualified energy savings in a qualified low-rise building of the taxpayer which is located in the United States.

''(2) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term 'qualified energy efficiency expenditures' shall not include any expenditure for any property for which a deduction has been allowed to the taxpayer under section 179F.

''(3) QUALIFIED LOW-RISE BUILDING.—The term 'qualified low-rise building' means a building—

''(A) with respect to which depreciation is allowable under section 167, and

''(B) which is not within the scope of Standard 90.1–2001 (as defined under section 179D(c)(2)).

''(d) QUALIFIED ENERGY SAVINGS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified energy savings' means, with respect to any qualified low-rise building, the amount (measured as a percentage) by which—

''(A) the annual energy use with respect to the qualified low-rise building after qualified energy efficiency expenditures are made, as certified under paragraph (2), is less than

''(B) the annual energy use with respect to the qualified low-rise building before the qualified energy efficiency expenditures were made, as certified under paragraph (2).

In determining annual energy use under subparagraph (B), any energy efficiency improvements which are not attributable to qualified energy efficiency expenditures shall be disregarded.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall prescribe the procedures and method for the making of certifications under this paragraph based on the Residential Energy Services Network (RESNET) Technical Guidelines in effect on the date of the enactment of this Act.

''(B) QUALIFIED INDIVIDUALS.—Any certification made under this paragraph may only be made by an individual who is recognized by an organization certified by the Secretary for such purposes.

''(e) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (8) and (9) of section 25D(e) shall apply.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by section 201, is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting '', and'', and by adding at the end the following new paragraph:

''(39) to the extent provided in section 179E(f).''.

(2) Section 1245(a) is amended by inserting ''179E,'' after ''179D,'' both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 1250(b)(3) is amended by inserting ''or 179E'' after ''section 179D''.

(4) Section 263(a)(1) is amended by striking ''or'' at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting '', or'', and by inserting after subparagraph (K) the following new subparagraph:

''(L) expenditures for which a deduction is allowed under section 179E.''.

(5) Section 312(k)(3)(B) is amended by striking ''179, 179A, 179B, 179C, or 179D'' each place it appears in the heading and text and inserting ''179, 179A, 179B, 179C, 179D, or 179E''.

(6) The table of sections for part VI of subchapter B is amended by inserting after the item relating to section 179D the following new item:

''Sec. 179E. Energy efficient low-rise buildings deduction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 214. ENERGY EFFICIENT PROPERTY DEDUCTION.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1, as amended by section 213, is amended by inserting after section 179E the following new section:

''SEC. 179F. ENERGY EFFICIENT PROPERTY.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the energy efficient property expenditures paid or incurred by the taxpayer during the taxable year

''(b) LIMITATION.—The amount of the deduction allowed under subsection (a) for any taxable years shall not exceed—

''(1) $150 for any advanced main air circulating fan,

''(2) $450 for any qualified natural gas furnace or qualified propane furnace,

''(3) $900 for—

''(A) any item of energy-efficient building property, and

''(B) any qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler.

''(4) $9 with respect to each peak watt of capacity of solar electric property,

''(5) in the case of solar hot water property, an amount equal to—

''(A) in the case of a dwelling unit which uses electricity to heat water, $1 with respect to each kilowatt per year of savings of such solar hot water property, or

''(B) in the case of a dwelling unit which uses natural gas to heat water, $21 with respect to each annual Therm of natural gas savings of such solar hot water property.

For purposes of paragraph (5), savings shall be determined under regulations prescribed by the Secretary based on the OG–300 Standard for the Annual Performance of OG–300 Certified Systems of the Solar Rating and Certification Corporation.

''(c) ENERGY EFFICIENT PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'energy efficient property expenditures' means expenditures paid by the taxpayer for qualified energy property which is—

''(A) of a character subject to the allowance for depreciation, and

''(B) originally placed in service by the taxpayer.

''(2) QUALIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy property' has the meaning given such term by section 25C(d)(2), except that such term shall include solar electric property and solar hot water property.

''(B) SOLAR ELECTRIC PROPERTY.—The term 'solar electric property' means property which uses solar energy to generate electricity.

''(C) SOLAR HOT WATER PROPERTY.—The term 'solar hot water property' means property used to heat water if at least half of the energy used by such property for such purpose is derived from the sun.

''(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(e) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2010.''.

(b) NO DOUBLE BENEFIT.—Section 179D(c) is amended by adding at the end the following new paragraph:

''(3) CERTAIN PROPERTY EXCLUDED.—The term 'energy efficient commercial building property' does not include any property with respect to which a credit has been allowed to the taxpayer under section 179F.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by section 213, is amended by striking ''and'' at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting '', and'', and by adding at the end the following new paragraph:

''(40) to the extent provided in section 179E(e).''.

(2) Section 1245(a), as amended by section 213 is amended by inserting ''179F,'' after ''179E,'' both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 1250(b)(3), as amended by section 213, is amended by inserting ''or 179F'' after ''section 179E''.

(4) Section 263(a)(1), as amended by section 213, is amended by striking ''or'' at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting '', or'', and by inserting after subparagraph (L) the following new subparagraph:

''(M) expenditures for which a deduction is allowed under section 179F.''.

(5) Section 312(k)(3)(B), as amended by section 213, is amended by striking ''179, 179A, 179B, 179C, 179D, or 179E'' each place it appears in the heading and text and inserting ''179, 179A, 179B, 179C, 179D, 179E, or 179F''.

(6) The table of sections for part VI of subchapter B is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Energy efficient property.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SEC. 215. EXTENSION OF INVESTMENT TAX CREDIT WITH RESPECT TO SOLAR ENERGY PROPERTY AND QUALIFIED FUEL CELL PROPERTY.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''2008'' and inserting ''2012''.

(b) ELIGIBLE FUEL CELL PROPERTY.—Paragraph (1)(E) of section 48(c) is amended by striking ''2007'' and inserting ''2011''.

Subtitle C—Incentives for Energy Savings Certifications

SEC. 221. CREDIT FOR ENERGY SAVINGS CERTIFICATIONS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45N. ENERGY SAVINGS CERTIFICATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the energy savings certification credit determined under this section for any taxable year is an amount equal to the sum of—

''(1) the qualified training and certification costs paid or incurred by the taxpayer which may be taken into account for such taxable year, plus

''(2) the qualified certification equipment expenditures paid or incurred by the taxpayer which may be taken into account for such taxable year.

''(b) QUALIFIED TRAINING AND CERTIFICATION COSTS.—

''(1) IN GENERAL.—The term 'qualified training and certification costs' means costs paid or incurred for training which is required for the taxpayer or employees of the taxpayer to be certified by the Secretary under section 25D(d)(2)(B) or 179E(d)(2)(B) for the purpose of certifying energy savings.

''(2) LIMITATION.—The qualified training and certification costs taken into account under subsection (a)(1) for the taxable year with respect to any individual shall not exceed $500 reduced by the amount of the credit allowed under subsection (a)(1) to the taxpayer (or any predecessor) with respect to such individual for all prior taxable years.

''(3) YEAR COSTS TAKEN INTO ACCOUNT.—Qualified training and certifications costs with respect to any individual shall not be taken into account under subsection (a)(1) before the taxable year in which the individual with respect to whom such costs are paid or incurred has performed 25 certifications under sections 25E(d)(2)(A) and 179E(d)(2)(A).

''(c) QUALIFIED CERTIFICATION EQUIPMENT EXPENDITURES.—

''(1) IN GENERAL.—The term 'qualified training equipment expenditures' means costs paid or incurred for—

''(A) blower doors,

''(B) duct leakage testing equipment,

''(C) flue gas combustion equipment, and

''(D) digital manometers.

''(2) LIMITATION.—

''(A) IN GENERAL.—The qualified certification equipment expenditures taken into account under subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed $1,000.

''(B) LIMITATION ON INDIVIDUAL ITEMS.—The qualified certification equipment expenditures taken into account under subsection (a)(2) shall not exceed—

''(i) $500 with respect to any blower door or duct leakage testing equipment, and

''(ii) $100 with respect to any flue gas combustion equipment or digital manometer.

''(3) YEAR EXPENDITURES TAKEN INTO ACCOUNT.—The qualified certification equipment expenditures of any taxpayer shall not be taken into account under subsection (a)(2) before the taxable year in which the taxpayer has performed 25 certifications under sections 25E(d)(2)(A) and 179E(d)(2)(A).

''(d) SPECIAL RULES.—

''(1) AGGREGATION RULES.—For purposes of this section, all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.

''(2) BASIS REDUCTION.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

''(3) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount taken into account under subsection (a) for such taxable year.

''(B) AMOUNT PREVIOUSLY DEDUCTED.—No credit shall be allowed under subsection (a) with respect to any amount for which a deduction has been allowed in any preceding taxable year.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ''plus'', and by adding at the end the following new paragraph:

''(31) the energy savings certification credit determined under section 45N(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this title, is amended by striking ''and'' at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting ''and'', and by adding at the end the following new paragraph:

''(41) to the extent provided in section 45N(d)(2).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45M the following new item:

''Sec. 45N. Energy savings certification credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SA 4701. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

(a) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

''(a) DEFINITION OF FRANCHISE-RELATED DOCUMENT.—In this section, the term 'franchise-related document' means—

''(1) a franchise under this Act; and

''(2) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—Notwithstanding any provision of a franchise-related document in effect on the date of enactment of this section, no franchisee or affiliate of a franchisee shall be restricted from—

''(A) installing on the marketing premises of the franchisee a renewable fuel pump;

''(B) converting an existing tank and pump on the marketing premises of the franchisee for renewable fuel use;

''(C) advertising (including through the use of signage or logos) the sale of any renewable fuel; or

''(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears).

''(2) ENFORCEMENT.—Any restriction described in paragraph (1) that is contained in a franchise-related document and in effect on the date of enactment of this section—

''(A) shall be considered to be null and void as of that date; and

''(B) shall not be enforced under section 105.

''(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling a renewable fuel in lieu of 1 grade of gasoline.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by adjusting the indentation of subparagraph (C) appropriately.

(2) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

''Sec. 107. Prohibition on restriction of installation of renewable fuel pumps.'';

and

(B) by striking the item relating to section 202 and inserting the following:

''Sec. 202. Automotive fuel rating testing and disclosure requirements.''.

SA 4702. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 6. REPORT.

Not later than October 31 of each year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes—

(1) the progress of the agencies of the Federal government (including the Executive Office of the President) in complying with—

(A) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.); and

(B) Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency);

(2) the number of fueling centers operated by each Federal agency;

(3) the number of the fueling centers that are equipped to supply renewable fuels; and

(4) which renewable fuel blends are offered at those fueling centers.

SA 4703. Mr. SHELBY proposed an amendment to the bill S. 3549, to amend the Defense Production Act of 1950 to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional Oversight with respect thereto, and for other purposes; as follows:

On page 3, line 8, strike ''written notification'' and insert the following: ''a written request for review by a person involved in the transaction, or by one or more members of CFIUS,''.

On page 3, line 10, strike ''under this section'' and insert ''in accordance with paragraph (1)(A)''.

On page 3, line 24, strike ''entity'' and insert ''person''.

On page 4, beginning on line 19, strike ''additional assurances'' and insert ''assurances provided or renewed with the approval of CFIUS''.

On page 4, line 22, strike ''and'' and insert ''or''.

On page 5, line 2, insert before the period the following: '', and the issues that could result in an impairment to national security are not resolved through negotiation of assurances between one or more members of CFIUS and the entities involved in the transaction''.

On page 5, strike line 22 and all that follows through page 6, line 6 and insert the following:

''(4) MONITORING OF WITHDRAWN TRANSACTIONS.—If the notification or filing with respect to a proposed transaction is withdrawn or rescinded, CFIUS shall continue to monitor such transaction, unless the transaction is terminated by agreement of the parties to the transaction. If CFIUS has reason to believe that the proposed transaction has not been so terminated, CFIUS shall initiate a review or investigation under this section if the parties do not resubmit the notification or filing within an appropriate period of time.''.

On page 6, strike lines 7 through 23 and insert the following:

''(5) MANDATORY NOTIFICATION RELATED TO CERTAIN TRANSACTIONS AFFECTING NATIONAL SECURITY.—The chairperson and vice chairperson of CFIUS shall, not later than 90 days after the date of enactment of the Foreign Investment and National Security Act of 2006, issue rules, including the imposition of appropriate penalties for failure to comply with this paragraph, that require each person controlled by or acting on behalf of a foreign government to notify the chairperson of CFIUS in writing of any proposed transaction involving such person and United States critical infrastructure relating to United States national security.''.

On page 8, line 17, strike ''(or longer)''.

On page 9, line 3, strike ''AND CLASSIFICATIONS''.

On page 9, line 15, strike ''and classifying''.

On page 10, line 17, strike ''and classification''.

On page 15, line 1, strike ''ranking'' and insert ''assessments''.

On page 16, line 5, strike ''ADDITIONAL''.

On page 17, line 6, insert ''of CFIUS'' after ''vice chairperson''.

On page 19, line 12, strike ''transaction'' and all that follows through line 16 and insert ''transaction; and''.

On page 20, line 3, insert ''does or'' before ''does not''.

On page 23, strike lines 21 through 24.

On page 24, line 1, strike ''(vi)'' and insert ''(v)''.

On page 24, line 10, strike ''(vii)'' and insert ''(vi)''

On page 24, line 17, strike ''(vii)'' and insert ''(vii)''.

On page 27, line 4, strike ''the term'' and insert the following: ''the term 'assurances' means any term, understanding, commitment, agreement, or limitation, however described, that relates to ameliorating in any way the potential effect of a transaction on the national security;

''(2) the term''.

On page 27, line 12, strike ''(2)'' and insert ''(3)''.

On page 27, line 19, strike ''(3)'' and insert ''(4)''.

On page 27, line 22, strike ''(4)'' and insert ''(5)''.

On page 27, line 25, strike the period and all that follows through ''The term includes'' on page 28, line 1 and insert '', and includes''.

On page 28, line 5, strike ''(5)'' and insert ''(6)''.

On page 28, line 11, strike ''(6)'' and insert ''(7)''.

On page 28, line 14, strike ''(7)'' and insert ''(8)''.

SA 4704. Mr. HARKIN (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 6 RENEWABLE FUEL PROGRAM.

Section 211(o)(2) of the Clean Air Act (42 U.S.C. 7545(o)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar years 2007 through 2010 shall be determined, by rule, by the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, in a manner that ensures that the applicable volume for calendar year 2010 and each calendar year thereafter is at least 10,000,000,000 gallons of renewable fuel.''.

SA 4705. Mr. HARKIN (for himself, Mr. LUGAR, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 6. BIOFUELS SECURITY.

(a) SHORT TITLE.—This section may be cited as the ''Biofuels Security Act of 2006''.

(b) RENEWABLE FUELS.—

(1) RENEWABLE FUEL PROGRAM.—Section 211(o)(2) of the Clean Air Act (42 U.S.C. 7545(o)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) APPLICABLE VOLUME.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), the applicable volume for calendar year 2010 and each calendar year thereafter shall be determined, by rule, by the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, in a manner that ensures that—

''(I) the requirements described in clause (ii) for specified calendar years are met; and

''(II) the applicable volume for each calendar year not specified in clause (ii) is determined on an annual basis.

''(ii) REQUIREMENTS.—The requirements referred to in clause (i) are—

''(I) for calendar year 2010, at least 10,000,000,000 gallons of renewable fuel;

''(II) for calendar year 2020, at least 30,000,000,000 gallons of renewable fuel; and

''(III) for calendar year 2030, at least 60,000,000,000 gallons of renewable fuel.''.

(2) INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

''(11) INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) E–85 FUEL.—The term 'E–85 fuel' means a blend of gasoline approximately 85 percent of the content of which is derived from ethanol produced in the United States.

''(ii) MAJOR OIL COMPANY.—The term 'major oil company' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, has not less than 4,500 retail station outlets according to the latest publication of the Petroleum News Annual Factbook.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

''(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major oil company that sells or introduces gasoline into commerce in the United States through wholly-owned stations or branded stations installs or otherwise makes available 1 or more pumps that dispense E–85 fuel (including any other equipment necessary, such as including tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the wholly-owned stations and the branded stations of the major oil company specified in subparagraph (C).

''(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the wholly-owned stations and the branded stations shall be determined in accordance with the following table:

Calendar year:	"Applicable percentage of wholly-owned stations and branded stations (percent):
2007	5
2008	10
2009	15
2010	20
2011	25
2012	30
2013	35
2014	40
2015	45
2016 and each calendar year thereafter.	50.

''(D) GEOGRAPHIC DISTRIBUTION.—

''(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in subparagraph (B) installs or otherwise makes available 1 or more pumps that dispense E–85 fuel at not less than a minimum percentage (specified in the regulations) of the wholly-owned stations and the branded stations of the major oil company in each State.

''(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major oil company installs or otherwise makes available 1 or more pumps described in that clause in each State in which the major oil company operates.

''(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

''(F) PRODUCTION CREDITS FOR EXCEEDING E–85 FUEL PUMPS INSTALLATION REQUIREMENT.—

''(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the wholly-

owned stations and the branded stations of a major oil company at which the major oil company installs E–85 fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major oil company earns credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

''(ii) TRADING CREDITS.—Subject to clause (iii), a major oil company that has earned credits under clause (i) may sell credits to another major oil company to enable the purchaser to meet the requirement under subparagraph (C).

''(iii) EXCEPTION.—A major oil company may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).''.

(3) MINIMUM FEDERAL FLEET REQUIREMENT.—Section 303(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking ''fiscal year 1999 and thereafter'' and inserting ''each of fiscal years 1999 through 2006; and''; and

(C) by inserting after subparagraph (D) the following:

''(E) 100 percent in fiscal year 2007 and thereafter,''.

(4) APPLICATION OF GASOHOL COMPETITION ACT OF 1980.—Section 26 of the Clayton Act (15 U.S.C. 26a) is amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

''(c) For purposes of subsection (a), restricting the right of a franchisee to install on the premises of that franchisee a renewable fuel pump, such as one that dispenses E85, shall be considered an unlawful restriction.''; and

(C) in subsection (d) (as redesignated by subparagraph (A))—

(i) by striking ''section,'' and inserting the following: ''section—

''(1) the term'';

(ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(2) the term 'gasohol' includes any blend of ethanol and gasoline such as E–85.''.

(c) DUAL FUELED AUTOMOBILES.—

(1) REQUIREMENT TO MANUFACTURE DUAL FUELED AUTOMOBILES.—

(A) REQUIREMENT.—

(i) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

''§ 32902A. Requirement to manufacture dual fueled automobiles

''(a) REQUIREMENT.—Each manufacturer of new automobiles that are capable of operating on gasoline or diesel fuel shall ensure that the percentage of such automobiles, manufactured in any model year after model year 2006 and distributed in commerce for sale in the United States, which are dual fueled automobiles is equal to not less than the applicable percentage set forth in the following table:

''For each of the following model years:	The percentage of dual fueled automobiles manufactured shall be not less than:
2007	10
2008	20
2009	30
2010	40
2011	50
2012	60
2013	70
2014	80
2015	90
2016 and beyond	100.

''(b) PRODUCTION CREDITS FOR EXCEEDING FLEXIBLE FUEL AUTOMOBILE PRODUCTION REQUIREMENT.—

''(1) EARNING AND PERIOD FOR APPLYING CREDITS.—If the number of dual fueled automobiles manufactured by a manufacturer in a particular model year exceeds the number required under subsection (a), the manufacturer earns credits under this section, which may be applied to any of the 3 consecutive model years immediately after the model year for which the credits are earned.

''(2) TRADING CREDITS.—A manufacturer that has earned credits under paragraph (1) may sell credits to another manufacturer to enable the purchaser to meet the requirement under subsection (a).''.

(ii) TECHNICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''32902A. Requirement to manufacture dual fueled automobiles.''.

(B) ACTIVITIES TO PROMOTE THE USE OF CERTAIN ALTERNATIVE FUELS.—The Secretary of Transportation shall carry out activities to promote the use of fuel mixtures containing gasoline or diesel fuel and 1 or more alternative fuels, including a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels, to power automobiles in the United States.

(2) MANUFACTURING INCENTIVES FOR DUAL FUELED AUTOMOBILES.—Section 32905(b) of title 49, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' before ''Except'';

(C) by striking ''model years 1993–2010'' and inserting ''model year 1993 through the first model year beginning not less than 18 months after the date of enactment of the Biofuels Security Act of 2006''; and

(D) by adding at the end the following:

''(2) Except as provided in paragraph (5) of this subsection, subsection (d) of this section, or section 32904(a)(2) of this title, the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in the first model year beginning not less than 30 months after the date of enactment of the Biofuels Security Act of 2006 by dividing 1.0 by the sum of—

''(A) 0.7 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

''(B) 0.3 divided by the fuel economy measured under subsection (a) when operating the model on alternative fuel.

''(3) Except as provided in paragraph (5) of this subsection, subsection (d) of this section, or section 32904(a)(2) of this title, the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in the first model year beginning not less than 42 months after the date of enactment of the Biofuels Security Act of 2006 by dividing 1.0 by the sum of—

''(A) 0.9 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

''(B) 0.1 divided by the fuel economy measured under subsection (a) when operating the model on alternative fuel.

''(4) Except as provided in subsection (d) of this section, or section 32904(a)(2) of this title, the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in each model year beginning not less than 54 months after the date of enactment of the Biofuels Security Act of 2006 in accordance with section 32904(c) of this title.

''(5) Notwithstanding paragraphs (2) through (4) of this subsection, the fuel economy for all dual fueled automobiles manufactured to comply with the requirements under section 32902A(a) of this title, including automobiles for which dual fueled automobile credits have been used or traded under section 32902A(b) of this title, shall be measured in accordance with section 32904(c) of this title.''.

SA 4706. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mr. LUGAR, Mr. OBAMA, Mr. CHAFEE, Mr. AKAKA, Mrs. CLINTON, Ms. CANTWELL, Ms. COLLINS, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, Mr. GRAHAM, Mr. MENENDEZ, Mr. DODD, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—VEHICLE AND FUEL CHOICES FOR AMERICAN SECURITY

SEC. __01. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States is dangerously dependent on oil;

(2) that dependence threatens the national security, weakens the economy, and harms the environment of the United States;

(3) the United States currently imports nearly 60 percent of oil needed in the United States, and that percentage is expected to grow to almost 70 percent by 2025 if no actions are taken;

(4) approximately 2,500,000 barrels of oil per day are imported from countries in the Persian Gulf region;

(5) dependence on foreign oil has led to strategic partnerships with some regimes that do not share the democratic values of the United States;

(6) terrorists have identified oil as a strategic vulnerability and have increased attacks against oil infrastructure worldwide;

(7) oil imports comprise nearly 30 percent of the dangerously high United States trade deficit;

(8) it is technically feasible to achieve oil savings of more than 2,500,000 barrels per day by 2017 and 7,000,000 barrels per day by 2026;

(9) those goals can be achieved by establishing a set of flexible policies, including—

(A) increasing the gasoline-efficiency of cars, trucks, tires, and oil;

(B) providing economic incentives for companies and consumers to purchase fuel-efficient vehicles;

(C) encouraging the use of transit and the reduction of truck idling; and

(D) increasing production and commercialization of alternative liquid fuels;

(10) technology available as of the date of enactment of this Act (including popular hybrid-electric vehicle models, the sales of

which in the United States increased 173 percent in the first 5 months of 2005 as compared with the same period in 2004) make an oil savings plan eminently achievable;

(11) achieving those goals will benefit consumers and businesses through lower fuel bills and reduction in world oil prices;

(12) achieving those goals will help protect the economy of the United States from high and volatile oil prices; and

(13) it is urgent, essential, and feasible to implement an action plan to achieve oil savings as soon as practicable because any delay in initiating action will—

(A) make achieving necessary oil savings more difficult and expensive; and

(B) increase the risks to the national security, economy, and environment of the United States.

(b) PURPOSES.—The purposes of this title are—

(1) to accelerate market penetration of electric drive and alternative motor vehicles;

(2) to enable the accelerated market penetration of efficient technologies and alternative fuels without adverse impact on air quality while maintaining a policy of fuel neutrality, so as to allow market forces to elect the technologies and fuels that are consumer-friendly, safe, environmentally-sound, and economic;

(3) to provide time-limited financial incentives to encourage production and consumer purchase of oil saving technologies and fuels nationwide; and

(4) to promote a nationwide diversity of motor vehicle fuels and advanced motor vehicle technology, including advanced lean burn technology, hybrid technology, flexible fuel motor vehicles, alternatively fueled motor vehicles, and other oil saving technologies.

Subtitle A—Oil Savings Plan and Requirements

SEC. __11. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this subtitle as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to section __12 that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under section __15—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis of—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. __12. STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—On or before the date of publication of the action plan under section __11, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in subsection (b).

(b) AUTHORITIES.—The head of each agency described in subsection (a) shall use to carry out this section—

(1) any authority in existence on the date of enactment of this Act (including regulations); and

(2) any new authority provided under this Act (including an amendment made by this Act).

(c) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in subsection (a) shall promulgate final versions of the regulations required under this section.

(d) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be designed to achieve at least the oil savings resulting from the regulation under the action plan published under section __11; and

(2) be accompanied by an analysis by the applicable agency describing the manner in which the regulation will promote the achievement of the oil savings from the baseline determined under section __15.

SEC. __13. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section __15.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section __11, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section __12.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. __14. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section __11;

(2) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section __11; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section __11, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section __12.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. __15. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this subtitle, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

Subtitle B—Fuel Efficient Vehicles for the 21st Century

SEC. __21. TIRE EFFICIENCY PROGRAM.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) UNIFORM QUALITY GRADING SYSTEM.—

''(A) IN GENERAL.—The Secretary'';

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) NOMENCLATURE AND MARKETING PRACTICES.—The Secretary'';

(C) in the third sentence, by striking ''A tire standard'' and inserting the following:

''(3) EFFECT OF STANDARDS AND REGULATIONS.—A tire standard''; and

(D) in paragraph (1), as designated by subparagraph (A), by adding at the end the following:

''(B) INCLUSION.—The grading system established pursuant to subparagraph (A) shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE EFFICIENCY PROGRAM.—

''(1) DEFINITION.—In this subsection, the term 'fuel economy', with respect to a tire, means the extent to which the tire contributes to the fuel economy of the motor vehicle on which the tire is mounted.

''(2) PROGRAM.—The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(3) REQUIREMENTS.—Not later than March 31, 2008, the Secretary shall issue regulations, which establish—

''(A) policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires;

''(B) policies and procedures to promote the purchase of energy efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel efficiency information on tires; and

''(C) minimum fuel economy standards for tires.

''(4) MINIMUM FUEL ECONOMY STANDARDS.—In promulgating minimum fuel economy standards for tires, the Secretary shall design standards that—

''(A) ensure, in conjunction with the requirements under paragraph (3)(B), that the average fuel economy of replacement tires is not less than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) do not adversely affect tire safety;

''(D) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by manufacturers; and

''(E) do not adversely affect efforts to manage scrap tires.

''(5) APPLICABILITY.—The policies, procedures, and standards developed under paragraph (3) shall apply to all tire types and models regulated under the uniform tire quality grading standards in section 575.104 of title 49, Code of Federal Regulations (or a successor regulation).

''(6) REVIEW.—

''(A) IN GENERAL.—Not less than once every 3 years, the Secretary shall—

''(i) review the minimum fuel economy standards in effect for tires under this subsection; and

''(ii) subject to subparagraph (B), revise the standards as necessary to ensure compliance with standards described in paragraph (4).

''(B) LIMITATION.—The Secretary may not reduce the average fuel economy standards applicable to replacement tires.

''(7) NO PREEMPTION OF STATE LAW.—Nothing in this section shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(8) EXCEPTIONS.—Nothing in this section shall apply to—

''(A) a tire or group of tires with the same stock keeping unit, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.''.

(b) CONFORMING AMENDMENT.—Section 30103(b)(1) of title 49, United States Code, is amended by striking ''When'' and inserting ''Except as provided in section 30123(d), if''.

(c) TIME FOR IMPLEMENTATION.—Beginning not later than March 31, 2008, the Secretary of Transportation shall administer the national tire fuel efficiency program established under section 30123(d) of title 49, United States Code, in accordance with the policies, procedures, and standards developed under section 30123(d)(3) of such title.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out section 30123(d) of title 49, United States Code, as added by subsection (a).

SEC. __22. REDUCTION OF SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. __23. FUEL EFFICIENCY FOR HEAVY DUTY TRUCKS.

Part C of subtitle VI of title 49, United States Code, is amended by inserting after chapter 329 the following:

''CHAPTER 330—HEAVY DUTY VEHICLE FUEL ECONOMY STANDARDS

''CHAPTER 330—HEAVY DUTY VEHICLE FUEL ECONOMY STANDARDS

''Sec.

''33001. Purpose and policy.

''33002. Definition.

''33003. Testing and assessment.

''33004. Standards.

''33005. Authorization of appropriations.

''§ 33001. Purpose and policy

''The purpose of this chapter is to reduce petroleum consumption by heavy duty motor vehicles.

''§ 33002. Definition

''In this chapter, the term 'heavy duty motor vehicle'—

''(1) means a vehicle having a gross vehicle weight rating of at least 10,000 pounds that is driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways; and

''(2) does not include a vehicle operated only on a rail line.

''§ 33003. Testing and assessment

''(a) GENERAL REQUIREMENTS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') shall develop and coordinate a national testing and assessment program to—

''(1) determine the fuel economy of heavy duty vehicles; and

''(2) assess the fuel efficiency attainable through available technology.

''(b) TESTING.—The Administrator shall—

''(1) design a National testing program to assess the fuel economy of heavy duty vehicles (based on the program for light duty vehicles); and

''(2) implement the program described in paragraph (1) not later than 18 months after the date of enactment of this chapter.

''(c) ASSESSMENT.—The Administrator shall consult with the Secretary of Transportation on the assessment of available technologies to enhance the fuel efficiency of heavy duty vehicles to ensure that vehicle use and needs are considered appropriately in the assessment.

''(d) REPORTING.—The Administrator shall—

''(1) not later than 2 years after the date of enactment of this chapter, submit a report to Congress regarding the results of the assessment of available technologies to improve the fuel efficiency of heavy duty vehicles.

''(2) submit a report to Congress, at least biannually, that addresses the fuel economy of heavy duty vehicles; and

''§ 33004. Standards

''(a) GENERAL REQUIREMENTS.—Not later than 18 months after completing the testing and assessments under section 33003, the Secretary of Transportation shall prescribe average heavy duty vehicle fuel economy standards. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides that manufacturers can achieve in that model year. The Secretary may prescribe separate standards for different classes of heavy duty motor vehicles. The standards for each model year shall be completed not later than 18 months before the beginning of each model year.

''(b) CONSIDERATIONS AND CONSULTATION.—In determining maximum feasible average fuel economy, the Secretary shall consider—

''(1) relevant available heavy duty motor vehicle fuel consumption information;

''(2) technological feasibility;

''(3) economic practicability;

''(4) the desirability of reducing United States dependence on oil;

''(5) the effects of average fuel economy standards on vehicle safety;

''(6) the effects of average fuel economy standards on levels of employment and competitiveness of the heavy truck manufacturing industry ; and

''(7) the extent to which the standard will carry out the purpose described in section 33001.

''(c) COOPERATION.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing fuel economy standards for heavy duty motor vehicles.

''(d) 5-YEAR PLAN FOR TESTING STANDARDS.—The Secretary shall establish, periodically review, and continually update a 5-year plan for testing heavy duty motor vehicle fuel economy standards prescribed under this chapter. In developing and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with the purpose described in section 33001 and the Secretary's other duties and powers under this chapter.

''§ 33005. Authorization of appropriations

''There are authorized to be appropriated, for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this chapter.''.

SEC. __24. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel;

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(c) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency batteries;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) GOALS.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

SEC. __25. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. __26. HYBRID AND ADVANCED DIESEL VEHICLES.

(a) HYBRID VEHICLES.—The Energy Policy Act of 2005 is amended by striking section 711 (42 U.S.C. 16061) and inserting the following:

''SEC. 711. HYBRID VEHICLES.

''(a) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given the term 'cost of a loan guarantee' within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project to—

''(A) improve hybrid technologies under subsection (b); or

''(B) encourage domestic production of efficient hybrid and advanced diesel vehicles under section 712(a).

''(3) GUARANTEE.—

''(A) IN GENERAL.—The term 'guarantee' has the meaning given the term 'loan guarantee' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(B) INCLUSION.—The term 'guarantee' includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

''(4) HYBRID TECHNOLOGY.—The term 'hybrid technology' means a battery or other rechargeable energy storage system, power electronic, hybrid systems integration, and any other technology for use in hybrid vehicles.

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(b) AUTHORIZATION.—The Secretary shall accelerate efforts directed toward the improvement of hybrid technologies, including through the provision of loan guarantees under subsection (c).

''(c) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make guarantees under this section for eligible projects on such terms and conditions as the Secretary, in consultation with the Secretary of the Treasury, determines to be appropriate.

''(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(3) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary shall not exceed an amount equal to 80 percent of the project cost of the hybrid technology that is the subject of the guarantee, as estimated at the time at which the guarantee is issued.

''(4) REPAYMENT.—

''(A) IN GENERAL.—No guarantee shall be made unless the Secretary determines that there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower.

''(B) AMOUNT.—No guarantee shall be made unless the Secretary determines that the amount of the obligation (when combined with amounts available to the borrower from other sources) will be sufficient to carry out the project.

''(C) SUBORDINATION.—The obligation shall be subject to the condition that the obligation is not subordinate to other financing.

''(5) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

''(6) TERM.—The term of an obligation shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life of the physical asset to be financed by the obligation (as determined by the Secretary).

''(7) DEFAULTS.—

''(A) PAYMENT BY SECRETARY.—

''(i) IN GENERAL.—If a borrower defaults on the obligation (as defined in regulations promulgated by the Secretary and specified in the guarantee contract), the holder of the guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(ii) PAYMENT REQUIRED.—Within such period as may be specified in the guarantee or related agreements, the Secretary shall pay to the holder of the guarantee the unpaid interest on, and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that—

''(I) there was no default by the borrower in the payment of interest or principal; or

''(II) the default has been remedied.

''(iii) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower that may be agreed upon by the parties to the obligation and approved by the Secretary.

''(B) SUBROGATION.—

''(i) IN GENERAL.—If the Secretary makes a payment under subparagraph (A), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the guarantee or related agreements including, where appropriate, the authority (notwithstanding any other provision of law) to—

''(I) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or related agreements; or

''(II) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the eligible project, as the Secretary determines to be in the public interest.

''(ii) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreement, shall be superior to the rights of any other person with respect to the property.

''(iii) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(I) protect the interests of the United States in the case of default; and

''(II) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the eligible project.

''(C) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the borrower, from funds appropriated for that purpose, the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

''(i)(I) the borrower is unable to meet the payments and is not in default;

''(II) it is in the public interest to permit the borrower to continue to pursue the purposes of the eligible project; and

''(III) the probable net benefit to the Federal Government in paying the principal and interest will be greater than the benefit that would result in the event of a default;

''(ii) the amount of the payment that the Secretary is authorized to pay will be no greater than the amount of principal and interest that the borrower is obligated to pay under the agreement being guaranteed; and

''(iii) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

''(D) ACTION BY ATTORNEY GENERAL.—

''(i) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(ii) RECOVERY.—On receipt of notification, the Attorney General shall take such action as the Attorney General determines to be appropriate to recover the unpaid principal and interest due from—

''(I) such assets of the defaulting borrower as are associated with the obligation; or

''(II) any other security pledged to secure the obligation.

''(8) FEES.—

''(A) IN GENERAL.—The Secretary shall charge and collect fees for guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(B) AVAILABILITY.—Fees collected under this paragraph shall—

''(i) be deposited by the Secretary into the Treasury; and

''(ii) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(9) RECORDS; AUDITS.—

''(A) IN GENERAL.—A recipient of a guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(B) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

''(10) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this section.''.

(b) EFFICIENT HYBRID AND ADVANCED DIESEL VEHICLES.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and the provision of loan guarantees under section 711(c) to automobile manufacturers and suppliers''.

SEC. __27. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $75,000,000.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip or expand any manufacturing facility of the eleigible taxpayer to produce advanced technology motor vehicles,

''(B) to re-equip, expand, or establish any manufacturing facility of the eligible taxpayer to produce eligible components,

''(C) for engineering integration performed in the United States of such vehicles and components as described in subsection (d), and

''(D) for research and development performed in the United States related to advanced technology motor vehicles and eligible components.

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)), or

''(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) and determined without regard to any gross vehicle weight rating).

''(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator,

''(ii) power split device,

''(iii) power control unit,

''(iv) power controls,

''(v) integrated starter generator, or

''(vi) battery,

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) hydraulic accumulator vessel,

''(ii) hydraulic pump, or

''(iii) hydraulic pump-motor assembly,

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine,

''(ii) turbocharger,

''(iii) fuel injection system, or

''(iv) after-treatment system, such as a particle filter or NOx absorber, and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(C), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(D) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(D) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply.

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2015.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(g).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

SEC. __28. CONSUMER INCENTIVES TO PURCHASE ADVANCED TECHNOLOGY VEHICLES.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30D of the Internal Revenue Code of 1986 is amended by striking subsection (f) and by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of the Internal Revenue Code of 1986 are each amended amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(B) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. __29. FEDERAL FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(2) Not later than January 31, 2007, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a light-duty hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a medium- or heavy-duty hybrid electric vehicle;

''(V) a neighborhood electric vehicle; or

''(VI) a medium- or heavy-duty dedicated vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) environmental safety.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) $10,000,000 for the period of fiscal years 2007 through 2012.

SEC. __30. TAX INCENTIVES FOR PRIVATE FLEETS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. FUEL-EFFICIENT FLEET CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the fuel-efficient fleet credit for any taxable year is 15 percent of the qualified fuel-efficient vehicle investment amount of an eligible taxpayer for such taxable year.

''(b) VEHICLE PURCHASE REQUIREMENT.—In the case of any eligible taxpayer which places less than 10 qualified fuel-efficient vehicles in service during the taxable year, the qualified fuel-efficient vehicle investment amount shall be zero.

''(c) QUALIFIED FUEL-EFFICIENT VEHICLE INVESTMENT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified fuel-efficient vehicle investment amount' means the basis of any qualified fuel-efficient vehicle placed in service by an eligible taxpayer during the taxable year.

''(2) QUALIFIED FUEL-EFFICIENT VEHICLE.—The term 'qualified fuel-efficient vehicle' means an automobile which has a fuel economy which is at least 125 percent greater than the average fuel economy standard for an automobile of the same class and model year.

''(3) OTHER TERMS.—The terms 'automobile', 'average fuel economy standard', 'fuel economy', and 'model year' have the meanings given to such terms under section 32901 of title 49, United States Code.

''(d) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means, with respect to any taxable year, a taxpayer who owns a fleet of 100 or more vehicles which are used in the trade or business of the taxpayer on the first day of such taxable year.

''(e) TERMINATION.—This section shall not apply to any vehicle placed in service after December 31, 2010.''.

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the fuel-efficient fleet credit.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any qualified fuel-efficient vehicle which is taken into account under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following new item:

''Sec. 48C. Fuel-efficient fleet credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal

Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. _31. REDUCING INCENTIVES TO GUZZLE GAS.

(a) INCLUSION OF HEAVY VEHICLES IN LIMITATION ON DEPRECIATION OF CERTAIN LUXURY AUTOMOBILES.—

(1) IN GENERAL.—Section 280F(d)(5)(A) of the Internal Revenue Code of 1986 (defining passenger automobile) is amended—

(A) by striking clause (ii) and inserting the following new clause:

''(ii)(I) which is rated at 6,000 pounds unloaded gross vehicle weight or less, or

''(II) which is rated at more than 6,000 pounds but not more than 14,000 pounds gross vehicle weight.'',

(B) by striking ''clause (ii)'' in the second sentence and inserting ''clause (ii)(I)''.

(2) EXCEPTION FOR VEHICLES USED IN FARMING BUSINESS.—Section 280F(d)(5)(B) of such Code (relating to exception for certain vehicles) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) any vehicle used in a farming business (as defined in section 263A(e)(4), and''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(b) UPDATED DEPRECIATION DEDUCTION LIMITS.—

(1) IN GENERAL.—Subparagraph (A) of section 280F(a)(1) of the Internal Revenue Code of 1986 (relating to limitation on amount of depreciation for luxury automobiles) is amended to read as follows:

''(I) LIMITATION.—The amount of the depreciation deduction for any taxable year shall not exceed for any passenger automobile—

''(i) for the 1st taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $4,000,

''(II) described in the second sentence of subsection (d)(5)(A), $5,000, and

''(III) described in subsection (d)(5)(A)(ii)(II), $6,000,

''(ii) for the 2nd taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $6,400,

''(II) described in the second sentence of subsection (d)(5)(A), $8,000, and

''(III) described in subsection (d)(5)(A)(ii)(II), $9,600,

''(iii) for the 3rd taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $3,850,

''(II) described in the second sentence of subsection (d)(5)(A), $4,800, and

''(III) described in subsection (d)(5)(A)(ii)(II), $5,775, and

''(iv) for each succeeding taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $2,325,

''(II) described in the second sentence of subsection (d)(5)(A), $2,900, and

''(III) described in subsection (d)(5)(A)(ii)(II), $3,475.''.

(2) YEARS AFTER RECOVERY PERIOD.—Section 280F(a)(1)(B)(ii) of such Code is amended to read as follows:

''(ii) LIMITATION.—The amount treated as an expense under clause (i) for any taxable year shall not exceed for any passenger automobile—

''(I) described in subsection (d)(5)(A)(ii)(I), $2,325,

''(II) described in the second sentence of subsection (d)(5)(A), $2,900, and

''(III) described in subsection (d)(5)(A)(ii)(II), $3,475.''.

(3) INFLATION ADJUSTMENT.—Section 280F(d)(7) of such Code (relating to automobile price inflation adjustment) is amended—

(A) by striking ''after 1988'' in subparagraph (A) and inserting ''after 2006'', and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

''(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

''(I) the average wage index for the preceding calendar year, exceeds

''(II) the average wage index for 2005.

''(ii) AVERAGE WAGE INDEX.—The term 'average wage index' means the average wage index published by the Social Security Administration.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(c) EXPENSING LIMITATION FOR FARM VEHICLES.—

(1) IN GENERAL.—Paragraph (6) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended to read as follows:

''(6) LIMITATION ON COST TAKEN INTO ACCOUNT FOR FARM VEHICLES.—The cost of any vehicle described in section 280F(d)(5)(B)(iii) for any taxable year which may be taken into account under this section shall not exceed $30,000.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. _32. INCREASING THE EFFICIENCY OF MOTOR VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 32901(a) of title 49, United States Code.

(2) E85.—The term ''E85'' means a fuel blend containing 85 percent ethanol and 15 percent gasoline or diesel by volume.

(3) FLEXIBLE FUEL MOTOR VEHICLE.—The term ''flexible fuel motor vehicle'' means a light duty motor vehicle warrantied by the manufacturer of the vehicle to operate on any combination of gasoline, E85, and M85.

(4) HYBRID MOTOR VEHICLE.—The term ''hybrid motor vehicle'' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy.

(5) LIGHT-DUTY MOTOR VEHICLE.—The term ''light-duty motor vehicle'' means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency in effect on the date of enactment of this Act—

(A) a light-duty truck; or

(B) a light-duty vehicle.

(6) M85.—The term ''M85'' means a fuel blend containing 85 percent methanol and 15 percent gasoline or diesel by volume.

(7) PLUG-IN HYBRID MOTOR VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a hybrid motor vehicle that—

(A) has an onboard, rechargeable storage device capable of propelling the vehicle solely by electricity for at least 10 miles; and

(B) achieves at least 125 percent of the model year 2002 city fuel economy.

(8) QUALIFIED MOTOR VEHICLE.—The term ''qualified motor vehicle'' means—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile (as defined in section 32901(a) of title 49, United States Code);

(C) a flexible fuel motor vehicle;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) a hybrid motor vehicle;

(F) a plug-in hybrid motor vehicle; and

(G) any other appropriate motor vehicle that uses substantially new technology and achieve at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(b) REQUIREMENTS.—

(1) MODEL YEAR 2012.—Not less than 10 percent of light-duty motor vehicles manufactured for model year 2012 and sold in the United States shall be qualified motor vehicles.

(2) MODEL YEAR 2013.—Not less than 20 percent of light-duty motor vehicles manufactured for model year 2013 and sold in the United States shall be qualified motor vehicles.

(3) MODEL YEAR 2014.—Not less than 30 percent of light-duty motor vehicles manufactured for model year 2014 and sold in the United States shall be qualified motor vehicles.

(4) MODEL YEAR 2015.—Not less than 40 percent of light-duty motor vehicles manufactured for model year 2015 shall be qualified motor vehicles.

(5) MODEL YEAR 2016.—Not less than 50 percent of light-duty motor vehicles manufactured for model year 2016 shall be qualified motor vehicles.

(6) MODEL YEARS 2017 AND THEREAFTER.—Not less than 50 percent of light-duty motor vehicles manufactured for model year 2017 and each model year thereafter and sold in the United States shall be qualified motor vehicles, of which not less than 10 percent shall be—

(A) hybrid motor vehicles;

(B) plug-in hybrid motor vehicles;

(C) new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986);

(D) new qualified fuel cell motor vehicles (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986); or

(E) any other appropriate motor vehicle that uses substantially new technology and achieve at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(c) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.

Subtitle C—Fuel Choices for the 21st Century

SEC. _41. INCREASE IN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (a) of section 30C of the Internal Revenue Code of 1986 is amended by striking ''30 percent'' and inserting ''50 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. _42. USE OF CAFÉ PENALTIES TO BUILD ALTERNATIVE FUELING INFRASTRUCTURE.

Section 32912 of title 49, United States Code, is amended by adding at the end the following

''(e) ALTERNATIVE FUELING INFRASTRUCTURE TRUST FUND.—(1) There is established in the Treasury of the United States a trust fund, to be known as the Alternative Fueling

Infrastructure Trust Fund, consisting of such amounts as are deposited into the Trust Fund under paragraph (2) and any interest earned on investment of amounts in the Trust Fund.

''(2) The Secretary of Transportation shall remit 90 percent of the amount collected in civil penalties under this section to the Trust Fund.

''(3)(A) The Secretary of Energy shall obligate such sums as are available in the Trust Fund to establish a grant program to increase the number of locations at which consumers may purchase alternative fuels.

''(B)(i) The Secretary of Energy may award grants under this paragraph, in an amount equal to not more than $150,000 per fueling station, to—

''(I) individual fueling stations; and

''(II) corporations (including nonprofit corporations) with demonstrated experience in the administration of grant funding for the purpose of alternative fueling infrastructure.

''(ii) In awarding grants under this paragraph, the Secretary shall consider the number of vehicles in service capable of using a specific type of alternative fuel.

''(iii) Grant recipients shall provide a non-Federal match of not less than $1 for every $3 of grant funds received under this paragraph.

''(iv) Each grant recipient shall select the locations for each alternative fuel station to be constructed with grant funds received under this paragraph on a formal, open, and competitive basis.

''(C) Grant funds received under this paragraph may be used to—

''(i) construct new facilities to dispense alternative fuels;

''(ii) purchase equipment to upgrade, expand, or otherwise improve existing alternative fuel facilities; or

''(iii) purchase equipment or pay for specific turnkey fueling services by alternative fuel providers.

''(D) Facilities constructed or upgraded with grant funds under this paragraph shall—

''(i) provide alternative fuel available to the public for a period not less than 4 years;

''(ii) establish a marketing plan to advance the sale and use of alternative fuels;

''(iii) prominently display the price of alternative fuel on the marquee and in the station;

''(iv) provide point of sale materials on alternative fuel;

''(v) clearly label the dispenser with consistent materials;

''(vi) price the alternative fuel at the same margin that is received for unleaded gasoline; and

''(vii) support and use all available tax incentives to reduce the cost of the alternative fuel to the lowest possible retail price.

''(E) Not later than the date on which each alternative fuel station begins to offer alternative fuel to the public, the grant recipient that used grant funds to construct such station shall notify the Secretary of Energy of such opening. The Secretary of Energy shall add each new alternative fuel station to the alternative fuel station locator on its Website when it receives notification under this subparagraph.

''(F) Not later than 6 months after the receipt of a grant award under this paragraph, and every 6 months thereafter, each grant recipient shall submit a report to the Secretary of Energy that describes—

''(i) the status of each alternative fuel station constructed with grant funds received under this paragraph;

''(ii) the amount of alternative fuel dispensed at each station during the preceding 6-month period; and

''(iii) the average price per gallon of the alternative fuel sold at each station during the preceding 6-month period.''.

SEC. __43. MINIMUM QUANTITY OF RENEWABLE FUEL DERIVED FROM CELLULOSIC BIOMASS.

Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended by striking clause (iii) and inserting the following:

''(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—

''(I) IN GENERAL.—The applicable volume referred to in clause (ii) shall contain a minimum of—

''(aa) for each of calendar years 2010 through 2012, 75,000,000 gallons that are derived from cellulosic biomass; and

''(bb) for calendar year 2013 and each calendar year thereafter, 250,000,000 gallons that are derived from cellulosic biomass.

''(II) RATIO.—For calendar year 2010 and each calendar year thereafter, the 2.5-to-1 ratio referred to in paragraph (4) shall not apply.''.

SEC. __44. MINIMUM QUANTITY OF RENEWABLE FUEL DERIVED FROM SUGAR.

(a) IN GENERAL.—Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended by adding at the end the following:

''(v) MINIMUM QUANTITY DERIVED FROM SUGAR.—For calendar year 2008 and each calendar year thereafter, the applicable volume referred to in clause (ii) shall contain a minimum of 100,000,000 gallons that are derived from domestically-grown sugarcane, sugar beets, or sugar components.''.

(b) APPLICABLE VOLUME.—Section 211(o)(2)(B)(i) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is amended—

(1) in the item relating to calendar year 2008, by striking ''5.4'' and inserting ''5.5'';

(2) in the item relating to calendar year 2009, by striking ''6.1'' and inserting ''6.2'';

(3) in the item relating to calendar year 2010, by striking ''6.8'' and inserting ''6.9'';

(4) in the item relating to calendar year 2011, by striking ''7.4'' and inserting ''7.5''; and

(5) in the item relating to calendar year 2012, by striking ''7.5'' and inserting ''7.6''.

SEC. __45. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (1), by striking ''$213,000,000'' and inserting ''$326,000,000'';

(2) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(3) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. __46. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$200,000,000 for each of fiscal years 2007 through 2011''.

SEC. __47. LOW-INTEREST LOAN AND GRANT PROGRAM FOR RETAIL DELIVERY OF E-85 FUEL.

(a) PURPOSES OF LOANS.—Section 312(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)) is amended—

(1) in paragraph (9)(B)(ii), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(11) building infrastructure, including pump stations, for the retail delivery to consumers of any fuel that contains not less than 85 percent ethanol, by volume.''.

(b) PROGRAM.—Subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.) is amended by adding at the end the following:

''SEC. 320. LOW-INTEREST LOAN AND GRANT PROGRAM FOR RETAIL DELIVERY OF E-85 FUEL.

''(a) IN GENERAL.—The Secretary shall establish a low-interest loan and grant program to assist farmer-owned ethanol producers (including cooperatives and limited liability corporations) to develop and build infrastructure, including pump stations, for the retail delivery to consumers of any fuel that contains not less than 85 percent ethanol, by volume.

''(b) TERMS.—

''(1) INTEREST RATE.—A low-interest loan under this section shall be fixed at not more than 5 percent for each year.

''(2) AMORTIZATION.—The repayment of a loan under this section shall be amortized over the expected life of the infrastructure project that is being financed with the proceeds of the loan.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(c) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out the amendments made by this section.

SEC. __48. TRANSIT-ORIENTED DEVELOPMENT CORRIDORS.

(a) DEFINITIONS.—In this section:

(1) TRANSIT-ORIENTED DEVELOPMENT CORRIDOR.—The term ''Transit-Oriented Development Corridor'' or ''TODC'' means a geographic area designated by the Secretary under subsection (b).

(2) OTHER TERMS.—The terms ''fixed guide way'', ''local governmental authority'', ''mass transportation'', ''Secretary'', ''State'', and ''urbanized area'' have the meanings given the terms in section 5302 of title 49, United States Code.

(b) TRANSIT-ORIENTED DEVELOPMENT CORRIDORS.—

(1) IN GENERAL.—The Secretary shall develop and carry out a program to designate geographic areas in urbanized areas as Transit-Oriented Development Corridors.

(2) CRITERIA.—An area designated as a TODC under paragraph (1) shall include rights-of-way for fixed guide way mass transportation facilities (including commercial development of facilities that have a physical and functional connection with each facility).

(3) NUMBER OF TODCS.—In consultation with State transportation departments and metropolitan planning organizations, the Secretary shall designate—

(A) not fewer than 10 TODCs by December 31, 2015; and

(B) not fewer than 20 TODCs by December 31, 2025.

(4) TRANSIT GRANTS.—

(A) IN GENERAL.—The Secretary make grants to eligible states and local governmental authorities to pay the Federal share of the cost of designating geographic areas in urbanized areas as TODCs.

(B) APPLICATION.—Each eligible State or local governmental authority that desires to receive a grant under this paragraph shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require.

(C) LABOR STANDARDS.—Subchapter IV of chapter 31 of title 40, United States Code shall apply to projects that receive funding under this section.

(D) FEDERAL SHARE.—The Federal share of the cost of a project under this subsection shall be 50 percent.

(c) TODC RESEARCH AND DEVELOPMENT.—To support effective deployment of grants and incentives under this section, the Secretary shall establish a TODC research and development program to conduct research on the best practices and performance criteria for TODCs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section $50,000,000 for each of fiscal years 2007 through 2012.

Subtitle D—Nationwide Energy Security Media Campaign

SEC. __51. NATIONWIDE MEDIA CAMPAIGN TO DECREASE OIL CONSUMPTION.

(a) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign for the purpose of decreasing oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SA 4707. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mr. LUGAR, Mr. OBAMA, Mr. CHAFEE, Mr. AKAKA, Mrs. CLINTON, Mr. DODD, Mr. KOHL, Ms. CANTWELL, Mr. KERRY, MR. GRAHAM, Mr. MENENDEZ, Ms. COLLINS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—VEHICLE AND FUEL CHOICES FOR AMERICAN SECURITY

Subtitle A—Oil Savings Plan and Requirements

SEC. __01. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this subtitle as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to section __02 that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under section __05—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis of—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. __02. STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—On or before the date of publication of the action plan under section __01, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in subsection (b).

(b) AUTHORITIES.—The head of each agency described in subsection (a) shall use to carry out this section—

(1) any authority in existence on the date of enactment of this Act (including regulations); and

(2) any new authority provided under this Act (including an amendment made by this Act).

(c) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in subsection (a) shall promulgate final versions of the regulations required under this section.

(d) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be designed to achieve at least the oil savings resulting from the regulation under the action plan published under section __01; and

(2) be accompanied by an analysis by the applicable agency describing the manner in which the regulation will promote the achievement of the oil savings from the baseline determined under section __05.

SEC. __03. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section __05.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section __01, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section __02.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. __04. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section __01;

(2) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section __01; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section __01, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section __02.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. __05. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this subtitle, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

Subtitle B—Fuel Efficient Vehicles for the 21st Century

SEC. __21. TIRE EFFICIENCY PROGRAM.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) UNIFORM QUALITY GRADING SYSTEM.—

''(A) IN GENERAL.—The Secretary'';

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) NOMENCLATURE AND MARKETING PRACTICES.—The Secretary'';

(C) in the third sentence, by striking ''A tire standard'' and inserting the following:

''(3) EFFECT OF STANDARDS AND REGULATIONS.—A tire standard''; and

(D) in paragraph (1), as designated by subparagraph (A), by adding at the end the following:

''(B) INCLUSION.—The grading system established pursuant to subparagraph (A) shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE EFFICIENCY PROGRAM.—

''(1) DEFINITION.—In this subsection, the term 'fuel economy', with respect to a tire, means the extent to which the tire contributes to the fuel economy of the motor vehicle on which the tire is mounted.

''(2) PROGRAM.—The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(3) REQUIREMENTS.—Not later than March 31, 2008, the Secretary shall issue regulations, which establish—

''(A) policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires;

''(B) policies and procedures to promote the purchase of energy efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel efficiency information on tires; and

''(C) minimum fuel economy standards for tires.

''(4) MINIMUM FUEL ECONOMY STANDARDS.—In promulgating minimum fuel economy standards for tires, the Secretary shall design standards that—

''(A) ensure, in conjunction with the requirements under paragraph (3)(B), that the average fuel economy of replacement tires is not less than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) do not adversely affect tire safety;

''(D) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by manufacturers; and

''(E) do not adversely affect efforts to manage scrap tires.

''(5) APPLICABILITY.—The policies, procedures, and standards developed under paragraph (3) shall apply to all tire types and models regulated under the uniform tire quality grading standards in section 575.104 of title 49, Code of Federal Regulations (or a successor regulation).

''(6) REVIEW.—

''(A) IN GENERAL.—Not less than once every 3 years, the Secretary shall—

''(i) review the minimum fuel economy standards in effect for tires under this subsection; and

''(ii) subject to subparagraph (B), revise the standards as necessary to ensure compliance with standards described in paragraph (4).

''(B) LIMITATION.—The Secretary may not reduce the average fuel economy standards applicable to replacement tires.

''(7) NO PREEMPTION OF STATE LAW.—Nothing in this section shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(8) EXCEPTIONS.—Nothing in this section shall apply to—

''(A) a tire or group of tires with the same stock keeping unit, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.''.

(b) CONFORMING AMENDMENT.—Section 30103(b)(1) of title 49, United States Code, is amended by striking ''When'' and inserting ''Except as provided in section 30123(d), if''.

(c) TIME FOR IMPLEMENTATION.—Beginning not later than March 31, 2008, the Secretary of Transportation shall administer the national tire fuel efficiency program established under section 30123(d) of title 49, United States Code, in accordance with the policies, procedures, and standards developed under section 30123(d)(3) of such title.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out section 30123(d) of title 49, United States Code, as added by subsection (a).

SEC. __22. REDUCTION OF SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. __23. FUEL EFFICIENCY FOR HEAVY DUTY TRUCKS.

Part C of subtitle VI of title 49, United States Code, is amended by inserting after chapter 329 the following:

''CHAPTER 330—HEAVY DUTY VEHICLE FUEL ECONOMY STANDARDS

''CHAPTER 330—HEAVY DUTY VEHICLE FUEL ECONOMY STANDARDS

''Sec.
''33001. Purpose and policy.
''33002. Definition.
''33003. Testing and assessment.
''33004. Standards.
''33005. Authorization of appropriations.

''§ 33001. Purpose and policy

''The purpose of this chapter is to reduce petroleum consumption by heavy duty motor vehicles.

''§ 33002. Definition

''In this chapter, the term 'heavy duty motor vehicle'—

''(1) means a vehicle having a gross vehicle weight rating of at least 10,000 pounds that is driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways; and

''(2) does not include a vehicle operated only on a rail line.

''§ 33003. Testing and assessment

''(a) GENERAL REQUIREMENTS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') shall develop and coordinate a national testing and assessment program to—

''(1) determine the fuel economy of heavy duty vehicles; and

''(2) assess the fuel efficiency attainable through available technology.

''(b) TESTING.—The Administrator shall—

''(1) design a National testing program to assess the fuel economy of heavy duty vehicles (based on the program for light duty vehicles); and

''(2) implement the program described in paragraph (1) not later than 18 months after the date of enactment of this chapter.

''(c) ASSESSMENT.—The Administrator shall consult with the Secretary of Transportation on the assessment of available technologies to enhance the fuel efficiency of heavy duty vehicles to ensure that vehicle use and needs are considered appropriately in the assessment.

''(d) REPORTING.—The Administrator shall—

''(1) not later than 2 years after the date of enactment of this chapter, submit a report to Congress regarding the results of the assessment of available technologies to improve the fuel efficiency of heavy duty vehicles.

''(2) submit a report to Congress, at least biannually, that addresses the fuel economy of heavy duty vehicles; and

''§ 33004. Standards

''(a) GENERAL REQUIREMENTS.—Not later than 18 months after completing the testing and assessments under section 33003, the Secretary of Transportation shall prescribe average heavy duty vehicle fuel economy standards. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides that manufacturers can achieve in that model year. The Secretary may prescribe separate standards for different classes of heavy duty motor vehicles. The standards for each model year shall be completed not later than 18 months before the beginning of each model year.

''(b) CONSIDERATIONS AND CONSULTATION.—In determining maximum feasible average fuel economy, the Secretary shall consider—

''(1) relevant available heavy duty motor vehicle fuel consumption information;

''(2) technological feasibility;

''(3) economic practicability;

''(4) the desirability of reducing United States dependence on oil;

''(5) the effects of average fuel economy standards on vehicle safety;

''(6) the effects of average fuel economy standards on levels of employment and competitiveness of the heavy truck manufacturing industry ; and

''(7) the extent to which the standard will carry out the purpose described in section 33001.

''(c) COOPERATION.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing fuel economy standards for heavy duty motor vehicles.

''(d) 5-YEAR PLAN FOR TESTING STANDARDS.—The Secretary shall establish, periodically review, and continually update a 5-year plan for testing heavy duty motor vehicle fuel economy standards prescribed under this chapter. In developing and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with the purpose described in section 33001 and the Secretary's other duties and powers under this chapter.

"§ 33005. Authorization of appropriations

''There are authorized to be appropriated, for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this chapter.''.

SEC. __24. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel;

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(c) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency batteries;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) GOALS.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

SEC. __25. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. __26. HYBRID AND ADVANCED DIESEL VEHICLES.

(a) HYBRID VEHICLES.—The Energy Policy Act of 2005 is amended by striking section 711 (42 U.S.C. 16061) and inserting the following:

"SEC. 711. HYBRID VEHICLES.

''(a) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given the term 'cost of a loan guarantee' within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project to—

''(A) improve hybrid technologies under subsection (b); or

''(B) encourage domestic production of efficient hybrid and advanced diesel vehicles under section 712(a).

''(3) GUARANTEE.—

''(A) IN GENERAL.—The term 'guarantee' has the meaning given the term 'loan guarantee' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(B) INCLUSION.—The term 'guarantee' includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

''(4) HYBRID TECHNOLOGY.—The term 'hybrid technology' means a battery or other rechargeable energy storage system, power electronic, hybrid systems integration, and any other technology for use in hybrid vehicles.

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(b) AUTHORIZATION.—The Secretary shall accelerate efforts directed toward the improvement of hybrid technologies, including through the provision of loan guarantees under subsection (c).

''(c) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make guarantees under this section for eligible projects on such terms and conditions as the Secretary, in consultation with the Secretary of the Treasury, determines to be appropriate.

''(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(3) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary shall not exceed an amount equal to 80 percent of the project cost of the hybrid technology that is the subject of the guarantee, as estimated at the time at which the guarantee is issued.

''(4) REPAYMENT.—

''(A) IN GENERAL.—No guarantee shall be made unless the Secretary determines that there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower.

''(B) AMOUNT.—No guarantee shall be made unless the Secretary determines that the amount of the obligation (when combined with amounts available to the borrower from other sources) will be sufficient to carry out the project.

''(C) SUBORDINATION.—The obligation shall be subject to the condition that the obligation is not subordinate to other financing.

''(5) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

''(6) TERM.—The term of an obligation shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life of the physical asset to be financed by the obligation (as determined by the Secretary).

''(7) DEFAULTS.—

''(A) PAYMENT BY SECRETARY.—

''(i) IN GENERAL.—If a borrower defaults on the obligation (as defined in regulations promulgated by the Secretary and specified in the guarantee contract), the holder of the guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(ii) PAYMENT REQUIRED.—Within such period as may be specified in the guarantee or related agreements, the Secretary shall pay to the holder of the guarantee the unpaid interest on, and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that—

''(I) there was no default by the borrower in the payment of interest or principal; or

''(II) the default has been remedied.

''(iii) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower that may be agreed upon by the parties to the obligation and approved by the Secretary.

''(B) SUBROGATION.—

''(i) IN GENERAL.—If the Secretary makes a payment under subparagraph (A), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the guarantee or related agreements including, where appropriate, the authority (notwithstanding any other provision of law) to—

''(I) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or related agreements; or

''(II) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the eligible project, as the Secretary determines to be in the public interest.

''(ii) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreement, shall be superior to the rights of any other person with respect to the property.

''(iii) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(I) protect the interests of the United States in the case of default; and

''(II) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the eligible project.

''(C) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the borrower, from funds appropriated for that purpose, the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

''(i)(I) the borrower is unable to meet the payments and is not in default;

''(II) it is in the public interest to permit the borrower to continue to pursue the purposes of the eligible project; and

''(III) the probable net benefit to the Federal Government in paying the principal and interest will be greater than the benefit that would result in the event of a default;

''(ii) the amount of the payment that the Secretary is authorized to pay will be no greater than the amount of principal and interest that the borrower is obligated to pay under the agreement being guaranteed; and

''(iii) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

''(D) ACTION BY ATTORNEY GENERAL.—

''(i) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(ii) RECOVERY.—On receipt of notification, the Attorney General shall take such action as the Attorney General determines to be appropriate to recover the unpaid principal and interest due from—

''(I) such assets of the defaulting borrower as are associated with the obligation; or

''(II) any other security pledged to secure the obligation.

''(8) FEES.—

''(A) IN GENERAL.—The Secretary shall charge and collect fees for guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(B) AVAILABILITY.—Fees collected under this paragraph shall—

''(i) be deposited by the Secretary into the Treasury; and

''(ii) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(9) RECORDS; AUDITS.—

''(A) IN GENERAL.—A recipient of a guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(B) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

''(10) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this section.''.

(b) EFFICIENT HYBRID AND ADVANCED DIESEL VEHICLES.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and the provision of loan guarantees under section 711(c) to automobile manufacturers and suppliers''.

SEC. _27. FEDERAL FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(2) Not later than January 31, 2007, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a light-duty hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a medium- or heavy-duty hybrid electric vehicle;

''(V) a neighborhood electric vehicle; or

''(VI) a medium- or heavy-duty dedicated vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) environmental safety.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) $10,000,000 for the period of fiscal years 2007 through 2012

SEC. __28. INCREASING THE EFFICIENCY OF MOTOR VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 32901(a) of title 49, United States Code.

(2) E85.—The term ''E85'' means a fuel blend containing 85 percent ethanol and 15 percent gasoline or diesel by volume.

(3) FLEXIBLE FUEL MOTOR VEHICLE.—The term ''flexible fuel motor vehicle'' means a light duty motor vehicle warrantied by the manufacturer of the vehicle to operate on any combination of gasoline, E85, and M85.

(4) HYBRID MOTOR VEHICLE.—The term ''hybrid motor vehicle'' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy.

(5) LIGHT-DUTY MOTOR VEHICLE.—The term ''light-duty motor vehicle'' means, as defined in regulations promulgated by the Administrator of the Environmental Protection Agency in effect on the date of enactment of this Act—

(A) a light-duty truck; or

(B) a light-duty vehicle.

(6) M85.—The term ''M85'' means a fuel blend containing 85 percent methanol and 15 percent gasoline or diesel by volume.

(7) PLUG-IN HYBRID MOTOR VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a hybrid motor vehicle that—

(A) has an onboard, rechargeable storage device capable of propelling the vehicle solely by electricity for at least 10 miles; and

(B) achieves at least 125 percent of the model year 2002 city fuel economy.

(8) QUALIFIED MOTOR VEHICLE.—The term ''qualified motor vehicle'' means—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile (as defined in section 32901(a) of title 49, United States Code);

(C) a flexible fuel motor vehicle;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

(E) a hybrid motor vehicle;

(F) a plug-in hybrid motor vehicle; and

(G) any other appropriate motor vehicle that uses substantially new technology and achieve at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(b) REQUIREMENTS.—

(1) MODEL YEAR 2012.—Not less than 10 percent of light-duty motor vehicles manufactured for model year 2012 and sold in the United States shall be qualified motor vehicles.

(2) MODEL YEAR 2013.—Not less than 20 percent of light-duty motor vehicles manufactured for model year 2013 and sold in the United States shall be qualified motor vehicles.

(3) MODEL YEAR 2014.—Not less than 30 percent of light-duty motor vehicles manufactured for model year 2014 and sold in the United States shall be qualified motor vehicles.

(4) MODEL YEAR 2015.—Not less than 40 percent of light-duty motor vehicles manufactured for model year 2015 shall be qualified motor vehicles.

(5) MODEL YEAR 2016.—Not less than 50 percent of light-duty motor vehicles manufactured for model year 2016 shall be qualified motor vehicles.

(6) MODEL YEARS 2017 AND THEREAFTER.—Not less than 50 percent of light-duty motor vehicles manufactured for model year 2017 and each model year thereafter and sold in the United States shall be qualified motor vehicles, of which not less than 10 percent shall be—

(A) hybrid motor vehicles;

(B) plug-in hybrid motor vehicles;

(C) new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986);

(D) new qualified fuel cell motor vehicles (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986); or

(E) any other appropriate motor vehicle that uses substantially new technology and achieve at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(c) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.

Subtitle C—Fuel Choices for the 21st Century

SEC. __31. USE OF CAFÉ PENALTIES TO BUILD ALTERNATIVE FUELING INFRASTRUCTURE.

Section 32912 of title 49, United States Code, is amended by adding at the end the following

''(e) ALTERNATIVE FUELING INFRASTRUCTURE TRUST FUND.—(1) There is established in the Treasury of the United States a trust fund, to be known as the Alternative Fueling Infrastructure Trust Fund, consisting of such amounts as are deposited into the Trust Fund under paragraph (2) and any interest earned on investment of amounts in the Trust Fund.

''(2) The Secretary of Transportation shall remit 90 percent of the amount collected in civil penalties under this section to the Trust Fund.

''(3)(A) The Secretary of Energy shall obligate such sums as are available in the Trust Fund to establish a grant program to increase the number of locations at which consumers may purchase alternative fuels.

''(B)(i) The Secretary of Energy may award grants under this paragraph, in an amount equal to not more than $150,000 per fueling station, to—

''(I) individual fueling stations; and

''(II) corporations (including nonprofit corporations) with demonstrated experience in the administration of grant funding for the purpose of alternative fueling infrastructure.

''(ii) In awarding grants under this paragraph, the Secretary shall consider the number of vehicles in service capable of using a specific type of alternative fuel.

''(iii) Grant recipients shall provide a non-Federal match of not less than $1 for every $3 of grant funds received under this paragraph.

''(iv) Each grant recipient shall select the locations for each alternative fuel station to be constructed with grant funds received under this paragraph on a formal, open, and competitive basis.

''(C) Grant funds received under this paragraph may be used to—

''(i) construct new facilities to dispense alternative fuels;

''(ii) purchase equipment to upgrade, expand, or otherwise improve existing alternative fuel facilities; or

''(iii) purchase equipment or pay for specific turnkey fueling services by alternative fuel providers.

''(D) Facilities constructed or upgraded with grant funds under this paragraph shall—

''(i) provide alternative fuel available to the public for a period not less than 4 years;

''(ii) establish a marketing plan to advance the sale and use of alternative fuels;

''(iii) prominently display the price of alternative fuel on the marquee and in the station;

''(iv) provide point of sale materials on alternative fuel;

''(v) clearly label the dispenser with consistent materials;

''(vi) price the alternative fuel at the same margin that is received for unleaded gasoline; and

''(vii) support and use all available tax incentives to reduce the cost of the alternative fuel to the lowest possible retail price.

''(E) Not later than the date on which each alternative fuel station begins to offer alternative fuel to the public, the grant recipient that used grant funds to construct such station shall notify the Secretary of Energy of such opening. The Secretary of Energy shall add each new alternative fuel station to the alternative fuel station locator on its Website when it receives notification under this subparagraph.

''(F) Not later than 6 months after the receipt of a grant award under this paragraph, and every 6 months thereafter, each grant recipient shall submit a report to the Secretary of Energy that describes—

''(i) the status of each alternative fuel station constructed with grant funds received under this paragraph;

''(ii) the amount of alternative fuel dispensed at each station during the preceding 6-month period; and

''(iii) the average price per gallon of the alternative fuel sold at each station during the preceding 6-month period.''.

SEC. __32. MINIMUM QUANTITY OF RENEWABLE FUEL DERIVED FROM CELLULOSIC BIOMASS.

Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended by striking clause (iii) and inserting the following:

''(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—

''(I) IN GENERAL.—The applicable volume referred to in clause (ii) shall contain a minimum of—

''(aa) for each of calendar years 2010 through 2012, 75,000,000 gallons that are derived from cellulosic biomass; and

''(bb) for calendar year 2013 and each calendar year thereafter, 250,000,000 gallons that are derived from cellulosic biomass.

''(II) RATIO.—For calendar year 2010 and each calendar year thereafter, the 2.5-to-1 ratio referred to in paragraph (4) shall not apply.''.

SEC. __33. MINIMUM QUANTITY OF RENEWABLE FUEL DERIVED FROM SUGAR.

(a) IN GENERAL.—Section 211(o)(2)(B) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)) is amended by adding at the end the following:

''(v) MINIMUM QUANTITY DERIVED FROM SUGAR.—For calendar year 2008 and each calendar year thereafter, the applicable volume referred to in clause (ii) shall contain a minimum of 100,000,000 gallons that are derived from domestically-grown sugarcane, sugar beets, or sugar components.''.

(b) APPLICABLE VOLUME.—Section 211(o)(2)(B)(i) of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is amended—

(1) in the item relating to calendar year 2008, by striking ''5.4'' and inserting ''5.5'';

(2) in the item relating to calendar year 2009, by striking ''6.1'' and inserting ''6.2'';

(3) in the item relating to calendar year 2010, by striking ''6.8'' and inserting ''6.9'';

(4) in the item relating to calendar year 2011, by striking ''7.4'' and inserting ''7.5''; and

(5) in the item relating to calendar year 2012, by striking ''7.5'' and inserting ''7.6''.

SEC. __34. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (1), by striking ''$213,000,000'' and inserting ''$326,000,000'';

(2) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(3) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. __35. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$200,000,000 for each of fiscal years 2007 through 2011''.

SEC. __36. LOW-INTEREST LOAN AND GRANT PROGRAM FOR RETAIL DELIVERY OF E–85 FUEL.

(a) PURPOSES OF LOANS.—Section 312(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)) is amended—

(1) in paragraph (9)(B)(ii), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(11) building infrastructure, including pump stations, for the retail delivery to consumers of any fuel that contains not less than 85 percent ethanol, by volume.''.

(b) PROGRAM.—Subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.) is amended by adding at the end the following:

''SEC. 320. LOW-INTEREST LOAN AND GRANT PROGRAM FOR RETAIL DELIVERY OF E–85 FUEL.

''(a) IN GENERAL.—The Secretary shall establish a low-interest loan and grant program to assist farmer-owned ethanol producers (including cooperatives and limited liability corporations) to develop and build infrastructure, including pump stations, for the retail delivery to consumers of any fuel that contains not less than 85 percent ethanol, by volume.

''(b) TERMS.—

''(1) INTEREST RATE.—A low-interest loan under this section shall be fixed at not more than 5 percent for each year.

''(2) AMORTIZATION.—The repayment of a loan under this section shall be amortized over the expected life of the infrastructure project that is being financed with the proceeds of the loan.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(c) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out the amendments made by this section.

SEC. __37. TRANSIT-ORIENTED DEVELOPMENT CORRIDORS.

(a) DEFINITIONS.—In this section:

(1) TRANSIT-ORIENTED DEVELOPMENT CORRIDOR.—The term ''Transit-Oriented Development Corridor'' or ''TODC'' means a geographic area designated by the Secretary under subsection (b).

(2) OTHER TERMS.—The terms ''fixed guide way'', ''local governmental authority'', ''mass transportation'', ''Secretary'', ''State'', and ''urbanized area'' have the meanings given the terms in section 5302 of title 49, United States Code.

(b) TRANSIT-ORIENTED DEVELOPMENT CORRIDORS.—

(1) IN GENERAL.—The Secretary shall develop and carry out a program to designate geographic areas in urbanized areas as Transit-Oriented Development Corridors.

(2) CRITERIA.—An area designated as a TODC under paragraph (1) shall include rights-of-way for fixed guide way mass transportation facilities (including commercial development of facilities that have a physical and functional connection with each facility).

(3) NUMBER OF TODCS.—In consultation with State transportation departments and metropolitan planning organizations, the Secretary shall designate—

(A) not fewer than 10 TODCs by December 31, 2015; and

(B) not fewer than 20 TODCs by December 31, 2025.

(4) TRANSIT GRANTS.—

(A) IN GENERAL.—The Secretary make grants to eligible states and local governmental authorities to pay the Federal share of the cost of designating geographic areas in urbanized areas as TODCs.

(B) APPLICATION.—Each eligible State or local governmental authority that desires to receive a grant under this paragraph shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require.

(C) LABOR STANDARDS.—Subchapter IV of chapter 31 of title 40, United States Code shall apply to projects that receive funding under this section.

(D) FEDERAL SHARE.—The Federal share of the cost of a project under this subsection shall be 50 percent.

(c) TODC RESEARCH AND DEVELOPMENT.—To support effective deployment of grants and incentives under this section, the Secretary shall establish a TODC research and development program to conduct research on the best practices and performance criteria for TODCs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2007 through 2012.

Subtitle D—Nationwide Energy Security Media Campaign

SEC. __41. NATIONWIDE MEDIA CAMPAIGN TO DECREASE OIL CONSUMPTION.

(a) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign for the purpose of decreasing oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SA 4708. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mr. LUGAR, Mr. OBAMA, Mr. CHAFEE, Mr. AKAKA, Mrs. CLINTON, Mr. DODD, Mr. KOHL, Ms. CANTWELL, Mr. KERRY, Mr. GRAHAM, Mr. MENENDEZ, Ms. COLLINS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—TAX INCENTIVES FOR VEHICLE AND FUEL CHOICES FOR AMERICAN SECURITY

Subtitle A—Fuel Efficient Vehicles for the 21st Century

SEC. __01. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $75,000,000.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip or expand any manufacturing facility of the eleigible taxpayer to produce advanced technology motor vehicles,

''(B) to re-equip, expand, or establish any manufacturing facility of the eligible taxpayer to produce eligible components,

''(C) for engineering integration performed in the United States of such vehicles and components as described in subsection (d), and

''(D) for research and development performed in the United States related to advanced technology motor vehicles and eligible components.

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)), or

''(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) and determined without regard to any gross vehicle weight rating).

''(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator,

''(ii) power split device,

''(iii) power control unit,

''(iv) power controls,

''(v) integrated starter generator, or

''(vi) battery,

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) hydraulic accumulator vessel,

''(ii) hydraulic pump, or

''(iii) hydraulic pump-motor assembly,

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine,

''(ii) turbocharger,

''(iii) fuel injection system, or

''(iv) after-treatment system, such as a particle filter or NOx absorber, and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(C), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(D) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(D) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2015.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(g).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

SEC. __02. CONSUMER INCENTIVES TO PURCHASE ADVANCED TECHNOLOGY VEHICLES.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30D of the Internal Revenue Code of 1986 is amended by striking subsection (f) and by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of the Internal Revenue Code of 1986 are each amended amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(B) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. __03. TAX INCENTIVES FOR PRIVATE FLEETS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. FUEL-EFFICIENT FLEET CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the fuel-efficient fleet credit for any taxable year is 15 percent of the qualified fuel-efficient vehicle investment amount of an eligible taxpayer for such taxable year.

''(b) VEHICLE PURCHASE REQUIREMENT.—In the case of any eligible taxpayer which places less than 10 qualified fuel-efficient vehicles in service during the taxable year, the qualified fuel-efficient vehicle investment amount shall be zero.

''(c) QUALIFIED FUEL-EFFICIENT VEHICLE INVESTMENT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified fuel-efficient vehicle investment amount' means the basis of any qualified fuel-efficient vehicle placed in service by an eligible taxpayer during the taxable year.

''(2) QUALIFIED FUEL-EFFICIENT VEHICLE.—The term 'qualified fuel-efficient vehicle' means an automobile which has a fuel economy which is at least 125 percent greater than the average fuel economy standard for

an automobile of the same class and model year.

''(3) OTHER TERMS.—The terms 'automobile', 'average fuel economy standard', 'fuel economy', and 'model year' have the meanings given to such terms under section 32901 of title 49, United States Code.

''(d) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means, with respect to any taxable year, a taxpayer who owns a fleet of 100 or more vehicles which are used in the trade or business of the taxpayer on the first day of such taxable year.

''(e) TERMINATION.—This section shall not apply to any vehicle placed in service after December 31, 2010.''.

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the fuel-efficient fleet credit.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any qualified fuel-efficient vehicle which is taken into account under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following new item:

''Sec. 48C. Fuel-efficient fleet credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. __04. REDUCING INCENTIVES TO GUZZLE GAS.

(a) INCLUSION OF HEAVY VEHICLES IN LIMITATION ON DEPRECIATION OF CERTAIN LUXURY AUTOMOBILES.—

(1) IN GENERAL.—Section 280F(d)(5)(A) of the Internal Revenue Code of 1986 (defining passenger automobile) is amended—

(A) by striking clause (ii) and inserting the following new clause:

''(ii)(I) which is rated at 6,000 pounds unloaded gross vehicle weight or less, or

''(II) which is rated at more than 6,000 pounds but not more than 14,000 pounds gross vehicle weight.'',

(B) by striking ''clause (ii)'' in the second sentence and inserting ''clause (ii)(I)''.

(2) EXCEPTION FOR VEHICLES USED IN FARMING BUSINESS.—Section 280F(d)(5)(B) of such Code (relating to exception for certain vehicles) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) any vehicle used in a farming business (as defined in section 263A(e)(4), and''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(b) UPDATED DEPRECIATION DEDUCTION LIMITS.—

(1) IN GENERAL.—Subparagraph (A) of section 280F(a)(1) of the Internal Revenue Code of 1986 (relating to limitation on amount of depreciation for luxury automobiles) is amended to read as follows:

''(I) LIMITATION.—The amount of the depreciation deduction for any taxable year shall not exceed for any passenger automobile—

''(i) for the 1st taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $4,000,

''(II) described in the second sentence of subsection (d)(5)(A), $5,000, and

''(III) described in subsection (d)(5)(A)(ii)(II), $6,000,

''(ii) for the 2nd taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $6,400,

''(II) described in the second sentence of subsection (d)(5)(A), $8,000, and

''(III) described in subsection (d)(5)(A)(ii)(II), $9,600,

''(iii) for the 3rd taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $3,850,

''(II) described in the second sentence of subsection (d)(5)(A), $4,800, and

''(III) described in subsection (d)(5)(A)(ii)(II), $5,775, and

''(iv) for each succeeding taxable year in the recovery period—

''(I) described in subsection (d)(5)(A)(ii)(I), $2,325,

''(II) described in the second sentence of subsection (d)(5)(A), $2,900, and

''(III) described in subsection (d)(5)(A)(ii)(II), $3,475.''.

(2) YEARS AFTER RECOVERY PERIOD.—Section 280F(a)(1)(B)(ii) of such Code is amended to read as follows:

''(ii) LIMITATION.—The amount treated as an expense under clause (i) for any taxable year shall not exceed for any passenger automobile—

''(I) described in subsection (d)(5)(A)(ii)(I), $2,325,

''(II) described in the second sentence of subsection (d)(5)(A), $2,900, and

''(III) described in subsection (d)(5)(A)(ii)(II), $3,475.''.

(3) INFLATION ADJUSTMENT.—Section 280F(d)(7) of such Code (relating to automobile price inflation adjustment) is amended—

(A) by striking ''after 1988'' in subparagraph (A) and inserting ''after 2006'', and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

''(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

''(I) the average wage index for the preceding calendar year, exceeds

''(II) the average wage index for 2005.

''(ii) AVERAGE WAGE INDEX.—The term 'average wage index' means the average wage index published by the Social Security Administration.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(c) EXPENSING LIMITATION FOR FARM VEHICLES.—

(1) IN GENERAL.—Paragraph (6) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended to read as follows:

''(6) LIMITATION ON COST TAKEN INTO ACCOUNT FOR FARM VEHICLES.—The cost of any vehicle described in section 280F(d)(5)(B)(iii) for any taxable year which may be taken into account under this section shall not exceed $30,000.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Fuel Choices for the 21st Century

SEC. __11. INCREASE IN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (a) of section 30C of the Internal Revenue Code of 1986 is amended by striking ''30 percent'' and inserting ''50 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SA 4709. Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. COLEMAN, Mr. SPECTER, Mr. SMITH, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, after line 17, add the following:

SEC. 6. FUEL ECONOMY REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Fuel Economy Reform Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on America's economy, foreign policy, and military.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) was imported. At a cost of $75 per barrel of oil, Americans remit more than $600,000 per minute to other countries for petroleum, money that could have been spent creating domestic jobs and strengthening our Nation's economy.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the ''risk premium'' paid by American consumers.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, our Nation will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue our national interests.

(5) America's ability to broadly transition to alternative fuels, such as cellulosic ethanol and hydrogen, is predicated upon producing more fuel-efficient vehicles. Failure to do so would tax scarce resources and increase long-term costs.

(6) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(7) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and are much worse than the vehicle fuel economy in many developed countries and some developing countries, including China.

(8) Significant improvements in engine technology occurred between 1986 and 2006.

These advances have been used to make vehicles larger and more powerful, rather than to increase fuel economy. Between 1985 and 2005, average vehicle horsepower nearly doubled, average vehicle weight increased by 25 percent, and acceleration times for new vehicles improved by 25 percent. During the same time period, average vehicle fuel economy decreased by 2 percent.

(9) According to a 2002 fuel economy report by the National Academies of Science, improvements in gasoline engine technology offer the opportunity to increase fuel economy by 50 percent, while maintaining vehicle size and performance and improving safety. The fleet analyzed by the Academies would average 37 miles per gallon. When the report was released in 2002, it noted that these technologies could be available for wide use within 10 to 15 years.

(10) The 2002 fuel economy report study clearly states that fuel economy can be increased without negatively impacting the safety of America's cars and trucks. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(11) A 2004 report by David Greene of Oak Ridge National Labs entitled, ''The Effect of Fuel Economy on Automobile Safety: A Reexamination'', demonstrates that fuel economy is not linked with increased fatalities. The report notes that, ''higher mpg is significantly correlated with fewer fatalities''. In other words, a thorough analysis of data from 1966 to 2002 indicates that vehicle manufacturers can simultaneously increase fuel economy and improve vehicle safety.

(12) A 2002 study entitled, ''An Analysis of Traffic Deaths by Vehicle Type and Model'', by Marc Ross and Tom Wenzel from the University of Michigan, demonstrates that large vehicles do not have lower fatality rates than smaller vehicles. Ross and Wenzel analyzed Federal accident data between 1995 and 1999 and showed that the Honda Civic and Volkswagen Jetta both had lower fatality rates for the driver than the Ford Explorer, the Dodge Ram, or the Toyota 4Runner. Even the largest vehicles, such as the Chevrolet Tahoe and Suburban, had fatality rates that were no better than the Jetta or the Nissan Maxima. In other words, a well-designed compact car can be safer than an sport-utility vehicle or a pickup truck. Design, rather than weight, is the key to vehicle safety.

(13) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 Americans out of work.

(14) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that the provision of $1,500,000,000 in tax incentives over 10 years to enable the retrofit of domestic manufacturing and parts facilities to produce clean cars would lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

(c) DEFINITION OF AUTOMOBILE.—

(1) IN GENERAL.—Section 32901(a)(3) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(2) FUEL ECONOMY INFORMATION.—Section 32908(a) of title 49, United States Code, is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to model year 2009 and each subsequent model year.

(d) AVERAGE FUEL ECONOMY STANDARDS.—

(1) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in the header, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2012'' after ''NON-PASSENGER AUTOMOBILES''; and

(ii) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2011.'';

(B) in subsection (b)—

(i) in the header, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2012'' after ''PASSENGER AUTOMOBILES'';

(ii) by inserting ''and before model year 2009'' after ''1984''; and

(iii) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2009 through 2011 (rounded to the nearest 1/10 mile per gallon)'';

(C) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2011.—(1) Not later than 18 months before the beginning of each model year after model year 2011, the Secretary of Transportation shall prescribe, by regulation—

''(A) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(B) based on 1 or more vehicle attributes that relate to fuel economy—

''(i) separate standards for different classes of automobiles; or

''(ii) standards expressed in the form of a mathematical function.

''(2)(A) Except as provided under paragraphs (3) and (4) and subsection (d), standards under paragraph (1) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2012.

''(B) The projected aggregate level of average fuel economy for model year 2013 and each succeeding model year shall be increased by 4 percent from the level for the prior model year (rounded to the nearest 1/10 mile per gallon).

''(C) Notwithstanding subparagraphs (A) and (B), the fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and for its foreign fleet as calculated under section 32904 as in effect before the date of enactment of the Fuel Economy Reform Act shall not be less than 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is at least 5 percent less than the projected aggregate level of average fuel economy for such model year, the Secretary shall make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, determines that the minimum standards prescribed under paragraph (2) or (3) or subsection (b) for each model year—

''(i) are technologically unachievable;

''(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; or

''(iii) is shown, by clear and convincing evidence, not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

''(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the Nation of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on OPEC strategic behavior and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil

spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information which the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of current fuel economy tests;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.

''(F) There is authorized to be appropriated to the Secretary such amounts as are required to carry out the study, analysis, and assessment required by subparagraph (B).''; and

(D) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(i) in section 32903—

(I) by striking ''passenger'' each place it appears;

(II) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(III) by striking subsection (e); and

(IV) by redesignating subsection (f) as subsection (e); and

(ii) in section 32904(a)—

(I) by striking ''passenger'' each place it appears; and

(II) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subsection (c) or (d) of section 32902''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to automobiles manufactured after model year 2011.

(e) CREDIT TRADING AND COMPLIANCE.—

(1) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(A) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer; except that credits earned by a manufacturer described in section 32904(b)(1)(A)(i) may not be sold to or purchased by a manufacturer described in 32904(b)(1)(A)(ii),'' after ''earns credits.''; and

(B) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''.

(2) TREATMENT OF IMPORTS.—

(A) CONFORMING AMENDMENT.—Section 32904(b) is amended by striking ''passenger'' each place it appears.

(B) APPLICABILITY.—The amendments made by subparagraph (A) shall apply to automobiles manufactured after model year 2011.

(3) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(A) by inserting ''(1)'' before ''The Administrator''; and

(B) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

(f) CONSUMER TAX CREDIT.—

(1) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(A) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(i) in subsection (c)(2)(A), by inserting ''and highway'' after ''city'' in each place it appears;

(ii) in subsection (d)(2)(B)(ii), by inserting ''and highway'' after ''city'' in each place it appears;

(iii) by striking subsection (f);

(iv) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(v) in subsection (g)(2), as redesignated, by inserting ''and highway'' after ''city'' in each place it appears.

(B) CONFORMING AMENDMENTS.—

(i) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(ii) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(iii) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(iv) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(v) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(2) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of such Code (as redesignated by paragraph (1)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(g) ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

''(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

''(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any qualified electric vehicle (as defined in section 30(c)(1)),

''(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

''(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

''(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator;

''(ii) power split device;

''(iii) power control unit;

''(iv) power controls;

''(v) integrated starter generator; or

''(vi) battery;

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) accumulator or other energy storage device;

''(ii) hydraulic pump;

''(iii) hydraulic pump-motor assembly;

''(iv) power control unit; and

''(v) power controls;

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine;

''(ii) turbo charger;

''(iii) fuel injection system; or

''(iv) after-treatment system, such as a particle filter or NOx absorber; and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(4) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

''(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

''(j) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following:

''(38) to the extent provided in section 30D(g).''.

(B) Section 6501(m) of such Code is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts incurred in taxable years beginning after December 31, 1999.

SA 4710. Mr. OBAMA (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—HEALTH CARE FOR HYBRIDS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Health Care for Hybrids Act''.

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) The United States imports over half the oil it consumes.

(2) According to present trends, the United States reliance on foreign oil will increase to 68 percent of its total consumption by 2025.

(3) With only 3 percent of the world's known oil reserves, the health of the United States economy is dependent on world oil prices.

(4) World oil prices are overwhelmingly dictated by countries other than the United States, thus endangering our economic and national security.

(5) Legacy health care costs associated with retiree workers are an increasing burden on the global competitiveness of American industries.

(6) American automakers have lagged behind their foreign competitors in producing hybrid and other energy efficient automobiles.

(7) Innovative uses of new technology in automobiles in the United States will help retain American jobs, support health care obligations for retiring workers in the automotive sector, decrease America's dependence on foreign oil, and address pressing environmental concerns.

Subtitle A—Program

SEC. __11. COORDINATING TASK FORCE.

Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of the Treasury shall establish, and appoint an equal number of representatives to, a task force (referred to in this Act as the ''task force'') to administer the program established under this Act.

SEC. __12. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the task force established under section __11 shall establish a program to provide financial assistance to eligible domestic automobile manufacturers for the costs incurred in providing health benefits to their retired employees.

(b) CONSULTATION.—In establishing the program under subsection (a), the task force shall consult with representatives from the domestic automobile manufacturers, unions representing employees of such manufacturers, and consumer and environmental groups.

(c) ELIGIBLE DOMESTIC AUTOMOBILE MANUFACTURER.—To be eligible to receive financial assistance under the program established under subsection (a), a domestic automobile manufacturer shall—

(1) submit an application to the task force at such time, in such manner, and containing such information as the task force shall require;

(2) certify that such manufacturer is providing full health care coverage to all of its domestic employees;

(3) provide an assurance that the manufacturer will invest an amount equal to not less than 50 percent of the amount of health savings derived by the manufacturer as a result of its retiree health care costs being covered under the program under this section, in—

(A) the domestic manufacture and commercialization of petroleum fuel reduction technologies, including alternative or flexible fuel vehicles, hybrids, and other state-of-the-art fuel saving technologies;

(B) the retraining of workers and retooling of assembly lines for such domestic manufacture and commercialization;

(C) research and development, design, commercialization, and other costs related to the diversifying of domestic production of automobiles through the offering of high performance fuel efficient vehicles; and

(D) assisting domestic automobile component suppliers to retool their domestic manufacturing plants to produce components for petroleum fuel reduction technologies, including alternative or flexible fuel vehicles, hybrid, advanced diesel, or other state-of-the-art fuel saving technologies; and

(4) provide additional assurances and information as the task force may require, including information needed by the task force to audit the manufacturer's compliance with the requirements of the program.

(d) LIMITATION.—The total amount of financial assistance that may be provided each year under the program under this section with respect to any single domestic automobile manufacturer shall not exceed an amount equal to 10 percent of the retiree health care costs of that manufacturer for that year.

SEC. __13. REPORTING.

Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the task force shall submit to Congress a report on any financial assistance provided under this program under this Act and the resulting changes in the manufacture and commercialization of fuel saving technologies implemented by auto manufacturers as a result of such financial assistance. Not later than 1 year after the date of enactment of this Act, the task force shall submit a report to Congress on the effectiveness of current consumer incentives available for the purchase of hybrid vehicles in encouraging the purchase of such vehicles and whether these incentives should be expanded.

SEC. __14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, such sums as may be necessary in each fiscal year to carry out this Act.

SEC. __15. LIMITATION ON BACKSLIDING.

To be eligible to receive financial assistance under this subtitle, a manufacturer shall provide assurances to the task force that fuel savings achieved with respect its average adjusted fuel economy will not result in decreases with respect to fuel economy elsewhere in the domestic fleet. The task force shall determine compliance with such assurances using accepted measurements of fuel savings.

SEC. __16. TERMINATION OF PROGRAM.

The program established under this subtitle shall terminate on December 31, 2015.

Subtitle B—Offsets

SEC. __21. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTION WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. __22. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after section 6662A the following new section:

"SEC. 6662A. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed

benefit or the transaction was not respected under section 7701(o)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) of the Internal Revenue Code of 1986 is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(3) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. _23. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) of the Internal Revenue Code of 1986 (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''; and

(2) by inserting ''and noneconomic substance transactions'' after ''transactions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 4711. Mr. OBAMA (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—ALTERNATIVE FUELS

SEC. ___01. OFFICE OF ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of Energy Security appointed under subsection (c)(1).

(2) OFFICE.—The term ''Office'' means the Office of Energy Security established by subsection (b).

(b) ESTABLISHMENT.—There is established in the Executive Office of the President the Office of Energy Security.

(c) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RATE OF PAY.—The Director shall be paid at a rate of pay equal to level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) RESPONSIBILITIES.—

(1) IN GENERAL.—The Office, acting through the Director, shall be responsible for overseeing all Federal energy security programs, including the coordination of efforts of Federal agencies to assist the United States in achieving full energy independence.

(2) SPECIFIC RESPONSIBILITIES.—In carrying out paragraph (1), the Director shall—

(A) serve as head of the energy community;

(B) act as the principal advisor to the President, the National Security Council, the National Economic Council, the Domestic Policy Council, and the Homeland Security Council with respect to intelligence matters relating to energy security;

(C) with request to budget requests and appropriations for Federal programs relating to energy security—

(i) consult with the President and the Director of the Office of Management and Budget with respect to each major Federal budgetary decision relating to energy security of the United States;

(ii) based on priorities established by the President, provide to the heads of departments containing agencies or organizations within the energy community, and to the heads of such agencies and organizations, guidance for use in developing the budget for Federal programs relating to energy security;

(iii) based on budget proposals provided to the Director by the heads of agencies and organizations described in clause (ii), develop and determine an annual consolidated budget for Federal programs relating to energy security; and

(iv) present the consolidated budget, together with any recommendations of the Director and any heads of agencies and organizations described in clause (ii), to the President for approval;

(D) establish and meet regularly with a council of business and labor leaders to develop and provide to the President and Congress recommendations relating to the impact of energy supply and prices on economic growth;

(E) submit to Congress an annual report that describes the progress of the United States toward the goal of achieving full energy independence; and

(F) carry out such other responsibilities as the President may assign.

(e) STAFF.—

(1) IN GENERAL.—The Director may, without regard to the civil service laws (including regulations), appoint and terminate such personnel as are necessary to enable the Director to carry out the responsibilities of the Director under this section.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Director may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the personnel appointed by the Director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. ____02. CREDIT FOR PRODUCTION OF QUALIFIED FLEXIBLE FUEL MOTOR VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45N. PRODUCTION OF QUALIFIED FLEXIBLE FUEL MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified flexible fuel motor vehicle production credit determined under this section for any taxable year is an amount equal to $100 for each qualified flexible fuel motor vehicle produced in the United States by the manufacturer during the taxable year.

''(b) QUALIFIED FLEXIBLE FUEL MOTOR VEHICLE.—For purposes of this section, the term 'qualified flexible fuel motor vehicle' means a flexible fuel motor vehicle—

''(1) the production of which is not required for the manufacturer to meet—

''(A) the maximum credit allowable for vehicles described in paragraph (2) in determining the fleet average fuel economy requirements (as determined under section 32904 of title 49, United States Code) of the manufacturer for the model year ending in the taxable year, or

''(B) the requirements of any other provision of Federal law, and

''(2) which is designed so that the vehicle is propelled by an engine which can use as a fuel a gasoline mixture of which 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the volume of consists of ethanol.

''(c) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(4) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credits allowable under this section and section 30B) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(6) TERMINATION.—This section shall not apply to any vehicle produced after December 31, 2010.

''(7) CROSS REFERENCE.—For an election to claim certain minimum tax credits in lieu of the credit determined under this section, see section 53(e).''.

(b) CREDIT ALLOWED AGAINST THE ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 (defining specified credits) is amended by striking the period at the end of clause (ii)(II) and inserting '', and'', and by adding at the end the following new clause:

''(iii) the credit determined under section 45N.''.

(c) ELECTION TO USE ADDITIONAL AMT CREDIT.—Section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

''(e) ADDITIONAL CREDIT IN LIEU OF FLEXIBLE FUEL MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—In the case of a taxpayer making an election under this subsection for a taxable year, the amount otherwise determined under subsection (c) shall be increased by any amount of the credit determined under section 45N for such taxable year which the taxpayer elects not to claim pursuant to such election.

''(2) ELECTION.—A taxpayer may make an election for any taxable year not to claim any amount of the credit allowable under section 45N with respect to property produced by the taxpayer during such taxable year. An election under this subsection may only be revoked with the consent of the Secretary.

''(3) CREDIT REFUNDABLE.—The aggregate increase in the credit allowed by this section for any taxable year by reason of this subsection shall for purposes of this title (other than subsection (b)(2) of this section) be treated as a credit allowed to the taxpayer under subpart C.''.

(d) CONFORMING AMENDMENTS.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting a comma, and by adding at the end the following new paragraph:

''(31) the qualified flexible fuel motor vehicle production credit determined under section 45N, plus''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45N. Production of qualified flexible fuel motor vehicles''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to motor vehicles produced in model years ending after the date of the enactment of this Act.

SEC. ___03. INCENTIVES FOR THE RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40A the following new section:

''SEC. 40B. CREDIT FOR RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

''(a) GENERAL RULE.—The alternative fuel retail sales credit for any taxable year is the applicable amount for each gallon of alternative fuel sold at retail by the taxpayer during such year.

''(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined in accordance with the following table:

''In the case of any sale:	**The applicable amount for each gallon is:**
Before 2009	35 cents
During 2009 or 2010	20 cents
During 2011	10 cents.''

''(c) DEFINITIONS.—For purposes of this section—

''(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel at least 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the volume of which consists of ethanol.

''(2) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses alternative fuel (including any use after importation) as a fuel to propel any qualified alternative fuel motor vehicle (as defined in this section) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(3) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

''(A) which is capable of operating on an alternative fuel,

''(B) the original use of which commences with the taxpayer,

''(C) which is acquired by the taxpayer for use or lease, but not for resale, and

''(D) which is made by a manufacturer.

''(d) ELECTION TO PASS CREDIT.—A person which sells alternative fuel at retail may elect to pass the credit allowable under this section to the purchaser of such fuel or, in the event the purchaser is a tax-exempt entity or otherwise declines to accept such credit, to the person which supplied such fuel, under rules established by the Secretary.

''(e) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2011.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) (as amended by section 3(d)) is amended by adding at the end the following new paragraph:

''(32) the alternative fuel retail sales credit determined under section 40B(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Credit for retail sale of alternative fuels as motor vehicle fuel''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after the date of enactment of this Act, in taxable years ending after such date.

SEC. ___04. ALTERNATIVE DIESEL FUEL CONTENT OF DIESEL.

(a) FINDINGS.—Congress finds that—

(1) section 211(o) of the Clean Air Act (42 U.S.C. 7535(o)) (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58)) established a renewable fuel program under which entities in the petroleum sector are required to blend renewable fuels into motor vehicle fuel based on the gasoline motor pool;

(2) the need for energy diversification is greater as of the date of enactment of this Act than it was only months before the date of enactment of the Energy Policy Act (Public Law 109–58; 119 Stat. 594); and

(3)(A) the renewable fuel program under section 211(o) of the Clean Air Act requires a small percentage of the gasoline motor pool, totaling nearly 140,000,000,000 gallons, to contain a renewable fuel; and

(B) the small percentage requirement described in subparagraph (A) does not include the 40,000,000,000-gallon diesel motor pool.

(b) ALTERNATIVE DIESEL FUEL PROGRAM FOR DIESEL MOTOR POOL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

''(p) ALTERNATIVE DIESEL FUEL PROGRAM FOR DIESEL MOTOR POOL.—

''(1) DEFINITION OF ALTERNATIVE DIESEL FUEL.—

''(A) IN GENERAL.—In this subsection, the term 'alternative diesel fuel' means biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))) and any blending components derived from alternative fuel (provided that only the alternative fuel portion of any such blending component shall be considered to be part of the applicable volume under the alternative diesel fuel program established by this subsection).

''(B) INCLUSIONS.—The term 'alternative diesel fuel' includes a diesel fuel substitute produced from—

''(i) animal fat;

''(ii) vegetable oil;

''(iii) recycled yellow grease;

''(iv) thermal depolymerization;

''(v) thermochemical conversion;

''(vi) the coal-to-liquid process (including the Fischer-Tropsch process); or

''(vii) a diesel-ethanol blend of not less than 7 percent ethanol.

''(2) ALTERNATIVE DIESEL FUEL PROGRAM.—

''(A) REGULATIONS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to ensure that diesel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of alternative diesel fuel determined in accordance with subparagraph (B).

''(ii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

''(II) shall not—

''(aa) restrict geographic areas in which alternative diesel fuel may be used; or

''(bb) impose any per-gallon obligation for the use of alternative diesel fuel.

''(iii) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under clause (i), the percentage of alternative diesel fuel in the diesel motor pool sold or dispensed to consumers in the United States, on a volume basis, shall be 0.6 percent for calendar year 2008.

''(B) APPLICABLE VOLUME.—

''(i) CALENDAR YEARS 2008 THROUGH 2015.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2008 through 2015 shall be determined in accordance with the following table:

''**Applicable volume of Alternative diesel fuel in diesel motor pool (in millions of gallons):**	**Calendar year:**
250	2008
500	2009
750	2010
1,000	2011
1,250	2012
1,500	2013
1,750	2014
2,000	2015.

''(ii) CALENDAR YEAR 2016 AND THEREAFTER.—The applicable volume for calendar year 2016 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program during calendar years 2008 through 2015, including a review of—

''(I) the impact of the use of alternative diesel fuels on the environment, air quality, energy security, job creation, and rural economic development; and

''(II) the expected annual rate of future production of alternative diesel fuels to be used as a blend component or replacement to the diesel motor pool.

''(iii) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar year 2016 and each calendar year thereafter shall be equal to the product obtained by multiplying—

''(I) the number of gallons of diesel that the Administrator estimates will be sold or introduced into commerce during the calendar year; and

''(II) the ratio that—

''(aa) 2,000,000,000 gallons of alternative diesel fuel; bears to

''(bb) the number of gallons of diesel sold or introduced into commerce during calendar year 2015.

''(3) APPLICABLE PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF DIESEL SALES.—Not later than October 31 of each of calendar years 2007 through 2015, the Administrator of the Energy Information Administration shall provide to the Administrator an estimate, with respect to the following calendar year, of the volumes of diesel projected to be sold or introduced into commerce in the United States.

''(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2015, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the alternative diesel fuel obligation that ensures that the requirements of paragraph (2) are met.

''(ii) REQUIRED ELEMENTS.—The alternative diesel fuel obligation determined for a calendar year under clause (i) shall—

''(I) be applicable to refineries, blenders, and importers, as appropriate;

''(II) be expressed in terms of a volume percentage of diesel sold or introduced into commerce in the United States; and

''(III) subject to subparagraph (C), consist of a single applicable percentage that applies to all categories of persons described in subclause (I).

''(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments to prevent the imposition of redundant obligations on any person described in subparagraph (B)(ii)(I).

''(4) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated pursuant to paragraph (2)(A) shall provide for the generation of an appropriate amount of credits by any person that refines, blends, or imports diesel that contains a quantity of alternative diesel fuel that is greater than the quantity required under paragraph (2).

''(B) USE OF CREDITS.—A person that generates a credit under subparagraph (A) may use the credit, or transfer all or a portion of the credit to another person, for the purpose of complying with regulations promulgated pursuant to paragraph (2).

''(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid during the 1-year period beginning on the date on which the credit is generated.

''(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated pursuant to paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits under subparagraph (A) to meet the requirements of paragraph (2) by carrying forward a credit generated during a previous year on the condition that the person, during the calendar year following the year in which the alternative diesel fuel deficit is created—

''(i) achieves compliance with the alternative diesel fuel requirement under paragraph (2); and

''(ii) generates or purchases additional credits under subparagraph (A) to offset the deficit of the previous year.

''(5) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on receipt of a petition of 1 or more States by reducing the national quantity of alternative diesel fuel for the diesel motor pool required under paragraph (2) based on a determination by the Administrator, after public notice and opportunity for comment, that—

''(i) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) there is an inadequate domestic supply of alternative diesel fuel.

''(B) PETITIONS FOR WAIVERS.—Not later than 90 days after the date on which the Administrator receives a petition under subparagraph (A), the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove the petition.

''(C) TERMINATION OF WAIVERS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a waiver under subparagraph (A) shall terminate on the date that is 1 year after the date on which the waiver is provided.

''(ii) EXCEPTION.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may extend a waiver under subparagraph (A), as the Administrator determines to be appropriate.''.

(c) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1), by striking ''or (o)'' each place it appears and inserting ''(o), or (p)''; and

(2) in paragraph (2), by striking ''and (o)'' each place it appears and inserting ''(o), and (p)''.

(d) TECHNICAL AMENDMENTS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (i)(4), by striking ''section 324'' each place it appears and inserting ''section 325'';

(2) in subsection (k)(10), by indenting subparagraphs (E) and (F) appropriately;

(3) in subsection (n), by striking ''section 219(2)'' and inserting ''section 216(2)'';

(4) by redesignating the second subsection (r) and subsection (s) as subsections (s) and (t), respectively; and

(5) in subsection (t)(1) (as redesignated by paragraph (4)), by striking ''this subtitle'' and inserting ''this part''.

SEC. ___05. EXCISE TAX CREDIT FOR CELLULOSIC BIOMASS ETHANOL.

(a) IN GENERAL.—Paragraph (2) of section 6426(b) of the Internal Revenue Code of 1986 (relating to alcohol fuel mixture credit) is amended by adding at the end the following new subparagraph:

''(C) CELLULOSIC BIOMASS ETHANOL.—In the case of an alcohol fuel mixture consisting of cellulosic biomass ethanol (as defined in section 211(o)(1)(A) of the Clean Air Act), the applicable amount is equal to the product of—

''(i) the amount specified in subparagraph (A), times

''(ii) the equivalent number of gallons of renewable fuel specified in section 211(o)(4) of such Act.''.

(b) CONFORMING AMENDMENT.—Section 6426(b)(2)(A) of such Code is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. ___06. INCENTIVE FOR FEDERAL AND STATE FLEETS FOR MEDIUM AND HEAVY DUTY HYBRIDS.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking ''or a dual fueled vehicle'' and inserting '', a dual fueled vehicle, or a medium or heavy duty vehicle that is a hybrid vehicle'';

(2) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (14), (15), and (16), respectively;

(3) by inserting after paragraph (10) the following:

''(11) the term 'hybrid vehicle' means a vehicle powered both by a diesel or gasoline engine and an electric motor that is recharged as the vehicle operates;''; and

(4) by inserting after paragraph (12) (as redesignated by paragraph (2)) the following:

''(13) the term 'medium or heavy duty vehicle' means a vehicle that—

''(A) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; and

''(B) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds;''.

SEC. ___07. PUBLIC ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL REFUELING STATION.—The term ''alternative fuel refueling station'' has the meaning given the term ''qualified alternative fuel vehicle refueling property'' in section 30C(c)(1) of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.—Not later than 18 months after the date of enactment of this Act—

(1) except as provided in subsection (d)(1), any Federal property that includes at least 1 fuel refueling station shall include at least 1 alternative fuel refueling station; and

(2) except as provided in subsection (d)(2), any alternative fuel refueling station located on property owned by the Federal government shall permit full public access for the purpose of refueling using alternative fuel.

(c) DURATION.—The requirements described in subsection (b) shall remain in effect until the sooner of—

(1) the date that is 7 years after the date of enactment of this Act; or

(2) the date on which the Secretary determines that not less than 5 percent of the commercial refueling infrastructure in the United States offers alternative fuels to the general public.

(d) EXCEPTIONS.—

(1) WAIVER.—Subsection (b)(1) shall not apply to any Federal property under the jurisdiction of a Federal agency if the Secretary determines that alternative fuel is not reasonably available to retail purchasers of the fuel, as certified by the head of the agency to the Secretary.

(2) NATIONAL SECURITY EXEMPTION.—Subsection (b)(2) does not apply to property of the Federal government that the Secretary, in consultation with the Secretary of Defense, has certified must be exempt for national security reasons.

(e) VERIFICATION OF COMPLIANCE.—The Secretary shall—

(1) monitor compliance with this section by all Federal agencies; and

(2) annually submit to Congress a report describing the extent of compliance with this section.

SEC. ___08. PURCHASE OF CLEAN FUEL BUSES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5325 the following:

''§ 5326. Purchase of clean fuel buses

''(a) DEFINITION OF CLEAN FUEL BUS.—In this section, the term 'clean fuel bus' means a vehicle that—

''(1) is capable of being powered by—

''(A) compressed natural gas;

''(B) liquefied natural gas;

''(C) 1 or more batteries;

''(D) a fuel that is composed of at least 85 percent ethanol (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions);

''(E) electricity (including a hybrid electric or plug-in hybrid electric vehicle);

''(F) a fuel cell; or

''(G) ultra-low sulfur diesel; and

''(2) has been certified by the Administrator of the Environmental Protection Agency to significantly reduce harmful emissions, particularly in a nonattainment area (as defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

''(b) PURCHASE OF BUSES.—A bus purchased using funds made available from the Mass Transit Account of the Highway Trust Fund shall be a clean fuel bus.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5325 the following:

''5326. Clean fuel buses''.

SEC. ___09. DOMESTIC FUELS INFRASTRUCTURE FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to evaluate the commercial and technical viability of advanced technologies for the production of alternative transportation fuels having applications for the Department of Defense. The program shall include the construction and operation of testing facilities in accordance with subsection (d).

(b) ALTERNATIVE TRANSPORTATION FUELS DEFINED.—For purposes of this section, the term ''alternative transportation fuels'' means—

(1) denatured ethanol and other alcohols;

(2) mixtures containing at least 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of denatured ethanol, particularly ethanols derived from cellulosic biomass;

(3) coal-derived liquid fuels, including Fischer-Tropsch fuels;

(4) fuels (other than alcohol) derived from biological materials, including fuels derived from vegetable oils, animal fats, thermal depolymerization, or thermalchemical conversion; and

(5) any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.

(c) COORDINATION OF EFFORTS.—

(1) IN GENERAL.—The Secretary of Defense shall carry out the program required by this section through the Under Secretary of Defense for Acquisition, Technology, and Logistics and in consultation with the Director of Defense Research and Engineering, the Advanced Systems and Concepts Office, the Secretary of Agriculture, and the Secretary of Energy.

(2) ROLE OF BIOMASS RESEARCH AND DEVELOPMENT TECHNOLOGIC ADVISORY COMMITTEE.—The consultations under paragraph (1) shall include the participation of the Biomass Research and Development Technical Advisory Committee established under section 306 of the Biomass Research and Development Act of 2000 (title III of Public Law 106–224; 7 U.S.C. 8101 note).

(d) FACILITIES FOR EVALUATING PRODUCTION OF ALTERNATIVE TRANSPORTATION FUELS.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of Defense shall provide for the construction or capital modification of—

(A) not more than 3 facilities for the purposes of evaluating the production from cellulosic biomass of alternative transportation fuels having applications for the Department of Defense; and

(B) not more than 3 facilities for the purposes of evaluating the production from coal of alternative transportation fuels having applications for the Department of Defense, with not less than one of such facilities utilizing coal resources with a ranking by the American Society for Testing and Materials of high volatile bituminous B and C.

(2) LOCATION OF FACILITIES.—The facilities constructed under paragraph (1) for the purposes of cellulosic biomass shall—

(A) afford the efficient use of a diverse range of fuel sources; and

(B) give initial preference to existing domestic facilities with current or potential capacity for cellulose or coal conversion.

(3) CAPACITY OF FACILITIES.—Each facility constructed under paragraph (1) shall have the flexibility for producing commercial volumes of alternative transportation fuels such that when the facility demonstrates economic viability of the process it can provide commercial production for the region in which it is located.

(4) AUTHORITY TO ENTER INTO TRANSACTIONS FOR FACILITY CONSTRUCTION.—The Secretary of Defense shall seek to construct the facilities required by paragraph (1) at the lowest cost practicable. The Secretary may make grants, enter into agreements, and provide loans or loan guarantees to corporations, cooperatives, and consortia of such entities for such purposes.

(5) EVALUATIONS AT FACILITIES.—Not later than 5 years after the date of enactment of this Act, the Secretary of Defense shall begin at the facilities described in paragraph (1) evaluations of the technical and commercial viability of different processes of producing alternative transportation fuels having Department of Defense applications from cellulosic biomass or coal.

(e) PROGRAM MILESTONES.—In carrying out the program required by this section, the Secretary of Defense shall meet the following milestones:

(1) SELECTION OF TESTING PROCESSES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall select processes for evaluating the technical and commercial viability of producing alternative fuels from cellulosic biomass or coal.

(2) INITIATION OF WORK AT EXISTING FACILITIES.—Not later than one year after the date of enactment of this Act, the Secretary shall enter into agreements to carry out testing under this section at existing facilities.

(3) CONSTRUCTION AGREEMENTS.—Not later than one year after the date of enactment of this Act, the Secretary shall enter into agreements for the capital modification or construction of facilities under subsection (d)(1).

(4) COMPLETION OF ENGINEERING AND DESIGN WORK.—Not later than three years after the date of enactment of this Act, the Secretary shall complete capital modifications of existing facilities and the engineering and design work necessary for the construction of new facilities under this section.

(f) REPORT ON PROGRAM.—Not later than 18 months after the date of enactment of this Act, and annually thereafter for the next 5 years, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, submit a report on the implementation and results of the program required by this section to—

(1) the Committees on Armed Services, Energy and Natural Resources, Agriculture, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Energy and Commerce, Agriculture, and Appropriations of the House of Representatives.

(g) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this section, $250,000,000 may be available for the program

required by this section for fiscal years 2007 through 2012.

(2) AVAILABILITY.—Amounts available under paragraph (1) shall remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on July 26, 2006, at 9:30 a.m. In SR–328A, Russell Senate Office Building. The purpose of this committee hearing will be to consider the following nominations: Nancy Johner to be under Secretary of Agriculture for Food, Nutrition, and Consumer Services for the Department of Agriculture and to be a Member of the Board of Directors of the Commodity Credit Corporation; Bruce Knight to be under Secretary of Agriculture for Marketing and Regulatory Programs for the Department of Agriculture and to be a Member of the Board of Directors of the Commodity Credit Corporation; Margo McKay to be an Assistant Secretary of Agriculture for Civil Rights for the Department of Agriculture; and Michael Dunn to be a Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 26, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''A Closer Look at the Size and Sources of the Tax Gap.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 26, 2006, at 2:30 p.m. to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''FISA for the 21st Century'' on Wednesday, July 26, 2006, at 9 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: LTG Michael V. Hayden, Director of Central Intelligence Agency, Office of the Director of National Intelligence, Langley, VA; LTG Keith B. Alexander, Director of the National Security Agency, Chief of the Central Security Service, Washington, DC; Steven Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, DC.

Panel II: Bryan Cunningham, Partner, Morgan & Cunningham LLC, Denver, CO; Jim Dempsey, Policy Director, Center for Democracy & Technology, Washington, DC; John Schmidt, Partner, Mayer, Brown, Rowe & Maw LLP, Chicago, IL; Mary DeRosa, Senior Fellow, Johns Hopkins Center for Strategic and International Studies, Technology and Public Policy Program, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 26, 2006, at 10 a.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, July 26, 2006, at 3:30 p.m. for a hearing entitled, STOP!: A Progress Report on Protecting and Enforcing Intellectual Property Rights Here and Abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. On behalf of Senator BAUCUS, I ask unanimous consent that John Schiltz and Tara Rose, interns with the Committee on Finance, be granted floor privileges for the consideration of this Energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. I ask unanimous consent Lauren Guidice and Marcus Williams, interns with the Energy and Natural Resources Committee staff, be granted floor privileges during the remainder of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2006

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 474, S. 3549.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3549) to amend the Defense Production Act of 1950, to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional oversight with respect thereto, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today the Senate will pass S. 3549, the Foreign Investment and National Security Act of 2006. While I have reservations over the legislation as currently drafted, I have agreed to allow the bill to proceed to conference, given the assurances by the Chairman of the Senate Banking Committee, Senator SHELBY, that he will work to address the concerns that I have raised.

The Committee on Foreign Investment in the United States—known as CFIUS—was established 30 years ago to placate concerns in Congress over investments by Middle Eastern countries in American assets. Three decades later, it is once again concern over the Middle East that is driving Congress to overhaul the CFIUS process. This time, the outrage has revolved around the proposed acquisition of port terminal operations in the U.S. by Dubai Ports World, a corporation owned by the government of Dubai, one of the seven emirates that make up the United Arab Emirates.

In the war on terror, the UAE has provided American and Coalition military forces unprecedented access to its ports and territory, overflight clearances, and other critical and important logistical assistance. The UAE has played host to over 700 U.S. Navy ships at its ports, including the Port of Jebel Ali—which is managed by Dubai Ports World—and to the Air Force at al Dhafra Air Base. The country also hosts the UAE Air Warfare Center, the leading fighter training center in the Middle East. The UAE has worked with us to stop terrorist financing and money laundering. Moreover, Dubai was the first Middle Eastern entity to join the Container Security Initiative and the Department of Energy's Megaports Initiative, a program aimed at stopping illicit shipments of nuclear and other radioactive material. But all of these details seem to have been lost in the rush to stop a corporate transaction with a key ally in the war on terror.

Mr. President, there are at least two details in S. 3549 that cannot be ignored because they will not help protect our homeland. Instead, they will only harm America's economy, the strength of which is critical to our national security.

One provision that I believe merits closer scrutiny would require CFIUS to notify several congressional committees, as well as individual members of Congress, of each and every transaction submitted to CFIUS's review. This notification would be required well before CFIUS made any determination about the national security implications, if any, of the proposed transaction.

On its face, this provision would appear to be a reasonable effort to achieve transparency and accountability in the CFIUS process. However,

if this provision were enacted, a process that is meant to be a sober analysis of the national security implications of a transaction would become a politically charged debacle. What other goal would be accomplished by providing notice to the members of Congress whose States and districts are impacted by the transaction before any determination is made by CFIUS? The politicization of the CFIUS review process would discourage transactions that might be reviewed by CFIUS for fear of financial or reputational harm. This, in turn, could reduce foreign direct investment or impose a risk premium on such investment that would be detrimental to U.S. businesses seeking investment capital.

A second provision that I believe needs further clarification would require CFIUS to investigate a proposed transaction whenever the matter involves ''any possible impairment to national security'' resulting from the acquisition of critical infrastructure or ''the possibility of an impairment to national security'' arising out of any transaction reviewed by CFIUS. Under these standards, many transactions that pose negligible or no risk to national security will nonetheless be forced into an extended 45-day investigation in addition to the initial 30-day review period. According to the Department of Treasury, these standards will lead to a significant increase in the number of investigations conducted by CFIUS. I strongly support a full and fair review of each transaction submitted to CFIUS, and I believe that a transaction that poses a risk to our national security should not be approved, but that is not what the mandatory 45-day investigation provisions would accomplish. In my view, it would be better to use CFIUS resources to investigate transactions that raise genuine national security concerns.

I appreciate the interest of Senator SHELBY and others to modify the CFIUS process, and I certainly do not doubt the sincerity of their desire to protect our Nation from threats abroad. That is why I am confident that my concerns with the legislation will be addressed in conference. If they are not, then I will be forced to object to the conference report.

Mr. SHELBY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4703) was agreed to, as follows:

On page 3, line 8, strike ''written notification'' and insert the following: ''a written request for review by a person involved in the transaction, or by one or more members of CFIUS,''.

On page 3, line 10, strike ''under this section'' and insert ''in accordance with paragraph (1)(A)''.

On page 3, line 24, strike ''entity'' and insert ''person''.

On page 4, beginning on line 19, strike ''additional assurances'' and insert ''assurances provided or renewed with the approval of CFIUS''.

On page 4, line 22, strike ''and'' and insert ''or''.

On page 5, line 2, insert before the period the following: '', and the issues that could result in an impairment to national security are not resolved through negotiation of assurances between one or more members of CFIUS and the entities involved in the transaction''.

On page 5, strike line 22 and all that follows through page 6, line 6 and insert the following:

''(4) MONITORING OF WITHDRAWN TRANSACTIONS.—If the notification or filing with respect to a proposed transaction is withdrawn or rescinded, CFIUS shall continue to monitor such transaction, unless the transaction is terminated by agreement of the parties to the transaction. If CFIUS has reason to believe that the proposed transaction has not been so terminated, CFIUS shall initiate a review or investigation under this section if the parties do not resubmit the notification or filing within an appropriate period of time.''.

On page 6, strike lines 7 through 23 and insert the following:

''(5) MANDATORY NOTIFICATION RELATED TO CERTAIN TRANSACTIONS AFFECTING NATIONAL SECURITY.—The chairperson and vice chairperson of CFIUS shall, not later than 90 days after the date of enactment of the Foreign Investment and National Security Act of 2006, issue rules, including the imposition of appropriate penalties for failure to comply with this paragraph, that require each person controlled by or acting on behalf of a foreign government to notify the chairperson of CFIUS in writing of any proposed transaction involving such person and United States critical infrastructure relating to United States national security.''.

On page 8, line 17, strike ''(or longer)''.

On page 9, line 3, strike ''AND CLASSIFICATIONS''.

On page 9, line 15, strike ''and classifying''.

On page 10, line 17, strike ''and classification''.

On page 15, line 1, strike ''ranking'' and insert ''assessments''.

On page 16, line 5, strike ''ADDITIONAL''.

On page 17, line 6, insert ''of CFIUS'' after ''vice chairperson''.

On page 19, line 12, strike ''transaction'' and all that follows through line 16 and insert ''transaction; and''.

On page 20, line 3, insert ''does or'' before ''does not''.

On page 23, strike lines 21 through 24.

On page 24, line 1, strike ''(vi)'' and insert ''(v)''.

On page 24, line 10, strike ''(vii)'' and insert ''(vi)''

On page 24, line 17, strike ''(vii)'' and insert ''(vii)''.

On page 27, line 4, strike ''the term'' and insert the following: ''the term 'assurances' means any term, understanding, commitment, agreement, or limitation, however described, that relates to ameliorating in any way the potential effect of a transaction on the national security;

''(2) the term''.

On page 27, line 12, strike ''(2)'' and insert ''(3)''.

On page 27, line 19, strike ''(3)'' and insert ''(4)''.

On page 27, line 22, strike ''(4)'' and insert ''(5)''.

On page 27, line 25, strike the period and all that follows through ''The term includes'' on page 28, line 1 and insert '', and includes''.

On page 28, line 5, strike ''(5)'' and insert ''(6)''.

On page 28, line 11, strike ''(6)'' and insert ''(7)''.

On page 28, line 14, strike ''(7)'' and insert ''(8)''.

The bill (S. 3549), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3549

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 ''Foreign Investment and National Security Act of 2006''.

SEC. 2. AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

''SEC. 721. REVIEW AND INVESTIGATION OF TRANSACTIONS INVOLVING FOREIGN PERSONS AND GOVERNMENTS.

''(a) REVIEW OF TRANSACTIONS INVOLVING FOREIGN PERSONS AND GOVERNMENTS.—

''(1) REVIEWS REQUIRED.—

''(A) IN GENERAL.—CFIUS shall review any transaction proposed or pending on or after the date of enactment of this section by, with, or on behalf of a foreign person or foreign government which could result in foreign control of a person engaged in interstate commerce in the United States, for which a review is requested, in the manner prescribed by regulations promulgated under this section.

''(B) PURPOSES.—The purpose of such review shall be to determine the effect on national security of such transaction, whether an investigation of such transaction is required under subsection (b), or both.

''(2) TIMING OF REVIEWS.—

''(A) IN GENERAL.—A review of a proposed or pending transaction described in paragraph (1) shall be completed not later than 30 days after the date of receipt by CFIUS of a written request for review by a person involved in the transaction, or by one or more members of CFIUS, of the proposed or pending transaction, as prescribed by regulations promulgated in accordance with paragraph (1)(A).

''(B) EXTENSIONS UPON REQUEST.—Upon written request by the Secretary, Deputy Secretary, or Under Secretary, or the equivalent thereof, of one or more of the agencies that make up CFIUS (including any agency described in subsection (c)(4)(I)) for additional time to review a case, the 30-day period described in subparagraph (A) shall be extended by not longer than an additional 30 days, if the Secretary, Deputy Secretary, or Under Secretary, or the equivalent thereof, concludes that there is credible evidence to believe that if permitted to proceed with the transaction, the foreign acquiring person may take action that threatens to impair the national security.

''(b) INVESTIGATIONS OF CERTAIN TRANSACTIONS.—

''(1) IN GENERAL.—CFIUS shall undertake an investigation to determine the effects on national security of any transaction described in subsection (a)(1) proposed or pending on or after the date of enactment of this section—

''(A) which would—

''(i) result in control of any person engaged in interstate commerce in the United States by a foreign government, or a person acting by, with, or on behalf of a foreign government; or

''(ii) result in control of any critical infrastructure of or within the United States by,

with, or on behalf of any foreign person, if CFIUS determines that any possible impairment to national security has not been mitigated by assurances provided or renewed with the approval of CFIUS, as described in subsection (i), during the review period under subsection (a); or

''(B) if the review by CFIUS under subsection (a) produces sufficient information to indicate the possibility of an impairment to national security, after consideration of the factors listed in subsection (g), and the issues that could result in an impairment to national security are not resolved through negotiation of assurances between one or more members of CFIUS and the entities involved in the transaction.

''(2) TIMING OF INVESTIGATIONS.—An investigation required to be undertaken under this subsection—

''(A) shall commence at such time as CFIUS determines under subsection (a) that such investigation is required, as prescribed by regulations promulgated pursuant to this section; and

''(B) shall be completed not later than 45 days after the date of its commencement.

''(3) RESUBMITTED FILINGS.—An investigation of a transaction under this subsection which is interrupted because the notification or filing is withdrawn by the applicant, and which is subsequently resubmitted, shall require up to a 45-day investigation from the date on which CFIUS receives the new submission. The investigation shall include a review of the rationale for the withdrawal and resubmission of the proposed transaction to CFIUS.

''(4) MONITORING OF WITHDRAWN TRANSACTIONS.—If the notification or filing with respect to a proposed transaction is withdrawn or rescinded, CFIUS shall continue to monitor such transaction, unless the transaction is terminated by agreement of the parties to the transaction. If CFIUS has reason to believe that the proposed transaction has not been so terminated, CFIUS shall initiate a review or investigation under this section if the parties do not resubmit the notification or filing within an appropriate period of time.''

''(5) MANDATARY NOTIFICATION RELATED TO CERTAIN TRANSACTIONS AFFECTING NATIONAL SECURITY.—The chairperson and vice chairperson of CFIUS shall, not later than 90 days after the date of enactment of the Foreign Investment and National Security Act of 2006, issue rules, including the imposition of appropriate penalties for failure to comply with this paragraph, that require each person controlled by or acting on behalf of a foreign government to notify the chairperson of CFIUS in writing of any proposed transaction involving such person and United States critical infrastructure relating to United States national security.''

''(c) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

''(1) ESTABLISHMENT.—There is established the Committee on Foreign Investment in the United States, which shall serve as the President's designee for all purposes under this section.

''(2) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of CFIUS.

''(3) VICE CHAIRPERSON.—The Secretary of Defense shall serve as the vice chairperson of CFIUS.

''(4) MEMBERSHIP.—The members of CFIUS shall include—

''(A) the Secretary of the Treasury;

''(B) the Secretary of State;

''(C) the Secretary of Defense;

''(D) the Secretary of Commerce;

''(E) the Secretary of Homeland Security;

''(F) the Attorney General of the United States;

''(G) the Director of the Office of Management and Budget;

''(H) the Director of National Intelligence; and

''(I) the heads of those other executive departments or agencies as the President determines appropriate, on a case-by-case basis.

''(5) REFERRAL TO APPROPRIATE MEMBERS OF CFIUS.—Upon receipt of notification of a proposed or pending transaction under this section, the chairperson of CFIUS shall assign the appropriate member of CFIUS to lead the review and investigation of such proposed or pending transaction under this section.

''(6) INTELLIGENCE REVIEWS.—The Director of National Intelligence shall—

''(A) direct the intelligence community, to collect and analyze information related to any proposed or pending transaction pursuant to this section, and to prepare a report of its findings, which the Director shall make available to members of CFIUS not later than 15 days after the date of the commencement by CFIUS of a 30-day review of any such transaction under subsection (a), and before the commencement of any investigation under subsection (b); and

''(B) ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to CFIUS of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

''(7) ASSESSMENTS OF FOREIGN COUNTRIES FOR USE IN REVIEWS AND INVESTIGATIONS.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Foreign Investment and National Security Act of 2006, the chairperson and vice chairperson of CFIUS, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Energy, the Chairman of the Nuclear Regulatory Commission, and the Director of National Intelligence, shall develop and implement a system for assessing individual countries, including—

''(i) an assessment of the adherence of the country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments required by section 403 of the Arms Control and Disarmament Act;

''(ii) an assessment of the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

''(iii) an assessment of the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations.

''(B) CONFIDENTIALITY.—The assessment system required by subparagraph (A) and any information or documentary material maintained or developed thereunder—

''(i) shall be used solely by those agencies involved in reviewing and investigating acquisitions, mergers, and takeovers pursuant to this section;

''(ii) may not be made available to the public; and

''(iii) shall be exempt from disclosure under section 552 of title 5, United States Code.

''(8) STAFF OF CFIUS.—Employees of the Department of the Treasury who serve as staff for CFIUS shall report directly to the Deputy Secretary of the Treasury, and shall perform no official functions other than as CFIUS staff.

''(d) ACTION BY THE PRESIDENT.—

''(1) IN GENERAL.—Subject to subsection (e), the President may take such action for such time as the President considers appropriate to suspend or prohibit any transaction which would result in control of any critical infrastructure or person engaged in interstate commerce in the United States, proposed or pending on or after the date of enactment of this section, by or with a foreign person or government, so that such control will not threaten to impair the national security.

''(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to this subsection not later than 15 days after an investigation described in subsection (b) is completed.

''(3) ENFORCEMENT.—The President may direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce this subsection.

''(e) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (d) only if the President finds that—

''(1) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

''(2) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

''(f) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under subsection (d) and the findings of the President under subsection (e) shall not be subject to judicial review.

''(g) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under subsection (d) and for purposes of reviews and investigations under this section, the President and CFIUS, respectively, shall consider, among other factors—

''(1) potential effects on United States critical infrastructure, including major energy assets;

''(2) potential effects on United States critical technologies;

''(3) domestic production needed for projected national defense requirements;

''(4) the capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services;

''(5) the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security;

''(6) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

''(A) identified by the Secretary of State—

''(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

''(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

''(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons;

''(B) identified by the Secretary of Defense as posing a potential regional military

threat to the interests of the United States; or

''(C) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978, on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list;

''(7) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security;

''(8) the long term projection of United States requirements for sources of energy and other critical resources and materials; and

''(9) the assessments developed under subsection (c)(7) of the country in which the foreign persons acquiring United States entities are based.

''(h) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Any information or documentary material filed with CFIUS pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.

''(2) NOTIFICATION TO GOVERNOR.—Notwithstanding paragraph (1), CFIUS shall notify the Governor of any State regarding a transaction involving critical infrastructure in that State for the purpose of discussing any security concerns that arise or may arise from that transaction. Information or documentary material made available to a Governor under this paragraph may not be made public, including under any law of a State pertaining to freedom of information or otherwise, but the exception in paragraph (3) for disclosures to either House of Congress or Congressional Committees shall not apply to Governors who receive information under this paragraph.

''(3) DISCLOSURE.—Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of Congress.

''(i) ASSURANCES.—

''(1) IN GENERAL.—This subsection shall govern the provision of any assurances to one or more agencies of the United States in connection with the review or investigation of, or any Presidential decision concerning, any transaction under this section.

''(2) CONDITION TO DETERMINATION.—Any such assurances shall be deemed to be a continuing covenant of the persons on whose behalf such review is sought (and of all persons controlling such person), the observance of which shall be a condition of the determination of CFIUS, the President, or both, on whether to take any action with respect to such transaction.

''(3) CONTRACT WITH THE UNITED STATES.—Such assurances shall be embodied in an agreement executed by the foreign person or foreign government on whose behalf a review of a transaction is sought under this section and the chairperson or vice chairperson of CFIUS, on behalf of the United States.

''(4) MONITORING OF AGREEMENT.—Compliance with assurances provided under this subsection shall be monitored, and may be investigated, in the same manner as a violation of a civil statute, by the agency designated by the chairperson of CFIUS, in consultation with the vice chairperson of CFIUS and the Attorney General of the United States.

''(5) GRANT OF JURISDICTION; REMEDIES.—The United States District Court for the District of Columbia shall have jurisdiction to enforce an agreement referred to in this subsection upon application by the Attorney General. Available remedies shall include divestiture, injunctive relief, enforcing the terms of such agreement, and monetary damages, as appropriate.

''(j) NOTICE AND REPORTS TO CONGRESS.—

''(1) NOTICE REGARDING REVIEWS.—

''(A) NOTICE AT INITIATION OF REVIEW.—CFIUS shall transmit written notice of a proposed or pending transaction subject to this section to the members of Congress specified in paragraph (3)(C), not later than 10 days after the date of receipt of a notice of such proposed or pending transaction, including the identities of all parties involved and any foreign government ownership or control of any such party.

''(B) CERTIFICATION AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (a), the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), shall transmit a certified notice to the members of Congress specified in paragraph (3)(C).

''(2) NOTICE REGARDING INVESTIGATIONS.—

''(A) NOTICE AT INITIATION OF INVESTIGATIONS.—Upon commencement of an investigation under subsection (b), CFIUS shall notify in writing the members of Congress specified in paragraph (3)(C).

''(B) CERTIFICATION AT COMPLETION OF INVESTIGATIONS.—As soon as practicable after completion of an investigation under subsection (b), the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), shall transmit to the members of Congress specified in paragraph (3)(C) a certified written report (consistent with the requirements of subsection (h)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

''(3) CERTIFICATIONS.—

''(A) IN GENERAL.—Each certified notice and report required by this subsection shall be submitted to the members of Congress specified in subparagraph (C), and shall include—

''(i) information on whether or not an investigation occurred under subsection (b) and has been completed;

''(ii) a description of the actions taken by CFIUS with respect to the transaction; and

''(iii) identification of the determinative factors considered under subsection (g).

''(B) CONTENT OF CERTIFICATION.—Each notice required to be certified by this subsection shall be signed by the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), and shall contain a specific attestation of each such person that, in the determination of CFIUS, the transaction that is the subject of the notice does or does not impair the national security.

''(C) MEMBERS OF CONGRESS.—The notices and reports required by this subsection shall be transmitted to—

''(i) the Majority Leader and the Minority Leader of the Senate;

''(ii) the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the agency assigned to lead a review or investigation under subsection (c)(5);

''(iii) the Speaker and the Minority Leader of the House of Representatives; and

''(iv) the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the agency assigned to lead a review or investigation under subsection (c)(5).

''(D) TRANSMITTAL TO OTHER MEMBERS OF CONGRESS.—The Majority Leader or the Minority Leader, in the case of the Senate, and the Speaker or the Minority Leader, in the case of the House of Representatives, may provide the notices and reports required by this paragraph regarding a proposed or pending transaction involving critical infrastructure—

''(i) in the case of the Senate, to members of the Senate from the State in which such critical infrastructure is located; and

''(ii) in the case of the House of Representatives, to a member from a Congressional District in which such critical infrastructure is located.

''(E) LIMITATION ON DELEGATION OF CERTIFICATIONS.—Notices and reports required to be certified under this subsection shall be signed by the chairperson and vice chairperson of CFIUS, and such certification requirement may not be delegated.

''(4) ANNUAL REPORTS.—

''(A) REPORT REQUIRED.—The Secretary of the Treasury, on behalf of and after consultation with the members of CFIUS, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on or before March 15 of each year, a written report on the policy of the United States with respect to the preservation of the Nation's defense production and critical infrastructure. The Secretary shall appear before both committees to provide testimony on such reports.

''(B) CONTENTS OF REPORT.—Each report submitted under subparagraph (A) shall contain—

''(i) an analysis of each transaction involving a foreign person or foreign government affecting national security that has occurred during the preceding year to which the report relates, including the nature of the acquisitions and the effect or potential impact of such acquisitions on the United States defense industrial base and critical infrastructure;

''(ii) a similar updated analysis for any transaction that occurred during the 4 years immediately preceding the year dealt with in the report in clause (i), including a separate section discussing the impact of transactions involving foreign governments or persons acting on behalf of or in concert with foreign governments;

''(iii) a detailed discussion of all perceived risks to national security or United States critical infrastructure that CFIUS will take into account in its deliberations during the year in which the report is delivered to the committees;

''(iv) a table showing on a cumulative basis, by sector, product, and country of foreign ownership, the number of acquisitions reviewed, investigated, or both, by CFIUS, to provide a census of production potentially relevant to the Nation's defense industrial base owned or controlled by foreign persons or foreign governments;

''(v) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire critical infrastructure of or within the United States or United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer;

''(vi) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies or critical infrastructure; and

''(vii) such other matters as are necessary to give a complete disclosure and analysis of the work of CFIUS during the year to which the report relates.

''(C) CLASSIFIED REPORTS.—The evaluations required by clauses (v) and (vi) of subparagraph (B) may be classified. If they are submitted in classified form, an unclassified version of such evaluations shall be made available to the public.

''(D) OTHER INFORMATION WITHHELD FROM PUBLIC REPORTS.—

''(i) PROPRIETARY INFORMATION.—The chairperson of CFIUS, in consultation with the vice chairperson of CFIUS, may withhold from public release other such information as the chairperson determines is proprietary information.

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall prohibit such information from being provided to relevant Committees of Congress.

''(5) APPEARANCES BEFORE CONGRESS.—The chairperson and vice chairperson of CFIUS, and the heads of such additional CFIUS member agencies specified in a written request by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate shall annually appear before the Committee on Banking, Housing, and Urban Affairs and the Committee on Financial Services of the House of Representatives to provide testimony on the activities of CFIUS.

''(k) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall, to the extent possible, coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

''(2) REGULATIONS RELATING TO DEFINITIONS.—Not later than 30 days after the date of enactment of the Foreign Investment and National Security Act of 2006, the Secretary of the Treasury and the Secretary of Defense shall jointly agree to and issue rules concerning the manner in which the definition of the term 'critical infrastructure' in subsection (m)(2) shall be applied to particular acquisitions, mergers, and takeovers, for purposes of the mandatory investigation requirement of subsection (b)(1)(A), except that, until such rules are issued in final form and become effective, such definition shall be applied without regard to any such rules (whether proposed or otherwise).

''(l) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to alter or affect any existing power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law, including the International Emergency Economic Powers Act, or of the President or Congress.

''(m) DEFINITIONS.—As used in this section—

''(1) the term 'assurances' means any term, understanding, commitment, agreement, or limitation, however described, that relates to ameliorating in any way the potential effect of a transaction on the national security;

''(2) the term 'critical infrastructure' means, subject to rules issued under subsection (k)(2), any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems or assets would have a debilitating impact on national security, including national economic security and national public health or safety;

''(3) the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976, or other critical technology, critical components, or critical technology items essential to national defense identified pursuant to this section;

''(4) the terms 'Committee on Foreign Investment in the United States' and 'CFIUS' mean the committee established under subsection (c);

''(5) the term 'foreign government' means any government or body exercising governmental functions, other than the Government of the United States or of a State or political subdivision thereof, and includes national, State, provincial, and municipal governments, including their respective departments, agencies, government-owned enterprises, and other agencies and instrumentalities;

''(6) the term 'foreign person' means any non-United States national, any organization owned or controlled by such a person, and any entity organized under the laws of a country other than the United States, and any entity owned or controlled by such entity;

''(7) the term 'intelligence community' has the same meaning as in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

''(8) the term 'transaction' means a proposed or pending merger, acquisition, or takeover''.

FUNDING AUTHORITY FOR EVACUEES OF LEBANON

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3741 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3741) to provide funding authority to facilitate the evacuation of persons from Lebanon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3741) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING AUTHORITY.

(a) TRANSFER AUTHORITY.—

(1) AUTHORITY.—

(A) IN GENERAL.—Upon a determination by the Secretary of State described in subparagraph (B), the Secretary may transfer to the ''Emergencies in the Diplomatic and Consular Service'' account from unobligated amounts in any account under the ''Administration of Foreign Affairs'' heading such sums as may be necessary—

(i) to cover the costs of facilitating the evacuation under section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) of persons from Lebanon on or after July 16, 2006; and

(ii) to replenish the ''Emergencies in the Diplomatic and Consular Service'' account up to the level of funding that existed in such account on July 15, 2006.

(B) DETERMINATION.—A determination referred to in subparagraph (A) is a determination that additional funding for the ''Emergencies in the Diplomatic and Consular Service'' account is necessary as a result of the extraordinary costs of facilitating the evacuation under section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) of persons from Lebanon on or after July 16, 2006.

(C) TREATMENT OF FUNDS.—Amounts transferred under subparagraph (A) shall be merged with amounts in the ''Emergencies in the Diplomatic and Consular Service'' account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(2) NOTIFICATION REQUIREMENT.—

(A) IN GENERAL.—Except as provided under subparagraph (B), not later than 5 days before transferring funds under paragraph (1), the Secretary of State shall notify the appropriate congressional committees of the proposed transfer.

(B) EXIGENT CIRCUMSTANCES WAIVER.—The Secretary may waive the requirement under subparagraph (A) if exigent circumstances exist. In the event of such a waiver, the Secretary shall provide notice of the transfer of funds to the appropriate congressional committees as early as practicable, but in no event later than 3 days after such transfer, including an explanation of the circumstances necessitating such waiver.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(b) USE OF CERTAIN FUNDS.—Amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading ''EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE'' and any other unobligated amounts in the ''Emergencies in the Diplomatic and Consular Service'' account may be made available to cover the costs of facilitating the evacuation under section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) of persons from Lebanon on or after July 16, 2006.

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2005—CONFERENCE REPORT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany S. 250, the Carl D. Perkins vocational education bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, having met, have agreed that the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment and the House agree to the same; that the House recede from its amendment to the title of the bill, signed by a majority of the conferees on the part of both Houses.

There being no objection, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 25, 2006.)

Mr. ENZI. Mr. President, I rise today in support of the conference report to accompany S. 250, the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

This legislation reflects a lengthy bipartisan effort to strengthen and improve Federal programs designed to support career and technical education. I am very pleased to have worked with my friend and colleague from Massachusetts, Senator KENNEDY, from introduction of the bill in the Senate through today's consideration of the conference report.

This legislation was reported favorably by the Senate Health, Education, Labor, and Pensions Committee last Spring by a unanimous vote. The following day it passed the Senate on a vote of 99 to 0. I am encouraged by the broad support for this legislation and I am pleased to be able to recommend passage of this conference report.

This legislation is important for three reasons. The first reason is the added emphasis on academic achievement. I commend the President and the Governors for raising the issue of high school reform, and I believe this legislation is an important part of that process. Improving and strengthening the academic focus of the Perkins Act is part of a much larger effort to ensure that today's students will be ready for tomorrow's reality, whether it is in college or the workplace.

In 1998, when Congress last reauthorized the Perkins program, additional emphasis on student academic achievement was incorporated into the bill. That emphasis was critical, and the results have been demonstrated in the program. More Perkins students are performing better on national reading and math assessments than ever before. The National Assessment of Adult Literacy, released earlier this year, pointed out that career and technical education students perform better than their peers in both reading and math comprehension.

Another recent study of Arizona career and technical education students showed that students in career and technical training courses were more likely to meet State math proficiency levels than students not enrolled in technical training courses. That is good, because today's jobs are requiring stronger academic preparation than ever before, especially in math and science.

We are also facing a significant problem in terms of today's students completing high school and earning a secondary education degree. A significant amount of research, many college instructors, and employers agree that far too many high school graduates are not prepared for college-level classes and many more do not have the skills to advance beyond entry level jobs.

Only 68 percent of the students entering the ninth grade 4 years ago are expected to graduate this year. For minority students, this number hovers around 50 percent. In addition, we continue to experience an overall dropout rate of 11 percent per year.

The Perkins Act emphasizes high school completion by making academic courses more relevant. According to the National Assessment of Vocational Education, now 2 years old, career and technical education students are three times more likely to apply academic skills to job related tasks than students in academic courses.

The Perkins program can help address the ''wasted senior year'' by helping to improve student academic achievement. It does that by linking learning to relevant applications and tasks. Students that are excited about learning will always do better, and a great way to get students excited about learning is to show them how they will use the skills they are learning in real life.

For many students, understanding how they will use the skills they learn can mean the difference between completing a high school degree and dropping out. For others, it means greater investment in their studies than they might otherwise have. Making learning relevant is one of the best ways to ensure students stay interested in their coursework, while also preparing them for college and the workforce.

In the bill we are now considering, we have made academic achievement one of several core indicators of performance for programs receiving funds from this act. As States are elevating their expectations for students under No Child Left Behind, we anticipate that career and technical education students will benefit from those same high expectations. We believe that career and technical education programs should be able to take credit for helping students improve their academic achievement in core subject areas, like reading, math, and science.

This legislation also emphasizes the connection to postsecondary education. Many of today's high school students are entering college behind the curve before they even start. Almost a third of all college students are taking some remedial education courses before graduating. We need to make sure that more high school students are receiving the instruction they need before they leave high school in order to be successful in college.

The impact of the need for remedial academic instruction has dramatic consequences. As many as three in four students requiring remedial reading instruction will not complete a postsecondary degree program. Over 60 percent of students requiring remedial math education will not complete a postsecondary degree.

The Perkins program is in a unique position to help prevent the need for additional remedial education at the postsecondary level. Because the program provides funds for both secondary and postsecondary schools, programs are more coordinated, and students have broader exposure to postsecondary education before leaving high school. A number of programs enabling students to earn concurrent credits for high school and college are springing up within the Perkins program, helping students prepare for college and reduce their time to graduation from a postsecondary degree certificate or degree program.

In Casper, WY, right now, the community college and the school district are working on plans to create a hybrid career and technical education center, which will help students earn credit toward a college degree, learn relevant job skills, and meet challenging State academic standards, all through a single sequence of courses. This legislation encourages more schools to begin innovative programs like the one being developed in Casper.

The second reason this legislation is important is because it will help ensure we are preparing students for tomorrow's workforce. We are in the midst of a skills revolution. It is estimated that today's students leaving high school or college will have 14 different careers in their lifetimes. It is also estimated that the top 10 jobs 10 years from now haven't been invented yet. The question that faces all of us, put simply, is ''got skills?''

We must equip our workers with the skills the technology-driven economy demands. We need to prepare our students for tomorrow's economy in order to remain competitive in the global marketplace. Nations such as China and India are rapidly catching up to our institutions in terms of quality, and they have a much larger student body from which to draw. The only way we can compete in the changing economy is to graduate students with the highest quality of academic and technical skills.

Earlier this month on the Senate floor we discussed the need for skills training and its impact on wages. I made a speech to the effect that the problem we are facing is one of minimum skills—not minimum wages. The effect may be low wages, but the cause is low skills. We need to address those workers who have few, if any, of the skills they need to compete for a better job and command higher wages. We need to start thinking in terms of skills, the kinds of skills that will help students support themselves and their families in the future.

Research shows that high school dropouts have an unemployment rate two times higher than high school graduates, and three times higher than college graduates. Over time, the earning differential between high school and college graduates has increased as well. In 1980, college graduates earned 50 percent more during their lifetime than high school graduates. Today this differential has increased to 100 percent and continues to expand.

The programs supported by the Perkins Act help students learn and develop the skills they need to compete

in the workforce. In the bill before us, we have emphasized the need to prepare students for placement in high skill, high wage, or high demand occupations. These are the types of jobs that will ensure a stronger future for students and will help them become self-sufficient.

Eighty percent of the jobs created over the next 10 years will require some postsecondary education. However, the majority of those jobs will require less than a 4-year degree. This is a critical issue, and we need to start now to meet the needs of the future workforce. I believe that a stronger, more effective Perkins program is an important way to address this issue.

By 2010 we face a projected skilled worker shortage of 5.3 million workers. That's 5.3 million American jobs that can't be filled because our workers don't have the right skills. That is why career and technical education funds are so critical to the supply of skilled labor in this country. These are precisely the types of careers for which the Perkins program is preparing students. Career and technical programs in this country are preparing students with the skills to succeed in health care, information technology, trade, manufacturing, and a host of other careers.

One of the most critical improvements we have made to the Perkins program in this bill is to strengthen the connection of career and technical education programs to the needs of businesses. If we are going to help fill the growing need for skilled workers, we need to ensure Perkins programs are coordinating their instruction with current practices in industry and the needs of the local workforce.

Thousands of examples are available of schools connecting with businesses to help develop the right curriculum for available high skill, high wage jobs. At a roundtable I chaired earlier this year on high school redesign issues, several of the participants described programs that linked academic programs at the high school or community college with the needs of the employers in the area. One such example was a program that prepared students to work in a nearby nuclear energy plant. The area high school offered classes so students in the area could begin the technical training to get a job at the nuclear powerplant, earning more than $40,000 a year to start.

That's the type of relevant instruction that we need to encourage and that we are encouraging through this conference report. I expect that the students performing well in their nuclear power management and safety class are also performing well on State math and science assessments.

The final reason that this legislation is important is because it provides a foundation for the redesign of Federal education policy. We need to structure Federal education policies that provide students and adult learners have access to lifelong education opportunities. In this 21st century economy, learning never ends, and school is never out.

The Perkins Act is one part of a ''three-legged stool'' of Federal education and training programs, all of which we will have considered during this Congress. The other two key pieces of this approach are the Workforce Investment Act, and the Higher Education Act. This is the first of those three bills to make it through conference, but I hope we will quickly follow with the others.

If we are going to stay competitive, Federal education programs need to help support seamless transitions from education to the workforce, throughout life, from preschool through postsecondary education and beyond. The conference report we are considering takes the first step in that direction by emphasizing the connection between academic and technical education and the workforce and postsecondary education. The Workforce Investment Act and the Higher Education Act will be the next critical steps in ensuring that American students are prepared for today and tomorrow's careers, many which haven't been invented yet.

Today's students are more and more likely to return to school throughout their lives for additional training. Some estimates suggest that as many as 75 percent of today's workers will need additional training just to stay current with their jobs. The modern college student reflects this trend perfectly. Today's average college student is likely to be older than 24, independent, and more likely to be female. They are also likely to have transferred institutions at least once in their postsecondary career.

That snapshot reflects the reality that today's college students are there for training and technical skills acquisition more than anything else. Postsecondary education is one of the fastest means to advancement in today's economy. With a postsecondary education, workers are more likely to keep their jobs and take advantage of opportunities to grow and advance in the workforce, or transition to another occupation as the workforce changes.

Federal policy needs to reflect the 21st century reality: we are in the midst of a jobs revolution. We are going to experience dramatic changes in the workforce over the next 10 to 15 years, and we need to start now if we are going to adapt Federal education and training policy to meet the coming crisis of too few workers with too few skills.

I am pleased that this legislation is now at the final stage of the process. We were able to move this bill quickly through committee and the floor because we were able to work in a bipartisan manner to reauthorize a program that the members of the Health, Education, Labor, and Pensions Committee feel is an important part of the federal education and training system. Although the intervening work took much longer than I would have liked, I am happy to see the conference report taken up in the Senate.

I want to thank Senator KENNEDY and his staff for their hard work, and for the hard work of the Senate conferees. I specifically want to thank Carmel Martin, JD Larock, and Jane Oates from Senator KENNEDY's staff. Although I understand Jane has moved on to greener pastures, she had a significant role to play in helping the legislation get to this point. I also want to thank Mr. MCKEON and Mr. MILLER, as well as the other House conferees, for helping us get to this point, and their staffs: Whitney Rhoades, Stephanie Milburn, Krisann Pearce, Lisa Ross, Denise Forte, Lloyd Horwich and many others. Finally, I want to thank my own staff—Scott Fleming, Beth Buehlmann, Lisa Schunk, Ilyse Schuman and Katherine McGuire—for helping me to move this bill all the way through the legislative process. They have spent many long hours seeking agreement on the provisions of the conference report and have done stellar work.

Mr. President, I urge my colleagues to support adoption of the conference report.

Mr. KENNEDY. Mr. President, I am pleased that we are acting on this bipartisan legislation to reauthorize the Perkins Career and Technical Education Act, and I commend the chairman of our committee, Senator ENZI, for his willingness to have an open, bipartisan process for this legislation. His leadership and the impressive work of his staff helped guide this bill successfully through the conference, and they deserve great credit for their leadership.

One of our highest priorities in Congress is to expand educational opportunities for every American. In this age of globalization, every citizen deserves a chance to acquire the education and skills needed to participate in the modern economy, to fulfill their hopes and dreams, raise healthy families, and contribute to their communities. We will be a fairer and stronger America when every citizen takes part.

In the global economy, the contributions of every American matter. We must equip all our citizens to compete, not by lowering their pay and sending their jobs overseas but by increasing their skills. Career and technical education does that, by preparing students and adults for 21st century jobs. With this reauthorization, career and technical programs will continue to have a vital role in transforming the lives of students and workers, and we will have a stronger economy as a result.

Since the passage of the Smith-Hughes Act in 1917, the Federal Government has recognized the important role of career and technical education in the life of the Nation. As the needs of American business and industry have evolved, the revisions made to the Act over the years have reflected those changes. It is clear that vocational education is no longer the 1950s

version. It has evolved from shop classes into courses that use cutting-edge technology and focus on emerging and growing fields that will become the jobs of the future. That is why we now call it career and technical education, and I am pleased to see that change reflected in the new title of this bill.

The Perkins Career and Technical Education Act gives both students and adults the academic course work and training they need to be competitive in the job market. The reauthorization of this legislation is especially important, since more and more people are taking advantage of Perkins programs. Between 2002 and 2004, enrollment in career and technical education programs rose by 26 percent nationally. Enrollment in Tech Prep, the Perkins program that supports some of the most creative efforts in the field, rose by more than a third. Nearly all high school students will take at least one career or technical course during their years in school. About half of all high school students and a third of all college students are involved in vocational programs as a major part of their studies.

Perkins helps adults as well. In 2004, 6 million adults were enrolled in such programs at community, technical, and other colleges, learning new skills and improving opportunities for employment. About 40 million adults participate in short-term occupational training.

Perkins programs do not just help one type of person. New immigrants, struggling adults, women seeking jobs outside the home for the first time—all benefit from the specially designed programs funded by the Perkins Act.

These programs help every kind of learner. In 2004, 10 million middle and high school students were taking courses that enabled them to explore a career and be prepared to succeed in the workplace. The students are from many different backgrounds—from rural and urban areas, from schools large and small, and they studied fields such as agriculture, technology, health occupations, skilled trades and business.

No matter where they are from, the data are clear. Perkins programs are helping them build a better life. According to the most recent National Assessment of Vocational Education by the Department of Education, students earned almost 2 percent more for each high school occupational course they took. That is about $450 per course based on average earnings of $24,000. That adds up, especially for the 45 percent of all high school graduates who take three or more occupational courses.

The data also show that participants in career and technical education at the postsecondary level can benefit from just 1 year's worth of courses. Even those who did not attain a credential still earned between 5 and 8 percent more than high school graduates with similar characteristics.

Today, career and technical education students are better prepared for college. Almost two-thirds of all high school graduates of career and technical programs now enter some form of postsecondary education. When these programs are combined with a college prep curriculum, that number rises to 82 percent.

That is good progress, but we need to do even more. According to a study released last week by the Department of Education, career and technical education students are less likely to take advanced math courses like trigonometry, precalculus, and calculus compared to other high school students. In college, they tend to earn fewer academic credits, and fewer credits overall. And only one-quarter of career and technical education students graduate with a bachelor's degree—most earn associate's degrees or certificates.

That is why the improvements we have made in this reauthorization are so important.

We have maintained our commitment to Tech Prep. Students can enroll as early as the ninth grade in high-tech programs that lead to an associate's degree. Tech Prep is a vital bridge that connects high school to college for many students, and I welcome its role in this bill.

Our focus is on career and technical education programs that lead to increased graduation rates, professional credentials, apprenticeships, and college opportunities. To do so, we have a strong accountability system that measures the progress that programs are making toward these goals.

We have doubled our emphasis on making sure that career and technical education programs reach those who too often have been left out, such as girls, women, and homemakers seeking jobs for the first time.

We have also addressed the needs of career and technical education teachers by giving them new opportunities to spend time in the industries they are teaching about. In a world where cell phones and computers become obsolete in a year, these teachers need the best possible training so that they can continue to prepare students for success. They are preparing the next generation for the workforce, and their knowledge-base must be state of the art.

This reauthorization is a signal to the millions of Americans who benefit from career and technical education that the Federal Government understands how important these programs are. Massachusetts alone has more than 100,000 students at the secondary and postsecondary level participating in Perkins programs. Our Commonwealth's support of technical training is far-reaching today and is rooted in our longstanding commitment to technical education.

At the beginning of the 20th century, Worcester was a national leader in the development of trade and vocational education. Worcester Boys Trade School, founded in 1910, was among the first vocational schools in the Nation, training young men to be machinists, and fulfilling its mission of graduating ''well informed citizens and good workmen.'' Today, Worcester Vocational High School has a waiting list of 300 students. In 2005, 93 percent of its students passed the State assessment.

In August, it will move to a new state-of-the-art facility that will accommodate 1,500 day students and 3,000 working adults in afternoon and evening classes. Without Perkins funding, much of this would not have been possible.

Perkins also supports high school programs that partner with community colleges and local businesses to provide students with the academic and technical skills they need to continue their education or to compete for high-skill, high-wage jobs immediately. The outcomes of these programs are extraordinary. In Massachusetts, 96 percent of the students in the class of 2006 in career and technical education programs passed the MCAS and earned their competency determination. Already, 90 percent of the class of 2007 have done so. Over the last 2 years, every one of the seniors at Blackstone Valley Tech in Upton has passed the MCAS and graduated on time. Last year, it was recognized as a Vanguard Model School by the Massachusetts Insight Education and Research Institute for its efforts to improve student achievement. It was the first vocational technical school to receive this honor.

Because of Perkins, more than 12,000 career and technical education students at risk of failing he MCAS were placed in structured internships at over 5,600 employer sites last year. These internships use work-based learning plans to guide students' learning and productivity on the job, and to measure the impact of the internship on student achievement.

Because of Perkins, every community college in Massachusetts has been able to hire instructional support staff and provide adaptive equipment for students with disabilities enrolled in technical education programs.

Because of Perkins, career and technical educators throughout the Commonwealth receive needed professional development and gain access to curriculum-related resources, technical assistance, and training in a wide range of activities.

Massachusetts's career and technical education programs are impressive, and they are successful because of the Perkins Act. We are proud of the vitality of our career and technical education programs in Massachusetts, and we know they are just a small number of the many strong programs supported by the Perkins Act across the country.

I am pleased that we were able to work together with the House to produce this bipartisan legislation. I commend Chairman ENZI, Chairman

MCKEON, and all the conferees and their staff for their good work on this needed legislation.

Special thanks go to Scott Fleming, Beth Buehlmann, Lisa Schunk, and Kelly Hastings with Senator ENZI; Allison Dembeck with Senator GREGG; Meredith Davis with Senator FRIST; David Cleary with Senator ALEXANDER; Celia Sims with Senator BURR; Glee Smith with Senator ISAKSON; Lindsay Morris with Senator DEWINE; Lindsay Hunsicker with Senator ENSIGN; Juliann Andreen with Senator HATCH; Liz Stillwell with Senator SESSIONS; Jennifer Swenson with Senator ROBERTS; Mary Ellen McGuire with Senator DODD; Rob Barron with Senator HARKIN; Dvora Lovinger and Robin Juliano with Senator MIKULSKI; Sherry Kaiman with Senator JEFFORDS; Michael Yudin with Senator BINGAMAN; Jamie Fasteau and Jill Feldstein with Senator MURRAY; Mildred Otero with Senator CLINTON; Kristen Romero and Amy Gaynor from Legislative Counsel, Denise Forte, Lloyd Horwich, and Whitney Rhoades on the House Education Committee, and Carmel Martin, J.D. LaRock, and Liz Maher of my staff.

I especially recognize Jane Oates, who worked on my staff for 8 years and whose expertise, leadership, and persistence ensured that the committee produced a strong, bipartisan reauthorization. Jane's efforts on Perkins are indicative of how she handles all things in life: always giving 100 percent, always being a voice for the voiceless, always committed to finding a solution. Though Jane has not been directly involved in these last few months of the process, her good work in the early stages of this bill has guided my staff and the rest of the committee through conference and to final passage today. Thank you, Jane, for all you have done for the millions of students who benefit from Perkins every year for showing all of us in the Senate how to get the job done.

Mr. DODD. Mr. President, I am here today to support the reauthorization of an education bill designed to ensure the competitiveness of our country's workforce, the Carl D. Perkins Career and Technical Education Act, Perkins. Essential to strengthening the workforce, Perkins not only prepares youth and adults for the careers of today, it prepares them for the careers of tomorrow. It is the first line of defense in ensuring America's competitive advantage worldwide.

We have heard a lot lately about American students losing their competitive edge. In math and science Americans score near the bottom of all industrialized nations on international exams. Our college drop-out rate is one of the highest in the world. We have dropped from first to fifth in the percentage of young adults with a college degree. Singapore has displaced the United States as the leading economy in information technology competitiveness. And the number of patents awarded to Americans is declining. All of this is having a detrimental effect on our global competitiveness.

Clearly, we need to increase our competitiveness from within. The conference agreement before us will help us to do that.

This reauthorization does a number of important things. First and foremost, it emphasizes accountability and improved results. Second, it improves monitoring and enforcement. Third, it disaggregates performance goals and report information by special populations so no one will fall through the cracks. And fourth, it strengthens the ties between industry, high schools, and higher education by ensuring that teachers are well-trained, students are academically ready for college, and high schools are training students for the actual needs of their communities.

The premise of this legislation is that high schools, industry, and higher education institutions need to work together to provide our workforce with the skills they need in order to achieve and compete in the 21st century. This bill works to ensure that American students are not just getting a world class education, but the best education in the world.

I would be remiss in my remarks if I did not mention the President's proposed elimination of the Perkins program in his annual budget for the second year in a row. I hope that the administration understands that our decision to move this legislation forward reflects our unwavering commitment to career and technical education. We will not let this program fall by the wayside. Perkins will not be eliminated.

We often hear the pledge that we will leave no child behind. May I suggest that we also make every effort to ensure that we leave no career and technical education student behind? Passage of these important provisions today will go a long way toward ensuring that career and vocational education students are not left behind in the classroom, that they are being held to high academic standards, that their teachers are provided with the training they need to keep up to date with the latest industry needs, and that high schools, industry and higher education work seamlessly together to provide our workforce with the skills that they need to maintain America's economic dominance in the 21st century.

Career and technical programs are an essential part of keeping students in school and helping our nation train its workforce. And while I would not consider the conference agreement before us perfect, I am confident that it will go a long way in helping another generation of Americans succeed, and in doing so, strengthen the American economy and increase our competitiveness worldwide.

Ms. MIKULSKI. Mr. President, I rise in support of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. To compete in this global economy, we need to make sure our students have 21st century skills for 21st century jobs. Vocational and technical education is an extremely important part of this effort. The Perkins Act, which provides $1.3 billion to help train more than 10 million Americans across the country, is a vital investment in our Nation's high schools, community colleges, and our students.

The Carl D. Perkins Career and Technical program gives a boost to America's workforce development system by providing funds to schools that teach technical skills ranging from auto shop to computer programming. The Perkins Act also supports practical career programs and links between secondary and postsecondary education, helping students to move up the opportunity ladder and prepare them for high-skill, high-wage jobs. Students who have completed Perkins-supported programs are better prepared not only for higher education but for the workplace.

The President has proposed eliminating funding for all vocational and technical education programs. This is the wrong way to go. If Perkins was eliminated, high schools, technical schools, and community colleges in every State would suffer. In Maryland, our schools would lose almost $19 million. Last year, we had more than 150,000 students enrolled in career and technical programs in Maryland. In the United States, 97 percent of high school students take at least one career and technical education course. One-third of college students are involved in career and technical programs. And almost 40 million adults attend short-term occupational training. If these schools had to close their doors or shut down their vocational programs, where would these students go to learn the skills they need to get good paying jobs?

Vocational and technical education provides students across the country with opportunities to develop academic and technical skills that are critical for economic and workforce development. It is our job in the senate to make sure these opportunities are there for the people who need them and to invest in our human capital to create a world class workforce. That is why I strongly support this bipartisan bill and I oppose any cuts to the Perkins Career and Technical Education programs.

Mr. BINGAMAN. Mr. President, I rise today to support the conference report accompanying S. 250, the Carl D. Perkins Career and Technical Education Act of 2006. More than ever, this country needs rigorous, relevant career and technical education programs to help students prepare for postsecondary education and to address the shortage of highly skilled workers necessary to meet the demands of the contemporary workforce. A skilled and flexible workforce is essential to building a strong and dynamic economy and to maintaining our country's ability to compete in a global economy.

According to a recent report issued by the National Academy of Sciences, the scientific and technical building blocks of this Nation's economic strength are eroding at a time when many other nations are gathering strength. As much as 85 percent of this country's per capita growth in income since World War II has come from science and technology. The National Academies projected that while the U.S. economy is doing well today, current trends indicate that the U.S. may not fare as well in the future, particularly in the areas of science and technology, where innovation is spurred and high-wage jobs follow.

We must produce students who are prepared to meet the challenges of the 21st century workforce. I believe this bill provides real opportunities to meet those challenges.

In order to meet those challenges, however, career and technical education—CTE—must be academically rigorous and enhance students' critical thinking and applied skills. I believe this bill makes a number of significant improvements to ensure that CTE students participate in a rigorous and challenging curriculum, and realize positive educational and employment outcomes.

For example, the bill integrates challenging academic and technical standards, aligned with No Child Left Behind and nationally-recognized industry standards, into CTE instruction. In addition, the bill strengthens educational and career pathways for students beyond high school and makes significant strides in building alliances among high schools, 2- and 4-year colleges, business and industry, and community organizations. Further, the bill expands career guidance and academic counseling services so that students have a career plan and career objectives.

Well-prepared CTE teachers and good professional development are essential components of an effective, rigorous CTE curriculum. CTE teachers must possess the knowledge and skills to teach effectively. Hence, this bill dedicates resources to promoting the leadership, initial preparation, and professional development of career and technical education teachers to foster effective practices.

This bill is designed to improve student educational and employment outcomes, including their technical and workplace knowledge and skills. But, we must be able to measure how well CTE programs are meeting the needs of its students. Accordingly, the legislation will require states to identify core indicators of performance that include measures of student achievement on technical assessments and attainment of career and technical skill proficiencies.

Thus, it is essential to develop valid and reliable assessments of technical and career competencies that are aligned with national industry standards and integrate industry certification assessments, if available and appropriate. To address this need for high-quality technical assessments, this bill permits State leadership funds to be used to develop valid and reliable assessments of technical skills that are integrated with industry certification assessments where available.

In addition, the bill includes several new provisions for data collection, utilization, and analysis, including provisions which allow the State allocation to be used to support and develop State data systems, and State leadership funds to be used to develop and enhance data systems to collect and analyze data on postsecondary and employment outcomes.

I am also pleased that this bill makes significant improvements to help Crownpoint Institute of Technology. Crownpoint plays a critical role in ensuring Native American students have the education, skills, and training necessary to compete in the global economy, and this bill helps Crownpoint get the funding they need to serve their students.

Yet, increasing academic and technical rigor alone is not enough to prepare students to enter into and compete in the 21st century workforce. The learning environment students experience also heavily impacts academic performance and student outcomes. When smaller learning communities are in place, students benefit greatly: they experience a greater sense of belonging to their schools and they have fewer discipline, crime, violence, and substance abuse problems.

I would like to highlight two high schools in my home State of New Mexico which demonstrate some of the best practices of rigorous and innovative career and technical education. Rio Rancho High School has served as a model example of how academic rigor, hands-on-learning, strong professional development, defined career pathways, and robust alliances are elements of a successful, quality CTE program. Rio Rancho has created academies of study for all students, which allow students to: pursue career pathways to postsecondary education and beyond; take core courses geared toward interests, skills, and competitive careers; form partnerships with instructors; and become part of a smaller learning community within the larger high school. These academies allow students to explore personal strengths and interests in relationship to career planning and job markets. Rio Rancho has been designated as a Microsoft Center of Innovation and Time Magazine has called Rio Rancho one of the ten most innovative career and technical schools in the Nation.

Another great example of innovative career and technical education can be found at Albuquerque High School. In just a couple of years, the career academies at Albuquerque High School have demonstrated very positive student outcomes. The first students in Albuquerque's Academy of Advanced Technology have lower dropout rates and improved academic achievement.

Accordingly, this legislation recognizes that smaller learning communities and career academies are critical educational investments. As Rio Rancho and Albuquerque High Schools demonstrate, rigorous career and technical education and smaller learning environments enhance students' achievement and motivation to learn.

Unfortunately, the formula as drafted in this bill will have a very negative impact on career and technical education programs in many of our States. While I support the improvements sought in this bill, I am very disappointed that states like New Mexico, Mississippi, Pennsylvania, Iowa, Kansas, Ohio, Wisconsin, Illinois, Connecticut, Louisiana, Alabama, Missouri, and Idaho, just to name a few, will face significant cuts in funding next year alone. In fact, these cuts hit the poorest States in this country the hardest. Assuming this program receives level funding in appropriations in fiscal year 2007, 24 States lose money. If there are any cuts to the program at all, more than 30 States could lose under this formula.

These losses are very real to the students participating in career and technical education at our high schools and community colleges. A junior in high school pursuing a career in medical technology might not be able to finish her program in her senior year if funding is yanked.

Our students depend on programs like Perkins to provide them with essential job skills and training. It is not only unfair to pull funding from our students, but unwise to cut funding from so many States. Strong career and technical education programs are critical to this Nation if we are to ensure a skilled and educated workforce. This formula is simply a step in the wrong direction.

Many of us talk about ensuring America's students are prepared to meet the challenges of the 21st century workforce. We talk about protecting America's competitive edge in the global economy. I firmly believe, however, that taking career and technical education programs away from some of our most needy students does not enhance our economic security. Simply, a loss of funding means a loss of services to students.

Nevertheless, I firmly believe there are many positive aspects of this legislation, and despite the funding formula, I support the overall bill. Effective career and technical education programs are necessary to build a strong and dynamic economy and to maintain a competitive American workforce, and therefore, I support the passage of this legislation.

Mr. REED. Mr. President, I support final passage of S. 250, the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

This important legislation, which reauthorizes the Carl D. Perkins Vocational and Technical Education Act of

1998, will help strengthen both the workforce in my home State of Rhode Island and across the Nation and ensure that our students have the necessary skills and tools to access high-quality, high-wage employment and compete in an ever-expanding global economy.

I am pleased that Congress will reaffirm its overwhelming bipartisan and bicameral support for this program, especially in light of the President's efforts in his last two budget proposals to eliminate funding for Perkins. For the 2006–2007 school year, our State, which is home to 10 Career and Technical Centers and 54 high schools and colleges offering career and technical education programs, would stand to lose an estimated $6.3 million in Perkins basic state and tech prep funding under the President's proposed budget. These cuts are unjustifiable, especially at a time when it is ever more critical that we provide a robust link between students and a highly skilled workforce American business depends on to thrive.

As a cosponsor of the Senate version of this bill, I am pleased that many of its comprehensive provisions on the recruitment, preparation, support, and professional development of career and technical education teachers, which I authored, have been included in the final version of the bill before us today. I believe having a well-trained, qualified, and effective teacher in every classroom is the key for ensuring that students participating in career and technical education programs will achieve their fullest academic and career goals and aspirations.

The bill also contains a number of provisions that address the concerns raised by educators in Rhode Island. First, S. 250 does not combine the tech prep program with the basic State grant program at the Federal level as the House bill proposed. Second, the bill authorizes use of State administration funding at up to 5 percent, funding which supports such essential activities as developing a State plan, monitoring career and technical education program efficiency, and providing technical assistance to districts. Third, S. 250 adds a new State leadership incentive grant I authored for school districts and postsecondary institutions that elect to pool their funds for innovative initiatives, including improving the professional development of career and technical educators and establishing and enhancing systems for accountability data collection.

I thank my colleagues, Senators KENNEDY and ENZI, and their staffs, for their work on this legislation and moving it toward final passage.

I am pleased to support this legislation. A highly skilled workforce not only grows our economy, but maintains our Nation's competitive edge in the world. I look forward to the President quickly signing this bill into law—which will hopefully signal a turnaround in his support for Perkins career and technical education programs—to help ensure that our students remain competitive and have the academic and technical tools to succeed.

Mrs. CLINTON. Mr. President, I am very pleased today to support the Carl D. Perkins Career and Technical Education Improvement Act. I was proud to cosponsor this legislation in the Senate, and I am proud that the Congress is on the eve of passing it into law.

I am extremely pleased that this bill was written in a bipartisan fashion. I want to thank Senator ENZI, Senator KENNEDY, Congressman MCKEON, and Congressman MILLER for working so hard on this legislation. I hope that the HELP Committee will approach other education bills in the same bipartisan process.

The legislation recognizes the important role of career and technical education in the preparation of today's workforce. It rejects the Bush administration's proposal to eliminate the Perkins program, a proposal that would cost New York approximately $65 million a year. The bill before us today is evidence of the strong bipartisan commitment to maintaining and strengthening Perkins.

The Perkins program plays a key role in helping young people and people returning to school gain the skills they need to land high-quality jobs. Perkins is the largest Federal investments in our Nation's high schools. Over 66 percent of all public high schools have at least one vocational and technical education program and 96 percent of high school students in this country take at least one vocational or technical course while in high school.

The Perkins program also plays a key role in postsecondary education. According to the National Center for Education Statistics, nearly 38 percent of all degree-seeking undergraduates are pursuing vocational careers. These programs play a key role in educating our workforce and census data consistently shows that people with higher educational attainment have higher median incomes.

In New York, the demand for business career and technical education programs increased by 44 percent between the 2002–2003 school year and the 2003–2004 school year. In New York City, there was a 211-percent increase in enrollment in the approved business program and a 55-percent increase in the technology and communications programs. And the vast majority of these students are succeeding academically. Eighty-five percent of New York students who completed a career and technical education program passed all of the required regent's exams.

The Carl D. Perkins Career and Technical Education Improvement Act takes the next step in strengthening career and technical education for the 21st century. I am particularly pleased that this bill improves programs and services for women and girls pursuing nontraditional occupations. Families, industries, and our economy as a whole benefit when women and girls pursue non-traditional, traditionally ''male'' careers—in technology, math, science, and the construction and building trades. Unfortunately, women continue to be significantly underrepresented in these fields. For example, while the number of female carpenters has tripled since 1972, women still represent only 1.7 percent of all carpenters. You can say the same about many other high-skill, high-wage trades.

Many of these skilled trades industries are experiencing a significant labor shortage and experts expect these shortages to get worse over the next two decades as many workers retire. If women were to enter these professions, most of which are unionized and pay a livable paycheck and benefits, women would increase their earnings and standard of living for their families. For example, a journey-level electrician will make over half a million dollars more than a typical cashier in a 30-year career.

This bill requires States to measure students' participation and completion in career and technical programs in nontraditional fields and to disaggregate their data on performance by gender and race. In addition, programs will be required to prepare special populations for high-skill, high-wage occupations that will lead to self-sufficiency. These important provisions will go a long way toward helping more women achieve economic security for their families.

The bill also provides comprehensive professional development for career and technical education teachers and aligns secondary and postsecondary indicators with those established in other programs to ultimately reduce paperwork.

Finally, I am pleased that the bill maintains Tech Prep as a separate program, maintaining the position proposed in the Senate bill. Innovative Tech Prep programs in New York have made a real difference in the lives of students. For example, the Syracuse City Health Center Tech Prep program reduced the achievement gap between ethnic groups—white versus non-white—to 2.8 percent. And at least 65 percent of students in the Syracuse City Health Careers Tech Prep program enroll in health-related professions, where New York has a critical shortage, after high school. In New York State, the average age of nurses is 47 and 80 percent of current nurses will reach retirement age within 10 years.

The Perkins program is extremely important—not just for the numbers of students it serves but for the communities that benefit from a better prepared workforce as a result of these programs. This is why for the last 4 years I have spearheaded a bipartisan letter to the Senate Appropriations Committee requesting additional funding for Perkins. Indeed, I hope that in this budget cycle we will continue to

provide adequate funding for the Perkins program.

For all of these reasons, I am thrilled that Congress continues its strong support for this critical program by passing this legislation today.

Mr. BENNETT. I ask unanimous consent that the conference report be agreed to and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 771, 772, 774, 775, 776, 777, 778, 779, 780, 781, 782, and 785. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action, and then the Senate return to legislative session.

Before the Chair rules, I note for the record that with respect to Calendar No. 779, the Mishkin nomination, if a vote were held, Senator BUNNING is opposed to the nomination and would have been recorded as a ''no'' on confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

REFORM BOARD (AMTRAK)

R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:

To be rear admiral

Rear Adm. (lh) Gary T. Blore, 3199
Rear Adm. (lh) John P. Currier, 0852
Rear Adm. (lh) Joel R. Whitehead, 5138

EXPORT-IMPORT BANK OF THE UNITED STATES

James Lambright, of Missouri, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009, vice Philip Merrill, resigned.

Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009. (Reappointment)

FEDERAL HOUSING FINANCE BOARD

Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013.

FEDERAL RESERVE SYSTEM

Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

DEPARTMENT OF THE TREASURY

Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years.

DEPARTMENT OF EDUCATION

Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education.

Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

ORDERS FOR THURSDAY, JULY 27, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, July 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to the consideration of S. 3711, the Gulf of Mexico Energy Security bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, today, we invoked cloture on the motion to proceed to the Gulf of Mexico Energy Security bill, and we have had a full day of debate.

Tomorrow, we will be on the bill and Members are encouraged to come to the floor and speak. Again, this is a very carefully crafted bipartisan bill. It is very targeted and will move us closer to energy independence. So we hope we can finish the bill at the earliest time.

We have other important issues to address before we finish our work prior to the August adjournment. Therefore, the leader hopes that we can continue to work on other measures as we process this important energy security measure.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:23 p.m., recessed until Thursday, July 27, 2006, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate: Wednesday, July 26, 2006:

REFORM BOARD (AMTRAK)

R. HUNTER BIDEN, OF DELAWARE, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

DONNA R. MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) GARY T. BLORE
REAR ADM. (LH) JOHN P. CURRIER
REAR ADM. (LH) JOEL R. WHITEHEAD

EXPORT-IMPORT BANK OF THE UNITED STATES

JAMES LAMBRIGHT, OF MISSOURI, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009.

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009.

J. JOSEPH GRANDMAISON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009.

FEDERAL HOUSING FINANCE BOARD

GEOFFREY S. BACINO, OF ILLINOIS, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2013.

FEDERAL RESERVE SYSTEM

FREDERIC S. MISHKIN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000.

DEPARTMENT OF THE TREASURY

EDMUND C. MOY, OF WISCONSIN, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS.

DEPARTMENT OF EDUCATION

LAWRENCE A. WARDER, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION.

TROY R. JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RONALD S. COOPER, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted Committee of the Senate.

EXTENSIONS OF REMARKS

RECOGNIZING THE 2006 TENNESSEE STATE GOSPEL SINGING CONVENTION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize the 2006 Tennessee State Gospel Singing Convention. For 72 years, this convention has been celebrating the State's rich gospel singing tradition. This year, the two-day event will be held in Carthage, TN, which I am proud to represent in this esteemed body.

This statewide convention began in 1934 with the goal of honoring Tennessee's historical roots in the gospel movement. By building on traditions of county music festivals, the convention drew a crowd of more than 6,000 people just 4 years later.

Since then, the festival has drawn several noted performers from across Tennessee and surrounding States. Along with quality entertainment, the convention also boasts a string of acclaimed leaders, including Sergeant Alvin C. York, who once served as vice president of the convention.

Today, the Tennessee State Gospel Singing Convention draws hundreds of people and continues to honor the tradition of gospel music in Tennessee. I am sure this year's convention will be a wonderful event and I commend all involved for their commitment to preserving Tennessee culture.

IN HONOR OF THE FIRST BAPTIST CHURCH OF PINE CITY'S 100TH ANNIVERSARY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. BERRY. Mr. Speaker, I rise here today to recognize the First Baptist Church of Pine City which will celebrate its l00th anniversary this August. This is a significant milestone for a church community dedicated to fellowship and service.

The First Baptist Church of Pine City was founded in 1906 under the guidance of Rev. John Smith. The congregation spent the first decade worshiping in temporary locations throughout Pine City, including a brush harbor on Rev. Smith's farm, the Beaten School, and even an old house. The church community finally bought land for a church on November 4, 1916 from Parker C. and Georgia Ewans for just $10.00. Once the sale was finalized, the congregation came together to build a church, pitching in to cut down trees and haul lumber from the saw mill.

When the congregation outgrew this facility in 1954, the community came together once again to build the current First Baptist Church of Pine City. Members raised money for the new building by selling dinner plates on Sundays after the church service, donating daily salaries earned by picking cotton in the fields, and even raffling off a bale of cotton. The congregation has made many improvements to the church over the years and looks forward to continuing these improvements in the future.

A total of 2l preachers have served the First Baptist Church of Pine City over the last 100 years including the current pastor, Rev. I.E. Holland, Sr., who has led the community in worship for 22 years. On August 13, 2006, the First Baptist Church of Pine City will gather to celebrate the l00th anniversary of their church community. I ask my colleagues in the U.S. House of Representatives to join me in recognizing the congregation on this important day and sending our best wishes for many more years of worship and service to the Lord.

TRIBUTE TO AUSTIN COUNTY REPUBLICANS

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise tonight to honor the great County of Austin in my home State of Texas.

There are few places in our great Nation where the people of one county take such pride and interest in their politics and the issues which affect their lives. Austin County is one of those few and special places.

I am particularly fortunate to represent the Republicans of Austin County. It is from this special group of people that I am able to gain insight and perspective on the issues we deal with everyday right here in our Nation's Capitol.

This exceptional community of loyal Americans strongly supports America's efforts against terrorism, both at home and abroad in places like Iraq and Afghanistan.

The Republicans of Austin County also respect the traditional and American values that we work so hard to protect here in Washington.

In Austin County, they know marriage is between one man and one woman, and they know the words ''Under God'' belong in the Pledge of Allegiance to the flag which flies over our great land.

Austin County Republicans also appreciate and understand the need to secure America's borders. I know when we discuss real ways to solidify the security of our borders, this Congress has the full support of the Austin County GOP.

I know we have their backing when we explore ways to stop the growing problem of illegal immigrants breaking into our Nation.

And, I know the elected leaders of our land have the support of Austin County Republicans when we pass laws aimed at providing legal citizens with America's social services, and not those in our Nation illegally.

But it's not just about immigration and protecting America's values.

The Republicans of Austin County are a fiscally sound and smart bunch of men and women who care very deeply about America's financial welfare. This is why we have their full support for tax cuts which keep more money in American pockets, and their support for legislation that has added more than 5 million new jobs to our economy.

Mr. Speaker, when we pass legislation to help make our Nation more secure and prosperous, we are doing so for people like my friends in Austin County, TX.

When we develop new and cheaper ways to power our homes and cars as we have in this Congress, we are doing so for people like those living in Austin County.

So Mr. Speaker, it is my hope you will join me tonight in honoring those hard working and God fearing people of Austin County, TX's GOP.

Each day they work very hard to help the Members of this body keep the United States a secure and prosperous nation, and for that they deserve our continued appreciation.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. CAPUANO. Madam Speaker, I voted in favor of H. Res. 921. The recent attacks against the State of Israel should be condemned and terrorists and their state sponsors should be held accountable. I supported this resolution because I believe that Israel, as a sovereign democratic state, has the right to defend herself against aggression. Furthermore, the attacks on Israel came from Hamas in Gaza and Hezbollah in Lebanon, lands from which Israel had withdrawn in the interests of peace.

However, I do have deep concerns about the scale of the Israeli response. I mourn the loss of life among all the suffering peoples of the region. We must actively work towards a peaceful solution to this crisis.

I do not believe that my vote in favor of this resolution provides President Bush with the authority to take direct military action against Lebanon, Syria, Iran or any other nation involved and my vote should not be interpreted as a vote in favor of such action. I insist that the President seek congressional approval if at any point he intends to take military action.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall vote 397. Due to a fender

bender on my way to votes, I was unable to record my rollcall votes 400–402. Had I been present I would have voted "yes" on all votes.

A TRIBUTE TO THE 2006 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate the 2006 recipients of the Ellis Island Medal of Honor. This medal—created in 1986—aptly named for Ellis Island, an enduring symbol of the diversity that characterizes our great Nation, commemorates and recognizes Americans of all ethnic backgrounds who have made significant contributions through their own perseverance and sacrifice to our society and culture. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America.

The Ellis Island Medal of Honor is presented annually by the National Ethnic Coalition of Organizations (NECO), representing more than 250 organizations that span the spectrum of ethnic heritages, cultures and religions. Since 1986, approximately 1,700 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders. Collectively they represent a remarkable fraternity of individuals who have distinguished themselves as outstanding human beings and exemplary citizens of the United States. In addition, NECO awards one International Ellis Island Medal of Honor each year. This year's international honoree was Martin J. Sullivan, President and Chief Executive Officer of American International Group, Inc. Mr. Sullivan is British.

When the immigrant station at Ellis Island, New York, opened on January 1, 1892, it admitted 700 immigrants into the United States on just its first day of operation. By the time the center closed in 1954, 17 million immigrants had passed through its doors. The Ellis Island administration and staff, on average, processed up to 5,000 people per day. Many of these newcomers had little or no knowledge of English, hardly any money, and many arrived with only the clothes on their backs. They arrived risking their lives in exchange for freedom and a better way of life.

I, once again, commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation. As Rosemarie Taglione, Executive Director of NECO, so eloquently said in connection with this year's awards ceremony: "NECO's message of tolerance and harmony among diverse ethnic groups is, perhaps, even more important today than it was 20 years ago."

Mr. Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2006 recipients of the Ellis Island Medals of Honor.

Elizabeth Agbabian, Cesar Baez, Vartkes Barsam, Harry E. Bovay, Jr., Dawn Bryan, Fredy Bush, Joseph R. Calabrese, M.D., Tykye Camaras, Charles Carey, Edmund N. Carpenter II, Josip Cermin, Vahan Chamlian, Yong Jin Chang, George Chimples, Benjamin B. Choi, Esq., Dr. Deepak Chopra, Maxine Chou, Richard Corkery, Frank Corvino, Rita Cosby, John R. Costantino, Robert E. Courtney, Esq., Ed Cox, Long Deng, Vlade Divac, Kathleen M. Donahue, Ali Ebrahimi, George Elias Jr., Nijad Fares, BG Margrit M. Farmer, Lu-Jean Feng, MD, Siegfried Fischbacher, Col. David Fitzgerald, Aldo G. Frustaci, Esq., Fred Grapstein, C. Joseph Grignaffini, Sang-Ki Han, William Hanna, Richard Hayden, Roy Horn, Mori Hosseini, Jirair S. Hovnanian, Irwin Jacobs, Chief Joanne Jaffe, Thomas F. Kane, Kathleen Kennedy Townsend, Charles Evans Kilbourne III, Kwang Sung Kim, Peter Koo, Nat LaCour, Shau-wai Lam, Dean Lampros, Thomas D. Lee, Hon. John Lehman, George G. Makris, Roberta Mann, Hon. Rafi Manoukian, Col. Rick Martin, Ronald Martino, Jamie Masada, Fariborz Maseeh, Martin G. McGuinn, Dr. Navin C. Mehta, Jose Mejia, Edward Miller, Hamid Moghadam, VADM Kevin J. Moran, Dr. Navin Nanda, Luke Nasta, Frank Newell, MD, William C. Norris, Antranig M. Ouzoonian, Dinesh Patel, Hon. Tim Pawlenty, RADM David Pekoske, Fred Pezeshkan, Mark Pigott, Robert Price, Hon. Thomas Ridge, Imelda Roberts, Col. Angela Salinas, Frank Sciame, Niranjan Shah, John Shall, Thomas Nunziato Shannon, Jr., Dr. Hosein Shokouh-Amiri, Dr. Grace Shu, Dr. William T. Smith, Bruce A. Smith, Lewis T. Smoak Esq., Klaus-Peter Statz, Mitchell Steinhause, Michael Stern, Martin J. Sullivan, Ramon M. Tallaj, MD, Dr. William Tansey III, Michael Tong, Rev. Nicholas Triantafilou, Lester Trilla, Manny Villafana, and Walter Wang.

CELEBRATING HUGO, MINNESOTA'S CENTENNIAL

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to recognize the centennial anniversary of the city of Hugo, Minnesota, located in my district.

Originally settled on a small plot of land in the 1850s, the town of Hugo was formally established in 1906 around a railroad and a post office.

Although its beginnings were modest, by 1917, this small town, populated by residents who made their living cutting and hauling wood to the railroad, had its own hotel, store, and school, and had begun to build its reputation for quality agriculture.

One hundred years later, Hugo has remained true to its roots, and is still known for its commitment to its rich farmland.

Mr. Speaker, I am pleased to join the residents of Hugo in celebrating its first one hundred years. It is solid communities like this which make Minnesota great.

WELCOMING IRAQI PRIME MINISTER AL-MALIKI TO WASHINGTON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. WILSON of South Carolina. Mr. Speaker, just 3½ years ago, Iraq was controlled by a brutal dictator who killed an average of 300 people a day. Iraq has now been liberated, and a fledgling democracy has taken root. The Iraqi people—in the face of terrorist threats—turned out in droves to ratify a constitution and elect their representatives. Today, this Congress and the American people have heard from the democratically elected leader of Iraq, Prime Minister Nouri al-Maliki.

I am grateful for the Prime Minister's address, as I appreciate his message of hope and progress. The training of Iraqi Security Forces is advancing rapidly. The parliamentary cabinet has been completed. Iraq has become a civil society.

Having visited Iraq six times, I have witnessed firsthand the progress being made. While there is still a long road ahead, the United States will continue to stand with the Iraqi people which protects American families. We will together make Iraq the graveyard of terrorists.

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

COMPETITION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. BONNER. Mr. Speaker, I rise today to talk about the value of competition in our Department of Defense acquisition process. Without competition in the acquisition process we have no choices. Without competition, innovation does not exist. Without competition we have no bargaining position relative to costs. Without competition the capability of our military stagnates.

Some would argue that we must protect our industrial base. I would suggest that competition does that very thing. We live in a global economy and, when U.S. industry does not produce competitive products, our industrial base suffers. It is true in virtually every industry.

If we are to continue to procure the best military equipment for best value the taxpayer dollar can afford, we must preserve the competitive process. In today's global economy that means we must not shy away from our allies' participation. Rather we should learn the lessons of the commercial sector and embrace the value of their partnership.

Ultimately, what does competition mean? It means a fair and open competition through an objective, quantifiable process. Secretary Rumsfeld for 6 years has espoused a capabilities based acquisition process. It is time to execute those words and follow the documented process.

Air refueling is the key enabler to our global military might and we need to get the competition for the KC–135 Replacement program

right. That means the Defense Acquisition System needs to prove that its selection process understands capabilities-based evaluation and appropriately weighs the system's key performance parameters. Otherwise, we'll never know whether the competition was a true competition and whether our warfighters have received the best possible capability.

TRIBUTE TO CINDY CREAMER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor Col. Cindy Creamer, a thirty-year veteran of the City of Takoma Park Police Department, on the occasion of her retirement. As an officer and police chief, Col. Creamer has worked tirelessly over the past three decades to ensure the safety and security of Takoma Park residents, and her dedication to this vital task deserves our sincere gratitude and appreciation.

Sworn in as a police officer on her 21st birthday, Chief Creamer served in every division of the Takoma Park Police Department. She began her career as a Communications Dispatcher in 1976, then went on to serve in and eventually command both the patrol and criminal investigation divisions. Chief Creamer was selected as Officer of the Year in 1980 while serving as a patrol officer, and she received the honor again in 1990 for her criminal investigating skills. As the first female sergeant and lieutenant in the agency, she received numerous other honors, including Supervisor of the Year.

Chief Creamer has served the residents of the City of Takoma Park and Montgomery County with dedication and commitment. She has made a difference in the quality of life throughout our county. Although she is retiring from active duty on the Takoma Park police force, I am delighted that Chief Creamer will continue to serve our community as deputy chief for patrol at the WSSC Police Department. I am confident that her many years of active experience will ensure her success in this role.

Mr. Speaker, I am pleased to represent Chief Cindy Creamer in the U.S. Congress and to extend my congratulations and thanks to her for her service to our community.

TRIBUTE TO THE REV. G. VINCENT LEWIS, CHIEF MINISTERIAL OFFICER AND EXECUTIVE PASTOR OF ANTIOCH MISSIONARY BAPTIST CHURCH OF CAROL CITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most outstanding and experienced church leaders, the Rev. G. Vincent Lewis, Executive Pastor of Antioch Missionary Baptist Church. The members and supporters of the congregation celebrated the 30th Anniversary of his pastorate on Sunday, July 23, 2006, in a happy event held at Antioch Missionary Baptist Church of Carol City.

Rev. Lewis represents the vocation of a Good Shepherd who attends to his flock in ways we can never fathom. As Executive Pastor and Chief Ministerial Officer, he exudes the knowledge and pragmatism of a man who is capable of making good things happen in the corporal world while also teaching the ways of God. He has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good governance impacting our duties and responsibilities to the less fortunate.

Rev. Lewis' timely and persevering leadership at Antioch Missionary Baptist Church of Carol City is genuinely commendable. As a man of God and as a community leader, he has indeed earned our deepest respect and admiration.

We congratulate Reverend Lewis and thank him for his many years of service in the Vineyard of the Lord. He continues to teach us to live by the noble ethic of loving God and by serving our fellow human beings, and our fervent hope is for his continued health and success as be begins his fourth decade of service.

INTRODUCTION OF THE COMMUNITY PROTECTION AND RESPONSE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mrs. MALONEY. Mr. Speaker, today I am introducing the Community Protection and Response Act of 2006 to eliminate confusion in terrorist prevention and response.

One of the major lessons learned in the aftermath of the September 11th attacks is that timely response is critical. Any delay complicates short-, medium-, and long-term recovery efforts. Sadly, many of the lessons that we have learned have gone without an appropriate response.

In response to the attacks of September 11th, Congress took a series of actions to bring relief to affected areas. These legislative actions along with existing statutes, including the Robert T. Stafford Relief and Emergency Act and the Disaster Mitigation Act of 2000, formed the framework for the Federal Government's response. The magnitude of the attacks and the need for Congress to take action before certain relief could be delivered added to the challenge of the recovery efforts and exposed critical weaknesses in Federal authority to respond.

The Community Protection and Response Act would amend the Stafford Act along with other statutes and would give the President a series of policy options to choose from following a homeland security event. A homeland security event is defined as an event that poses a significant risk to the security of people and property and is in such a magnitude that effective response is beyond the scope and capability of the affected State and local government. Many of these options are based on congressional action following September 11th or other policy suggestions in reports by the Congressional Research Service, the General Accounting Office and the New York branch of the Federal Reserve. Specifically, in the event of a homeland security event, the President can provide grants for lost tax revenue, aid to school systems, and assistance to medical facilities and utility companies. The bill also establishes guidelines to ensure the public health of area residents and disaster workers.

Specifically this legislation would do the following:

COMMUNITY PROTECTION AND RESPONSE ACT OF 2006 (CPR)

EXPANSION OF DEFINITIONS IN THE STAFFORD ACT/ AMENDMENTS TO EXISTING STATUTES

1. Expands the definition of ''major disaster'' to include terrorist attacks, dispersions of radioactive or other contaminants, dispersion of hazardous substances, or other catastrophic event.

2. In the event of a homeland security event expands definition to include private for-profit utilities (including power, water, telecommunications and phone services).

3. Defines ''Homeland Security Event'' as a major disaster that poses a significant risk to the people and property of the Nation and it is such severity and magnitude that effective response is beyond the capability of the affected State and local government. Designation requested by Governor and made by President.

4. Changes definition of critical services to include education systems, providers of counseling assistance, and providers of assistance to the homeless.

5. Removes $5 million restriction for loans as a result of lost taxes or other revenues. Forgives interest in the event of a Homeland Security Event.

6. Removes requirement of ''direct'' impact for assistance.

HOMELAND SECURITY EVENTS NEW AUTHORITIES GIVEN TO THE PRESIDENT

After declaration, the President is authorized, but not required, to do the following:

1. Establish a coordinating office and appoint a Disaster Recovery Director.

2. Reimburse State and local governments to respond to high security alerts.

3. Provide grants to local governments which may suffer a loss of tax and other revenues.

4. Reimburse school systems for lost instructional time, mental health and trauma counseling and clean up cost.

5. Authorizes EPA to perform all indoor air testing and undertake remedial actions.

STANDARDS AND REPORTING

Directs OMB to establish standards for reporting disaster relief efforts regarding each agency that assists in disaster relief efforts following a homeland security event. Reports such data to Congress.

MONITORING OF HEALTH RISKS

1. Instructs President to appoint a special commission to study the authorities available to the Environmental Protection Agency (EPA) following a homeland security event. Including the monitoring of the environment.

2. Works with the EPA and the Centers for Disease Control (CDC) to develop guidelines regarding health risks for affected areas and instructs the CDC to provide information in the case of biological materials.

3. Provides for standardization, rapid collection and analysis, and communication following a homeland security event.

4. Authorizes the Secretary of Health and Human Services to make awards to private

entities to collect health data in the aftermath of an event. These awards can be made in advance of the event for immediate response.

SUPPORT FOR THE BREAST CANCER PATIENT PROTECTION ACT

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. FORTUÑO. Mr. Speaker, today I express my strong support for H.R. 1849, the Breast Cancer Patient Protection Act. Breast cancer adversely affects hundreds of thousands of American women and their families each year. Introduced by Representatives SUE KELLY and ROSA DELAURO, this bill would require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations. H.R. 1849, in conjunction with its Senate companion bill, S. 901, represents an important bicameral effort to improve and ensure the health of American women.

I strongly believe that H.R. 1849 is a valuable tool to provide effective health care and recovery support to those impacted by breast cancer.

HONORING THE ALPHA PHI ALPHA FRATERNITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

SPEECH OF

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. SCOTT of Georgia. Mr. Speaker, it is an honor and special privilege to address this great body on such an auspicious occasion. The Centennial Convention of Alpha Phi Alpha Fraternity, Inc., commenced yesterday, marking 100 years from the fraternity's founding in Ithaca, NY, at Cornell University. This week in Washington, DC, men from every discipline and geographic location convene to chart and plan for the fraternity's future, celebrate its 100th anniversary, and reinvigorate its founding principles, scholarship, fellowship, good character, and the uplifting of humanity.

As a proud member of this fraternity, I feel special esteem in recognizing the historical significance of the centennial anniversary of Alpha Phi Alpha Fraternity, Inc. I joined the ranks of Alpha Phi Alpha Fraternity, Inc., as an undergraduate student at Florida A&M University to follow in the footsteps of many great men before me, such as W.E.B. DuBois, Adam Clayton Powell, Jr., Edward Brooke, Martin Luther King, Jr., Thurgood Marshall, Andrew Young, William Gray, and Paul Robeson.

I am pleased to join with the entire House in recognizing the fraternity's 100th anniversary with the passage of H. Con. Res. 384, "Recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans." I commend my brethren and the leadership of the organization for the achievements and accomplishments made thus far. On this historic occasion let us march forth to lay the groundwork for another 100 years.

IN HONOR OF REVEREND RICHARD KEVIN BARNARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. BURGESS. Mr. Speaker, today I rise to welcome my pastor, Reverend Richard Kevin Barnard. I am honored Father Barnard is here today to lead us in glory and praise of our Almighty. Reverend Barnard has served as Rector of The Chapel of the Cross—a Reformed Episcopal Church—since July of 1989. He has also served Reformed Episcopal Congregations in New Jersey and New York.

Before coming to The Chapel, Father Barnard was Director of Communications for the International Bible Society, which was then located in East Brunswick, NJ. In that capacity he was a regular participant in the monthly White House Forum for Religious Organizations during the Reagan Administration and represented the Bible Society at public and private events, traveling to Central America, Europe, Africa and Asia.

Father Barnard is the author of two books and numerous articles, and is also a Past Master of Roy Stanley Masonic Lodge in Dallas.

Before becoming a Reformed Episcopalian, the Reverend Barnard was a Baptist pastor, serving congregations in Missouri, Florida and Tennessee. He is a graduate of Baptist Bible College, Springfield, MO, and holds the Master of Divinity Degree from Cummins Theological Seminary, a Reformed Episcopal seminary in Summerville, SC.

Father Barnard is married to the former Miss Paula Ann Henderson of Fort Worth, TX. They have four children and two grandchildren. Their youngest son, Adam, is currently serving aboard in USS *Los Angeles* (SSN 688), stationed at Pearl Harbor.

Father Barnard's gracious presence and true dedication to the work and word of Christ is an instrumental part of my life. He guides his flock diligently and challenges us to remain faithful to pursuing our walk with Christ daily. I am thankful for his leadership and his presence here today. It is truly and honor.

NATIONAL HERITAGE AREAS ACT OF 2006

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. BACA. Madam Speaker, I rise in strong support of S. 203, the National Heritage Areas Act. This bill contains a small package of resource conservation and management bills, including the Senate passed version of one of my bills—H.R. 18, the Southern California Groundwater Remediation Act.

The Southern California Groundwater Remediation Act will fund $25 million for the cleanup of a rocket fuel additive that has contaminated groundwater supplies in the Santa Ana watershed, namely, the Rialto-Colton basin and the Chino basin.

Cities in the Inland Empire of Southern California are closing their groundwater wells due to contamination from this fuel and explosive called perchlorate.

This chemical is a volatile organic compound and has been found to be harmful to thyroid function.

From most accounts, 90 percent of perchlorate in water comes from a federal source, primarily from former military sites and other Department of Defense installations.

Three hundred nineteen groundwater wells are impacted in California alone—78 of them in my district.

This bill includes a similar provision for contamination in Representative POMBO's region.

Perchlorate doesn't just affect the drinking water supply, but our food supply as well. A 2003 study found perchlorate in lettuce grown in areas where the water supply is contaminated with perchlorate.

And, perchlorate has even been found in milk.

Hardworking families in my region, which has and has had large military and aerospace facilities, are not at fault and should not have to pay for a federally created problem.

The communities I represent cannot afford costly toxic cleanup and the alternative is no better.

Cities are being forced to raise water rates to outrageous levels, forgo dust control on highways to meet Clean Air Act requirements, and to truck in water from other regions.

The region I represent in California is ground zero for this contamination and the Federal Government needs to step up and take responsibility.

Including my bill as a provision to S. 203 will go a long way to protect children and elderly in California from dangerous health risks.

The House of Representatives has already twice passed H.R. 18 and I am glad the Senate has moved forward in approving my legislative proposal.

The communities in my district need this assistance, and I urge my colleagues to please support S. 203 and the many important provisions and bills included therein.

RECOGNIZING THE BETHLEHEM CENTERS OF NASHVILLE AS ONE OF THE TOP RATED CHILD CARE CENTERS IN THE COUNTRY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. COOPER. Mr. Speaker, today I wish to recognize Bethlehem Centers of Nashville and express my heartfelt congratulations on their fourth year to receive a three-star rating from Tennessee Department of Human Services for their child care services.

Founded in 1894 as the United Methodist Neighborhood Centers, today the Bethlehem Centers of Nashville serve thousands of children, young adults, adult women and senior citizens in the North Nashville and downtown neighborhoods. Bethlehem Centers provide a variety of services designed to support individuals regardless of their economic background.

With the goal of helping individuals toward becoming strong, independent and contributing members of their family and community, Bethlehem Centers provide Nashvillians with life skills training, tutoring, nutrition counseling, senior outreach programs, business and career training, GED preparation, mentoring, and even daily hot lunches.

In addition to these community programs, Bethlehem Centers have earned a three-star rating for their high quality child care services from the Tennessee Department of Human Services. This is their fourth year to receive the highest rating awarded by the State and to be placed among the top rated child care centers in the Nation.

I am proud to send my heartiest congratulations to Bethlehem Centers' Joyce Searcy and all the dedicated staff members who have committed themselves to bettering Nashville's communities.

I join with everyone in Tennessee's Fifth District in applauding the Bethlehem Centers of Nashville for all that they do for the community and I commend everyone at Bethlehem Centers of Nashville who make it a special place to learn, play and grow.

HONORING THE ALPHA PHI ALPHA FRATERNITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. HOLT. Mr. Speaker, I rise in support of H. Con. Res 384, recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate fraternity established for African-Americans.

From the first literary fraternity, Phi Beta Kappa, founded in 1776 at the College of William and Mary through the subsequent development of social fraternities starting with Kappa Alpha in 1825, college fraternities have sought to foster close friendship and personal development.

In the early 20th century, Black students were often excluded from the social organizations at many colleges and universities. Alpha Phi Alpha was founded in 1906 at Cornell University in Ithaca, NY, to provide associations and support among African-American students. With its cardinal principles of ''Manly Deeds, Scholarship and Love for All Mankind,'' over 175,000 men have been initiated into the fraternity and there are now over 700 chapters worldwide. Among its membership are a number of prominent figures such as Martin Luther King, Jr., Jesse Owens, Thurgood Marshall and our colleague CHARLES RANGEL.

Aside from the lasting friendships that many young men have found within the fraternity, Alpha Phi Alpha has dedicated itself to a number of philanthropic programs. Alpha works closely with organizations such as Head Start, Big Brothers Big Sisters of America, the NAACP and Habitat for Humanity. Alpha Phi Alpha has also created a number of its own programs such as the Go-To-High-School, Go-To-College program and ''A Voteless People is a Hopeless People.'' Alpha Phi Alpha also submitted the request for The Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation which was authorized by President Clinton in 1998.

Alpha Phi Alpha has two chapters in and around my district in central New Jersey, the Sigma Xi Chapter at Monmouth University and the Delta Iota Chapter at Rutgers University. I am proud of the role they play in enriching their surrounding communities.

From its origins as a social network for African-American college students to its continuing philanthropic efforts, Alpha Phi Alpha is indeed worthy of recognition and I am proud to stand in support of this resolution.

TRIBUTE TO NATIONAL RECREATION AND PARKS MONTH

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the essential contributions of employees and volunteers across the country and abroad who maintain our nation's public parks and recreation facilities. In addition, I would like to commemorate National Recreation and Parks Month, celebrated annually since 1984 throughout the month of July. The purpose of National Recreation and Parks Month is not only to celebrate the start of summer programs but also to advocate for parks and recreation by encouraging communities to engage in outdoor physical activities and volunteering.

Recently, I have undertaken a bipartisan proposal to stop the dumping of sewage into the Great Lakes. Initiatives like these are only the beginning. Through the efforts of Congress and the National Recreation and Park Association, America moves toward a brighter horizon in environmental policy. National Recreation and Parks Month is an important occasion to remind us of our dedication to the preservation of the environment, and serves as an aide-mémoire for all Americans to enjoy the natural wonders of our nation.

As a member of the National Parks Caucus, it is my honor to recognize the collective efforts of volunteers and staff alike whose contributions and involvement with the nation's public parks and recreation facilities continue to shape American communities as well as the environment. Today, we celebrate the National Recreation and Park Association's accomplishments and persistent efforts to preserve our environment and show appreciation for the nation's public parks and recreation facilities. The NRPA's initiative, along with support provided by volunteers and staff, truly sow the seeds for communal growth. Such achievements deserve recognition not just during this month, but at every opportunity throughout the year.

DISASTER RECOVERY PERSONAL PROTECTION ACT OF 2006

SPEECH OF

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BOUCHER. Mr. Speaker, I rise in support of H.R. 5013, the Disaster Recovery Personal Protection Act. This legislation would ensure that gun owners' second amendment rights are not compromised in times of natural disaster. I am pleased to lend my strong support to this measure as it is considered today.

The Disaster Recovery Personal Protection Act addresses a problem brought to light in the aftermath of Hurricane Katrina. In the wake of Hurricane Katrina and the resulting flood, federal and local law enforcement officials confiscated the firearms of numerous law-abiding individuals. Those actions were entirely unjustified. This injustice must not be repeated elsewhere.

By prohibiting federal, state, or local law enforcement officers from seizing legally-owned firearms which have in no manner been misused during national emergencies, this legislation would prevent a repeat of the abuse of emergency powers that followed Hurricane Katrina.

The government should never confiscate legally-purchased and properly used firearms from law-abiding citizens. Whether natural disasters occur or not does nothing to alter this reality: lawful gun owners have the unalienable right to possess and transport their firearms.

H.R. 5013 would not restrict the ability of law enforcement officials to confiscate stolen firearms or to act when firearms are used in an unlawful manner.

In the aftermath of the hurricane, the absence of an established policing force allowed criminals to loot business and threaten rescue workers and residents of the city. Many individuals looted gun stores and other places of business which sell firearms. As with any stolen property, these stolen firearms should be confiscated, and the individuals who stole them and misused them for crimes should be punished.

Law enforcement officials, however, seized thousands of firearms from law-abiding citizens. During the lawlessness and disorder of the disaster, the law-abiding citizens of the region needed to be able to arm themselves and defend their families and property against criminals. The seizing of these individuals' firearms left them defenseless in the chaos following the hurricane. This legislation protects the second amendment rights of citizens when that right to self-defense is needed most.

The Disaster Recovery Personal Protection Act is a common sense measure to prevent the confiscation of firearms from citizens who have committed no crime, and I strongly urge my colleagues to approve it.

TRIBUTE TO CORA T. WALKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to honor the life and legacy of Ms. Cora T. Walker. Cora Thomasina Walker was born on June 20, 1922, in Charlotte, N.C., one of nine children of William and Benetta Jones Walker. The family moved to the Bronx when she was a child. When she was an adolescent, her parents separated, leaving her, her mother and her siblings dependent on public assistance.

After graduating from James Monroe High School in the Bronx, Ms. Walker promptly informed the Welfare Department that their help

was no longer required: she would support the family. She took a night job as a teletype operator with Western Union and also sold Christmas cards.

At the same time, Ms. Walker was enrolled at St. John's University, then in Brooklyn, in a special 6-year program in which students earned both a bachelor's degree and a law degree. She received a bachelor's degree in accounting from St. John's in 1945 and a law degree the next year.

For much of her career, Ms. Walker was active in the National Bar Association, a historically black organization. She helped found the association's Corporate Counsel Conference, an annual meeting sponsored by its commercial law section. In 1947, when Ms. Walker was admitted to the New York bar, she found the doors of the city's law firms tightly shut. (One firm relented and offered her a position—as a secretary.) So she struck out on her own.

Active in Republican politics, Ms. Walker ran unsuccessfully for the New York State Senate in 1958 and 1964. In 1970, The New York Times included her—the only woman—on a list of the most powerful leaders in Harlem.

In 1960, Cora Walker became the first woman to serve as president of the Harlem Lawyers Association. Until recently her law firm was located in Harlem, first on 125th Street and later from a renovated brownstone on Lenox Avenue. Ms. Walker was the first woman to run for president of the NBA. This is a little known fact by the younger lawyers.

A recipient of numerous awards, the annual Black Law Student's Association's Breakfast held at the annual NBA Convention is named in her honor. She retired from the practice of law in 1999. The same year the New York County Lawyers' Association installed a plaque outside her Lenox Avenue law office commemorating her half-century of practicing law.

In 1988, she helped found the Corporate Counsel Conference which is still sponsored annually by the Commercial Law and Corporate Law Section of the NBA. Her first client was an undertaker, for whom she did collections. Before her retirement, her firm was representing corporate clients such as Conrail, the Ford Motor Company, Texas Instruments and Kentucky Fried Chicken. Although she was representing corporate clients, she continued to draft wills and represent the ''plain, ordinary, not elegant people'' .

Cora T. Walker made an impact on the lives of many black lawyers across the country. She will be dearly missed, but not forgotten. It gives me great pleasure to give tribute to Ms. Cora T. Walker.

HONORING THE 200TH ANNIVERSARY OF OVERTON COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize the 200th anniversary of Overton County, Tennessee, which I have the honor of representing in this esteemed body. The Upper Cumberland community will commemorate its bicentennial with a 3-day celebration in September.

The area of Overton County was originally encompassed in North Carolina as part of the 13 original colonies. The location was ideal for settlers due to its fresh water, fertile soil, abundant wild game and moderate climate. The area had been a heralded Native American hunting ground for many years.

As the community grew and prospered, the General Assembly of Tennessee named the area Overton County on September 11th, 1806. The county was named for Judge John Overton, a personal friend of Andrew Jackson. Since then, the lines of the county have changed significantly, but the community has maintained its commitment to an outstanding quality of life.

County Mayor Kenneth Copeland, Livingston Mayor Frank Martin and the Overton County Bicentennial Committee will lead the celebration in September. They have done an outstanding job in organizing this event and leading the community into the 21st Century. I wish them well and hope the next 200 years are as prosperous and progressive as the first 200 years.

IN HONOR OF THE GIBBINS' 75TH WEDDING ANNIVERSARY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to a special couple from England, Arkansas, Eityhel and Luvesta Gibbins, who celebrated their 75th wedding anniversary on July 3, 2006. This is a significant milestone and one that only a very few are fortunate enough to celebrate in their lifetime.

Eityhel and Luvesta Gibbins met as children in Fairbanks, Arkansas, and decided to marry in the summer of 1931. The couple made their home in Lonoke County, Arkansas and spent the next forty-five years growing cotton, soybeans, and wheat. Throughout the years, the Gibbins' were blessed with four children—Van D. Gibbins, Ulyes F. Gibbins, Lynn E. Gibbins, and Joe C. Gibbins—and now have the pleasure of spending time with seven grandchildren and eight great-grandchildren.

Their love for each other and their family extends to their neighbors as well, where they continue to stay involved in their community. They remain active members of the Coy Church of Christ and are often seen participating in local activities and events. Their energy is truly remarkable and perhaps the secret to a long and fulfilling life.

A 75th wedding anniversary reminds us that marriage is not an instant achievement but a covenant that requires love, patience, and respect. Eityhel and Luvesta Gibbins have perfected this commitment to each other and are truly blessed to have a strong marriage, their family, and a lifetime of memories. As they live each day by their wedding vows, they continue to inspire all who are fortunate to know them.

On July 3rd, 2006, Eityhel and Luvesta Gibbins joined their family at a celebration to honor their 75 years of marriage. I ask my colleagues to join me in congratulating them on this joyous occasion and sending our best wishes for many more years of love and happiness.

RECOGNIZING THE COMMUNITY OF BURNS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the citizens of Burns, Kansas for continuing efforts to sustain and revitalize their community.

With a population of approximately 450, the citizens of Burns and the surrounding area demonstrate pride in their community through action.

Over the course of many years, steps have been taken to ensure that the future of Burns is a bright one.

In October of 2002, ground was broken on a new community center. With assistance from the Kansas Department of Commerce Kan-Step Program, the building was completed in March of 2003. During that five-month period, crews of volunteers worked on the center on a daily basis. Cabinets and More, a local business, volunteered more than 300 hours of labor to build and install cabinets. A donation of $18,000 was made by the Burns school alumni for window blinds and furniture. Twenty tables and 200 chairs were provided at cost—saving the community $7,000. The end result is a building that sports a wellness center, youth room, a place for seniors to quilt and a great kitchen. The center is constantly reserved for civic events and private gatherings. Carolyn Koehn, former city clerk and coordinator of the community center project, believes the facility demonstrates a collective willingness to enhance Burns' quality of life—today and for future generations. ''This project would have not succeeded without the culture of volunteerism and the acceptance of change and new ideas in the Burns community,'' Koehn said.

More recently, residents banded together to transform the former post office into a new community library and city hall. Grant funding from USDA Rural Development covered $50,000 of the project expense. Impressively, more than $95,000 was raised by the Burns Public Library Board from private sources. Approximately half that amount came from local and area residents. The fundraising effort consisted of phone calls, an ice cream social by the Burns United Methodist Church and an 800 letter fundraising campaign. The new city hall and library was completed in May of 2006. Barb Stuhlsatz, library board president, is excited by the additional opportunities that the new facility affords area residents. ''We now have a state-of-the-art library that provides reading programs, GED assistance and computer access to residents of Burns and the surrounding area,'' Stuhlsatz said.

The Burns PRIDE committee is always searching for ways to promote the community. Sandy Heyman, a committee member, came up with a unique way to achieve this goal. She initiated the sale of two-foot tall concrete roosters to local businesses and residents. Upon sale, the roosters were then creatively decorated. In May of 2004, Burns hosted its first ever Rooster Parade. In all, more than 60 roosters have been sold, decorated and are on display. In recognition of the project's success, the local Lions Club has purchased a four-foot rooster that serves as a welcome

sign on the way into town. Sandy is proud of how the roosters have united her hometown. ''It is amazing how many people participated in the project,'' Heyman said. ''The roosters really brought people together.''

Additional art can be found in the Prairie Arts store, an arts and crafts mall that attracts visitors from across the country. A local group of artists and craftsmen organized the business, which displays intricate wheat weavings, beautiful quilts, handcrafted wood items and much more. The arts and crafts mall is one of more than 20 businesses that call the Burns area home.

Local residents developed a new memorial park, which includes a pavilion, picnic tables, walking path, horseshoe pit, basketball goal and restroom. In addition, volunteers installed new city street signs, made improvements to the local ball field and constructed a new gazebo.

Since 1954, families in Burns have hosted international students in their homes over the Thanksgiving holiday. The program was initiated by Betty Grimwood and Bonnie Lohrentz, who thought it would be great if foreign students could experience rural, American culture. In recognition of how thoroughly the community embraced the idea, Burns received a Distinguished Service Award from the Institute of International Education in 1959. The award was presented by then Vice President Richard Nixon. Over the last 52 years, more than 60 local families have served as student hosts. In excess of 500 people representing 110 countries have visited Burns. Today, local resident Tom Grimwood carries on his mother's international legacy. Tom and his wife Nedy teach Spanish and Italian at American companies. They also welcome foreign students into their home every Thanksgiving. Tom is proud of the reputation that the program has developed over the years. ''One of our students told us that Burns is the smallest town with the biggest diplomatic service in the world,'' Grimwood said.

In her 21 years as a resident, Mayor Mary Glenn has witnessed first hand how her community pulls together in order to achieve a goal. ''All of our accomplishments are made possible because of a tremendous volunteer effort,'' Glenn said.

Stuhlsatz knows that her hometown is special. ''The people of Burns are awesome,'' Stuhlsatz said. ''They are like a family and whether they still live here or not, they work together to keep Burns a place you want to come home to.''

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Burns are an example of how hard work, vision and community support can create such opportunities. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Burns is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

TRIBUTE TO DR. PETER G. MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize a friend and a great leader in my community back home. Dr. Peter G. Mehas is retiring after 44 years in education as Superintendent of the Fresno County Schools. Dr. Mehas dedicated his life to ensuring our children thrive both in and out of the classroom. As an educator, administrator, public servant, community leader, father, husband, and grandfather, Dr. Mehas gives nothing less than his absolute best.

A small glimpse into the long list of Dr. Mehas's achievements reveals his unwavering dedication to education. Not often enough are educators recognized for their unselfish devotion to bettering the future of California's children. These teachers and administrators put in countless hours at school, at home and on their weekends. They deserve our greatest respect and gratitude for their efforts.

Throughout his distinguished career Dr. Mehas served as an instructor at Roosevelt High School and taught at Edison High School before moving to Clovis Unified School District. He worked his way up from assistant principal at Clovis High to principal, then assistant superintendent and finally associate superintendent.

From 1984 to 1987, Mehas established and served as the legislative advocate in Sacramento and Washington, DC, for the State Center Community College District, Fresno County and Modoc County Offices of Education and a consortium of 36 school districts throughout Central California.

In 1987, Mehas was appointed by Governor Deukmejian as his Chief Advisor on public education in the state, as well as all private and independent schools and universities.

Dr. Mehas was elected Fresno County Superintendent of Schools in 1990 and subsequently served three more terms. Being a superintendent is never an easy job, but to do the job for 16 years, and do the job as well as Dr. Mehas has done, is remarkable. We will miss his invaluable contributions.

In September 1991, President George Bush appointed Dr. Mehas to a 17-member advisory commission to implement his executive order on Latino education, a task Dr. Mehas was thrilled to have been given and excelled at. Later, Dr. Mehas was appointed by Governor Pete Wilson to the California Community College Board of Governors.

Most recently, Dr. Mehas was appointed, in 2005, by Governor Arnold Schwarzenegger, to serve on the Governor's Advisory Committee on Education Excellence.

As you can see, Dr. Mehas has committed the majority of his adult life to advancing education. Thanks in large part to Dr. Mehas, the children of the San Joaquin Valley are better prepared to face the challenges of the future.

Throughout the years, I have also had the privilege of working with Dr. Mehas on a variety of issues. Pete, we wish you well, as you embark on a new phase of your life. You may be retiring, but your contributions to education will endure.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

SPEECH OF

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. JOHNSON of Illinois. Madam Speaker, we find ourselves once again on disturbingly familiar ground as Israel continues to defend itself against armed attacks by terrorist groups targeting civilian populations. As a sovereign nation, Israel has the right and, more importantly, the responsibility to defend its borders from acts of terrorism and threats to its national security. The War on Terror continues to combat terrorist organizations and their State sponsors, and as such, Hamas and Hezbollah must be held accountable for their destructive actions.

The recent unprovoked rocket attacks in Israel and the kidnapping of Israeli soldiers are obvious acts of war against the democratic nation by Hezbollah and Hamas. The U.S. has been a strong leader in the War on Terror and these offensive acts of violence are no exception in the mission to stop terrorist activities around the world. Increased international pressure to call for an end to terrorism must be a priority, as an unstable Middle East can have dire consequences to the entire international community, as confirmed by the extensive evacuations currently taking place in Lebanon.

The Governments of Syria and Iran, as supporters of both Hamas and Hezbollah in their terror activities, must be held accountable for the violence taking place in Israel to protect the innocent populations of both Israel and Lebanon that find themselves in the middle of continued violence. Additionally, the Lebanese Government must call for an end to all terrorist violence and do everything possible to expel Hezbollah from within its borders. These terrorist organizations cannot be ignored and Lebanon must protect its sovereignty in the presence of any terrorist activity by taking decisive action.

I commend Israel for minimizing civilian casualties by focusing defensive attacks on infrastructures and weapons facilities, intentionally avoiding towns and villages. In the face of such violence, Israel continues to follow democratic and civilized principles of war in protecting its people and Country. I continue to support the right of Israel to vigorously defend itself in response to attacks of violence that threaten the existence of the Israeli people and pray for the end of violence and a peaceful outcome in the Middle East.

HONORING FORMER MEMBER OF CONGRESS THOMAS J. MANTON

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. McNULTY. Mr. Speaker, I rise today to celebrate the life and mourn the loss of a former colleague, a patriot, and a dear friend.

Tom Manton was the son of immigrant farmers from the west of Ireland—Thomas, of

County Roscommon, and Margaret, of County Mayo.

Consider his impressive life story: Born in Manhattan, reared in Queens, educated in Brooklyn, then 2 years in the Marine Corps, 5 years in the New York Police Department, 15 years on the New York City Council, and 14 years here in Congress.

Thankfully, my career as a Member of Congress included a wonderful working relationship and tremendous friendship with Tom Manton. We worked together on a number of issues—most notably the quest for peace in Ireland, and the goal of uniting all the counties of Ireland.

Tom served as Chairman of the Ad Hoc Committee on Irish Affairs. I had the privilege of traveling with him and President Clinton to Northern Ireland. Tom was a leading force in getting President Clinton involved in the peace process. Tom was chiefly responsible for getting the president to agree to meet with Gerry Adams.

Tom's commitment to the cause of justice and peace in Ireland, and his commitment to human rights, was a driving force that helped lead to the Good Friday Accords.

But, Mr. Speaker, more than the working relationship, there was the friendship.

In my first run for Congress, almost two decades ago, without hesitation, the man from Queens was there to help me. And thanks to Tom, and many others, I won.

I am so grateful for the wise advice and good counsel Tom gave to me through the years.

Mr. Speaker, before I even came to Washington in 1988 for the formal orientation, Tom Manton invited me to his office in New York City for an informal orientation. It was an invaluable introduction to what life in Congress was like.

I never could thank him enough for that.

In my later reelection campaigns, Tom was always there to help. Once I told him of an event that the Irish American community in my district was planning to help my campaign. Tom immediately said, ''Yes, I'll be there.''

And he was. We had the party in Albany, and Tom spoke on my behalf. He didn't stop there, however, because Tom Manton also sang on my behalf.

And I shall always be proud to sing his praises!!

Tom Manton rendered a lifetime of outstanding service to his family, his community, and his country. I am truly blessed and deeply grateful to have been able to count him as a friend.

TRIBUTE TO UTMB

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PAUL. Mr. Speaker, I wish to commend the University of Texas Medical Branch of Galveston (UTMB), Texas, which is in my congressional district, on being named by the Environmental Protection Agency and the Department of Transportation one of the best workplaces for commuters among colleges and universities. UTMB earned this recognition because of its efforts to improve both the environment and the quality of life for commuters. UTMB has also recently received Graduate Assistance in Areas of National Need grant to support seven fellowships for nursing students who intend to teach nursing at the university level. UTMB only applied for funding for three nursing fellowships, but the Department of Education awarded UTMB funding for seven fellowships. I am sure I do not have to tell my colleagues how unusual it is for a college to be awarded more funding than they requested.

Working closely with UTMB as I do, I am not surprised that it is in the forefront of both nursing education and efforts to improve the lives of commuters. The people of UTMB are consistently working to improve the lives and health of Texans and all Americans.

UTMB is one of the major centers of medical research in Texas and in the Nation. UTMB features a multidisciplinary environment that enables scientists and clinicians to work on projects that often have immediate application to patient care. Among UTMB's areas of strength are neuroscience; pain management and stroke treatment; gastrointestinal health; environmental health and asthma; infectious diseases; vaccine development; cancer; molecular medicine; aging; and diabetes. Among its numerous activities, UTMB hosts summer science programs for middle school, high school, and undergraduate students to help encourage and develop the research work force of tomorrow.

A recent, and particularly noteworthy, UTMB program is Center for Biodefense and Emerging Infectious Diseases, a key component in the efforts to protect the American people from the threat of bioterroism. Established in 2002, the center has two main objectives: (1) To reduce the vulnerability of the U.S. and other nations to the use of biological weapons for warfare and terrorism, and (2) to alleviate suffering from emerging and tropical infectious diseases through application of basic, applied, and field research, and education.

While UTMB's research program is impressive, many Texans primarily think of UTMB as a leading provider of quality health care. This is because UTMB offers services ranging from primary to specialized diagnostic care. Particularly impressive is UTMB's pioneering telemedicine programs. For example, UTMB has recently begun a new telemedicine program to bring medical services to the residents of Jamaica Beach, Texas. UTMB has established telemedicine connections for special-needs children in east Texas, for workers on offshore oil rigs in the Gulf of Mexico, for employees of a Galveston-based insurance company, and for passengers of a cruise ship that will travel worldwide.

In conclusion, Mr. Speaker, I congratulate the University of Texas Medical Branch at Galveston being named one of the best workplaces for commuters and for receiving funding for seven nursing fellowships from the Graduate Assistance in Areas of National Need grant program. I also extend my gratitude, on behalf of all the people of my district, for all that the people of UTMB are doing in both the field of medical research and in delivering quality health care to the people of Texas.

IN RECOGNITION OF THE SISTER CITIES ORGANIZATION OF CRIVITZ, WI, AND CRIVITZ, GERMANY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, today I'd like to recognize the Sister Cities Organization of Crivitz, Wisconsin and Crivitz, Germany, which is celebrating five years of friendship and diplomacy.

President Dwight D. Eisenhower established the People to People program in 1956 to promote cultural awareness and diplomacy through the actions of ordinary citizens. As the program expanded, Sister Cities International was founded to encourage sister-city partnerships between the U.S. and international communities.

Today we celebrate the partnership of two towns who share one name. The northeastern Wisconsin community of Crivitz was founded in 1883 and named after F.J. Bartels's hometown in northeastern Germany. While the two communities are separated by many miles, they share a proud heritage and desire to further connect their citizens not only through a shared name, but with a cross-cultural relationship that continues to grow and expand.

It is truly an honor and pleasure to recognize the Sister Cities Organization of Crivitz, WI and Crivitz, Germany, and thank the citizens who continue to promote President Eisenhower's vision of peace through understanding.

IN HONOR OF LOUIS N. HADDAD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Louis N. Haddad, a fine public servant and dear family friend who passed away on April 21, 2006. Throughout his 82 years, Lou served in the U.S. military, realized professional success, held numerous public offices, involved himself in various community groups, and raised a wonderful family with his wife, Martha.

Born in Beggs, OK, in 1923, Lou joined the Army in 1940 at age of 16. As a member of the 12th Regiment of the 1st Cavalry Division during World War II, Lou saw action in the North African campaign, the capture of Sicily, and the invasions of Anzio and southern France. He also served honorably in the Korean war as a member of the Green Berets. Lou followed his lengthy and distinguished military career by entering the professional world, successfully embarking on a second career as private businessman.

Lou later began what would become a long and interesting career as a public servant. He served the city of Seaside as planning commissioner and Architectural Review Board member from 1962 to 1964, and became the Area Planning Commission chairman from 1966 to 1967. Lou was a city councilman from 1964 to 1966 and then again from 1978 to 1980. He was the mayor of Seaside from

1966 to 1972. Lou served as vice chair for Monterey Regional Water Pollution Control Agency and Monterey County Local Agencies Formation Commission, chairman of the Tri-County Board of the California Council on Justice, director of the Association of Monterey Bay Area Governments, and the Monterey Peninsula Water Management District. Lou's public service was not limited to government agencies but extended to the greater community as well.

Lou always remained very involved in community organizations, serving as president of both the Rotary and Lions Clubs. He was a member of the Elks Lodge, Knights of Columbus, and the Kiwanis Club, as well as a charter member of the Monterey Peninsula Boys and Girls Club and director for the Alliance on the Aging. Lou was also a member of the Military Order of the World Wars, U.S. Navy League, and the Nisei Veterans of Foreign Wars.

Lou spent much of his life serving his fellow citizens, He proudly fought for the United States of America in two wars, devoted his time and energy to multiple public offices, and supported his community through his membership in numerous citizen groups. Lou Haddad, through the life he led and the person he became, demonstrated the potential impact that one individual can have on his community and country. He influenced people and events on so many levels, and came to represent the positive, compassionate and, above all, human force that many strive for but few actually become. I enjoyed being on his talk shows and working on many of his projects. He was a citizen of public service.

While Lou is remembered for his success as a soldier, businessman, public servant, and community activist, he will be remembered most as a loving and supportive husband and father to his wife, Martha, and his children, Charles, Shirley, and Carole.

Mr. Speaker, on behalf of the United States Congress, I would like to honor the many accomplishments of Louis N. Haddad and express sincere gratitude for his accomplishments and contributions to our community and our country.

HONORING DANIEL F. EGAN, JR., AND HIS WORK ON BEHALF OF CREDIT UNIONS IN NEW ENGLAND

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. CAPUANO. Mr. Speaker, Daniel F. Egan, Jr., president of the Massachusetts Credit Union League, New Hampshire Credit Union League, and the Rhode Island Credit Union League, has devoted 25 years his professional life to promotion, protection, and prosperity of the credit union movement.

Mr. Egan first distinguished himself as an attorney and legislative advocate for the credit unions of Massachusetts working diligently to ensure that the credit unions of Massachusetts operate in a legal and regulatory environment conducive to providing outstanding financial service to the people of Massachusetts. He continued his service to credit unions, rising to the position of president of the Massachusetts, New Hampshire, and Rhode Island Credit Union Leagues and through his efforts to provide service to credit unions through unique and forward looking programs he has earned national recognition as credit union leader and visionary.

Through this leadership the credit union leagues of Massachusetts, New Hampshire, and Rhode Island joined together in a ground breaking cooperative management agreement, allowing them to share resources, while maintaining the distinct character of each organization. Mr. Egan has been and continues to be committed to the expansion of the credit union movement throughout the world demonstrated by his support of the World Council of Credit Unions, his field work in Uganda to help establish credit unions there and through the central role he played in creating a relationship between the Massachusetts Credit Union League and the Bahamas Cooperative League to share the experience and expertise of the Massachusetts Credit Union community with the credit unions of the Bahamas.

During his tenure as president of the Massachusetts Credit Union League, New Hampshire Credit Union League, and the Rhode Island Credit Union Leagues, each of those organizations have brought together their member credit union to provide impressive levels of support to the Massachusetts Coalition for the Homeless, the Make-A-Wish Foundation of New Hampshire and Special Olympics of Rhode Island.

Mr. Egan has continually and eloquently voiced his deep and profound conviction that credit unions make it possible for Americans in all walks of life to lead better, happier and more productive lives and has done so in public, legislative, and educational forums. He has actively participated in fostering the growth and development of credit union leagues nationwide through his active participation in and leadership of the American Association of Credit Union Leagues, serving at various times as an officer and president of that group.

Mr. Egan has, through his commitment to the credit union movement, financial education, and charitable causes, helped to greatly improve the lives of the people of Massachusetts, New Hampshire, and Rhode Island,

Therefore, Mr. Speaker, I want to commend Dan Eagan for his long and distinguished career in public service and to thank him for his continuing commitment to numerous charitable causes that have clearly helped improve the lives of the people of Massachusetts, New Hampshire, and Rhode Island.

IN HONOR OF THE 16TH ANNIVERSARY OF THE ADA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. ENGEL. Mr. Speaker, I rise today to commemorate the 16th anniversary of the passage of the Americans with Disabilities Act (ADA). Since the inception of this landmark legislation in 1990, the ADA has afforded broad anti-discrimination protection for disabled Americans.

The ADA ensures that people with disabilities can access employment, public services, and transportation. By making sure that disabled citizens are hired on the basis of their abilities rather than their disabilities, this law has given millions of Americans the chance to be treated equally in the workplace. Disabled Americans can no longer be denied access to public places solely on the basis of their handicap. In addition, those who feel that they have been discriminated against have legal recourse to address potential discrimination. These opportunities have established a sense of empowerment where such a sense did not exist before.

Though this legislation has helped countless people, there is surely more work to be done. According to the U.S. Census Bureau, 70 percent of working-age Americans with significant disabilities are unemployed. This is the highest unemployment rate of any group of Americans, regardless of their education or qualifications. Many employers are wary of hiring disabled employees for fear of having to make expensive accommodations. Even worse, there still exists a prejudice against those with disabilities simply because of their disabilities. We must educate employees about the enormous potential they are missing or ignoring.

The Americans with Disabilities Act is one of the most comprehensive civil rights laws to have ever been enacted. On this the 6th anniversary, we should acknowledge the noble goal of equality that the ADA aims to achieve. I urge Congress to continue to support this legislation and fight against discrimination throughout our society.

DECLARATION BY 5.2 MILLION IRAQIS IN SUPPORT OF THE IRANIAN MOJAHEDIN KHALQ (MEK)

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. TOWNS. Mr. Speaker, on June 17, 2006, more than 10,000 Iraqis accompanied by delegates from 121 parties and associations took part in the Iraqi people solidarity congress in Ashraf City, Iraq, the declaration by 5.2 million Iraqi citizens, 121 political parties and social groups, 700,000 women, 14,000 lawyers and jurists, 19,000 physicians, 35,000 engineers, 320 clerics, 540 professors, 2,000 tribal sheikhs and 300 local officials were among the signatories of the declaration.

Following is an excerpt from the declaration by 5.2 million Iraqis, partly printed in the New York Times, on June 23, 2006.

The Iranian regime's leaders have repeatedly declared that they have been the first winners of the war in Iraq. Mahmoud Ahmadinejad said, ''God placed the fruit of the occupation of both our neighboring countries (Iraq and Afghanistan) on Iran's lap.'' He concluded, ''We must be prepared to run the world.'' (January 5, 2006)

After the elections in Iraq, Iran's Interior Minister announced, ''From the ballot boxes in Baghdad and Iraqi provinces, one can hear the Slogans of the Muslim people of Iran.'' He said, ''This major historic Phenomenon attests to the realization'' of Khomeini's motto ''of conquering Qods (Jerusalem) via Karbala.'' (Mostafa Pour-Mohammadi, December 22, 2005)

As Iran's rulers acknowledge, nuclear weapons are the strategic Guarantee for their survival. Would nuclear weapons not

also empower them to separate the oil-rich southern territory in Iraq?

As a result:

A. The Iranian regime prevents the establishment of security, Stability and democracy in Iraq and poses an immediate threat to our Country's integrity and liberty. It is the main obstacle to our Independence and the quick departure of the Multi-National Force.

B. Presently, the main dispute is between democracy and Dictatorship. The first and most important political alignment in Iraq is between democratic and patriotic forces with their various inclinations and thoughts on the one hand and affiliates of the Iranian regime on the other.

C. During the elections and formation of the new government of Iraq, an Iraqi alternative was formed against the option presented by Iran's ruling mullahs, thus providing an encouraging prospect for the country.

D. In this geopolitical situation and in this juncture of History, democracy in Iraq and democracy in Iran are interdependent, Guaranteeing each other's survival.

E. The solution and the only encouraging prospect for Neutralizing these threats come through eviction of the Iranian regime from Iraq and recognition of the status of the People's Mojahedin Organization of Iran, which is the principal bulwark against the Iranian regime's interventions. Similarly, the MEK's disarmament upset the strategic balance in this sensitive region of the world in favor of the Iranian regime.

The Iranian regime, however, launched an astounding demonizing and Disinformation campaign against the MEK. Iran's agents in the Interior Ministry kidnapped MEK members while others discontinued the government's allocation of food rations, medicine and fuel for residents of Ashraf City contrary to all Islamic and Iraqi traditions. Through the Iraqi National Security Advisor, the government announced that the MEK ''may not even use their allocation of food.'' (November 18, 2005)

The Iranian regime's fingerprints are evident in paragraph C of Article 21 of the Constitution. Contrary to all international laws on Asylum, this paragraph disentitles the accused of the right to asylum merely based on the unverified charge of terrorism.

Repeated calls by the Iranian regime and its operatives in Iraq for Retribution of the MEK and confiscation of their property (ex. Asshahed weekly, April 4, 2005), the Iranian embassy's advertisements in the Iraqi press demanding ''retribution of members of this organization as a more important opening for democracy in Iraq'', setting their ''prosecution'' or at least ''expulsion'' as a ''test'' for the government of Iraq (Badr weekly, September 5 and November 27, 2005) and urging their referral to the ''Criminal Court'' (Asshahed weekly, January 15, 2006) are the most obvious signs of collusion with the Iranian regime.

Having investigated the MEK's 20-year residence in Iraq and stressing their readiness to defend the rights of the MEK in any court of law, over 12,000 Iraqi jurists declared in January 2006, ''The MEK has never interfered in Iraq's internal affairs and the claim that the Organization participated in the suppression of the Kurds or Shiites is a sheer lie fabricated by the Iranian regime to tarnish the image of its opposition and alternative.''

We urge the following:

1. Agreement of the government of Iraq with the People's Mojahedin Organization of Iran and the coalition of National Council of Resistance of Iran on a worthwhile legal and political status for them in Iraq;

2. Acknowledgment of MEK members' right to political asylum in Iraq and ensuring respect for their right to own their places and Properties;

3. Modification of article 21C of the Constitution in the Course of reviewing this clause, so that the Iranian regime would not be able to manipulate it against its opposition;

4. Commitment of the government of Iraq to international laws, conventions and agreements on the status of the MEK in Iraq, Particularly with regards to the principle of ''non-refoulement'' in relocating people from one country to another as verified by the International Committee of the Red Cross (ICRC) and the Multi-National Force-Iraq (MNF–I) in the case of the MEK;

5. Coordinated measures by the government of Iraq and the MNF–I to secure the release of the two abducted MEK members.

We declare that:

The terrorist designation of the People's Mojahedin Organization of Iran, 120,000 of whose members and sympathizers have been murdered by the Iranian regime and is the prime victim of state-sponsored terrorism is neither legitimate nor credible and should not be regarded as a basis for relations with this organization.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 921, a resolution reaffirming this Chamber's steadfast support for the State of Israel and condemning Hamas and Hezbollah for engaging in unprovoked and reprehensible armed attacks against Israel on undisputed Israeli territory, among other provisions.

On June 16, 2000, Israel unilaterally withdrew its troops from areas in Southern Lebanon. It was a monumental stride in the long and difficult march toward Middle East peace, one that lent if only fleeting promise for a cessation of violence along the Lebonon-Israel border. The idea was simple: Israel would end an occupation long cited as a serious grievance by Israel's foes, and those foes, denied that grievance, would end attacks on Israel. Any further attacks on Israel from formerly occupied areas would invite a robust military response. That equation for peace, however, was quickly undone.

After the withdrawal, Hezbollah and other belligerents boasted not of a promise of peace, but of defeating the Israeli military and forcing it into retreat. Rather than planning for peace and building a strong civil society in Southern Lebanon, Hezbollah created a sophisticated military infrastructure and denied control of the region to the democratically elected Lebanese Government.

One week ago, Hezbollah, following a similar Hamas kidnaping in June, attacked an Israeli military outpost in undisputed Israeli territory, killing three soldiers and taking two hostages. Since then, Hezbollah has continued attacks on Israel by firing deadly rockets into Israeli urban centers like Haifa. Those rockets, whose warheads are often packed with ball bearings that turn into molten shrapnel upon explosion, are meant to kill and maim indiscriminately.

No country in the world would tolerate such vicious attacks upon its homeland nor threats to its sovereignty without responding and acting to ensure its longer-term security. If we support the Israeli State's right to exist, then we cannot make Israel an exception among nations. Israel must possess the right to defend itself.

Lastly, even as this war rages, I believe it is important to work steadfastly toward peace, because there can be no military solution to this conflict. As it combats Hezbollah, I urge Israel to take measures to limit casualties among the civilian population and to not irrevocably undermine Lebanon's young government, which was the product of the inspiring cedar revolution.

Madam Speaker, I urge my colleagues to support this resolution.

RECOGNIZING EMPLOYEES AT NASA'S MICHOUD ASSEMBLY FACILITY

SPEECH OF

HON. CHARLIE MELANCON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. MELANCON. Madam Speaker, today I offer House Resolution 892, to give honor and thanks to those who braved Hurricane Katrina's fury in service to their country. As we approach the 1-year anniversary of Hurricane Katrina, I would like to recognize the men and women who stayed behind to protect NASA's Michoud Assembly Facility in eastern New Orleans. The ''Michoud Hurricane Ride-Out Team'' was comprised of 38 Lockheed and NASA employees who risked their lives to protect the facility that produces the Space Shuttle external fuel tank, a vital component of the Shuttle program. Were it not for their efforts, the Shuttle program could have been grounded for years. In fact, if Michoud had been destroyed by Katrina, the U.S. would not be able to fulfill its commitment to its international partners, as there would have been no way for the U.S. to ferry vital supplies to equip the International Space Station. The ''Ride-Out Team'' volunteered to stay and protect valuable space flight hardware critical not only to NASA's Space Shuttle Program, but to the future of human space exploration. The Michoud facility is a vital component of America's Vision for Space Exploration, since derivatives of the external tank are part of the design for the next generation space craft.

As hurricane winds exceeded 130 mph and storm surge topped the 19 ft. levees surrounding the facility, the team worked tirelessly manning the pumping station and generators. After all was said and done, those dedicated individuals pumped more than 1 billion gallons of water out of the facility. Because of their efforts, operations at Michoud resumed mere weeks after Katrina's landfill.

Many of the ''Ride-Out Team'' lost everything they owned to the storm and many didn't know what had happened to their families until days after the storm had passed. They persevered even though all land routes to the facility had been cut off and they had no electricity or water for 21 days.

For their bravery in the face of unbelievable destruction and their unquestionable dedication to the space program, I ask this body to

recognize the members of the ''Michoud Hurricane Ride-Out Team'' and commemorate their heroism and selfless contribution to the United States, and enable America to continue to lead the world in space exploration.

PAYING TRIBUTE TO WALTER LLOYD BELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Walter Lloyd Bell, one of the founding fathers of the Las Vegas Metropolitan Police Department. Known to his family and friends as Lloyd, he passed away on Saturday, July 15, 2006, at the age of 80.

After serving his country in the Navy during World War II, Lloyd returned to Las Vegas and began his career in law enforcement at the Clark County Sheriff's Office. In 1955, at the age of 29, Lloyd became the youngest person to become County Undersheriff. Three years later, he graduated from the FBI Academy, the first member of the department to do so.

Lloyd served on the Nevada Gaming Control Board from 1961 until 1963, when he rejoined the law enforcement community. In 1968, he served on the committee that created the Las Vegas Metropolitan Police Department by uniting the Las Vegas Police Department and the Clark County Sheriff's Office.

Lloyd retired from the Sheriff's Office in 1973 and moved on to the private sector, owning 13 shoe stores and a beauty salon. The ambition and dedication that allowed Lloyd to make such a positive impact on the law enforcement community in Las Vegas made him a successful business owner, as well.

Lloyd was a devoted husband and a proud father who enjoyed spending time with his family. He and his wife Patricia raised two daughters, Ashley Bell and Courtney Bell Vincent.

Mr. Speaker, I am proud to honor Lloyd Bell for his accomplishments and his law enforcement service. I thank him for his participation in the ambitious task of creating the Las Vegas Metropolitan Police Department and I applaud his long record of distinguished service. He has truly had a great impact on the safety and well-being of the Las Vegas community, and he will be greatly missed.

TRIBUTE TO THE NUGENT FAMILY OF HERNANDO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Rich and Wendy Nugent and their three sons, Ryan, Kyle, and Casey. The Nugent family is being honored by the Disabled American Veterans of Brooksville, Florida for their outstanding service and commitment to the military.

Rich and Wendy Nugent moved from Chicago to Hernando County, Florida in 1984. After receiving their respective degrees in public administration and education, rich joined the police force and Wendy joined the Hernando County school system. Both immediately excelled in their careers, yet remained dedicated to their sons' activites and their family values. Rich and Wendy have continued to be very involved in their sons' lives. All parents understand the difficutly in balancing time between work and family and greatly respect and admire Rich and Wendy for their active commitment and devotion to raising their children.

In 2004, Rich and Wendy's oldest son, Ryan, 25, graduated from West Point Army Academy with a degree in Information Systems Engineering. He has since returned from his service in Korea where he served in the 4th Brigade, 73rd Cavalry, and 82nd Airborne. After earning rank as 1st Lieutenant at pre-Ranger school in Ft. Bragg, North Carolina, Ryan is currently a lieutenant in the Army taking Ranger courses.

Kyle, 19, graduated from Springstead High School in 2005 with a four-year Army ROTC scholarship to the University of Tampa, where he is currently a sophomore studying Criminology. Having served as commander of the Civil Air Patrol and Chief of Operations for the Air Force ROTC, Kyle has decided to continue his involvement with the military in Tampa. Kyle was also the former captain of Springstead's swim and track team, and was named Athlete of the Year prior to his graduation. Kyle's success in athletics has led him to an esteemed position as the coxswain on the four-man and eight-man rowing team at the University of Tampa.

In 2006, Casey, 18, also graduated from Springstead High School where he served as commander of the Color Guard of the Air Force ROTC and Corps Commander. Following in both of his brothers' footsteps, Casey was captain of Springstead's swim team and active in the Civil Air Patrol. He entered West Point Academy on June, 26 and I am very proud and honored to have sponsored his nomination.

With their excellent guidance and active involvement in Ryan, Kyle, and Casey's lives, Rich and Wendy Nugent have raised three very well-rounded and mature young men. In today's society, it is a joy to see a family dedicated to such high family values and committed to serving their country.

Mr. Speaker, it is my pleasure to honor the Nugents, as they truly exemplify what our Nation stands for. Rich and Wendy are admirable parents who deserve recognition for demonstrating the importance of American values and service. Ryan, Kyle, and Casey have become extraordinary young men who are proud and eager to ''be all they can be.'' I would like to thank the Nugents for their exceptional dedication to the United States, and I wish Ryan, Kyle, and Casey the best of luck in their future endeavors. I know they will succeed on whatever path they wish to embark upon.

PAYING TRIBUTE TO DALE ANTONICH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Dale Antonich, who is retiring after 33 years of service with the National Park Service.

Dale began his career with the National Park Service as a seasonal park ranger at the Grand Canyon in 1972. For the next four years, Dale held a variety of seasonal laborer, park technician and ranger jobs. His seasonal employment included assignments in the Grand Canyon, Lake Mead National Recreation Area (NRA) and Death Valley National Park. In 1977, he accepted a full-time career position as a park technician at Golden Gate National Park. Dale accepted a promotion in 1981 as a park ranger in the Santa Monica Mountains NRA. In 1984, Dale moved from the Santa Monica Mountains NRA to the Grand Teton National Park, accepting a promotion to law enforcement specialist park ranger. In 1986, Dale was selected for the Chief Ranger position at Death Valley National Park. He became the Chief Ranger at Lake Mead NRA in 1991, a position he held for the remainder of his career.

Over the course of his 33 year career, Dale has received a number of awards: the Commendation for a Rescue at Grand Canyon, and the Member of Unit Citation for Rescue at Lake Mead in 1974; he received the Commendation for Rescue performed at Golden Gate National Park in 1978; the Sustained Superior Performance Award in 1984; and the U.S. Department of the Interior Award for Rescue in 1991. Dale also received the highest award that can be bestowed upon a ranger by his peers, the Henry Yount Award. He received this award in 1999 from then-Vice President Al Gore.

Dale has dedicated his professional career to the mission of the National Parks Service. He has committed his life to the resources, park visitors, park staff and our partners. He has provided leadership in the development and management of emerging operations, and the professionalization of ranger positions within the National Park System.

Mr. Speaker, I am proud to honor Dale Antonich for his years spent the National Park Service. Dale's experience, commitment, contributions and dedication to his job will be surely missed. I wish him the best with his retirement.

PROCTER & GAMBLE'S MEHOOPANY, PENNSYLVANIA PLANT

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. SHERWOOD. Mr. Speaker, I want to bring to the attention of my colleagues a very important and significant economic milestone in northeastern Pennsylvania that will be celebrated in August. Procter & Gamble's Mehoopany, Pennsylvania, paper products facility, which has been in operation since 1966, will be commemorating its 40th year with an open house and anniversary ceremonies on August 17, 18 and 19.

The Mehoopany plant is the largest P&G plant in North America. It was the first paper products plant built by Procter & Gamble after the company's acquisition of the Charmin Paper Products Company in 1957. It is one of seven P&G paper products plants in the United States and one of more than 70 plants of all products.

I am very proud of the contribution the plant and its workforce provide to our regional and national economy. As a lifelong resident of Wyoming County, where the plant is located, I have seen friends and neighbors for the past four decades benefit from wonderful career opportunities and the ability to earn an honest, stable living at the Mehoopany plant.

The plant is a cornerstone of economic growth and stability in my region with its 2,300 employees and payroll of $175,000,000. In addition, there are another 4,000 people employed as suppliers and vendors. Plant employees live in six northeastern Pennsylvania counties—Bradford, Lackawanna, Luzerne, Sullivan, Susquehanna and Wyoming.

Procter & Gamble gives back to the people of the region with community and charitable giving of nearly $450,000.

The people of my region are very proud of the role the Mehoopany plant plays in providing essential products to the daily lives of our nation's citizens. Consumers in this country benefit from the fine array of paper products, including Bounty towels and napkins, Charmin toilet tissue and Pampers and Luvs Diapers. Products produced at the facility reach over 1,000,000 consumers each day.

I want to offer my congratulations to the employees and management of the Procter & Gamble Mehoopany plant as they celebrate their first 40 years, meet current challenges and look forward to the continued growth of the plant.

PAYING TRIBUTE TO COLONEL JOHN F. GROOM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Colonel John F. Groom, who passed away on Tuesday, July 11, 2006. He will be buried at Arlington National Cemetery on August 8, 2006.

John was originally from Rochester, NY where he attended Brockport State University earning a bachelor's degree. He later attended Syracuse Law School but received his law degree from Western Law School in San Diego after he retired from the military.

Col. Groom had a long and distinguished career with the United States Air Force, highlighted by his command of the Thunderbirds aerial demonstration team at Nellis Air Force Base in 1962 and service as an airstrike adviser to Army General William Westmoreland in Vietnam. Col. Groom was in training during World War II, and flew B–29s during the Korean War. In 1965, Col. Groom served as director of inland airstrikes under an effort codenamed Tiger Hound. Later, he attended the National War College at Fort McNair in Washington, DC. He went on to become the last commander of Wheelus Air Base in Tripoli, Libya, before it closed in 1970. Col. Groom was a key player in the evacuation of Tripoli and was responsible for getting American citizens out of the city following the coup d'Etat led by Moammar Kadafi in 1970.

John spent the last fifteen years of his life living in Las Vegas. John leaves behind his wife Barbara, sons John Jr. and Tom, four grandchildren and five great grandchildren.

Mr. Speaker I am proud to honor the life of Col. John F. Groom. His service to this country is admirable and shows that he was truly a patriot. He will surely be missed.

CONGRATULATING COMMANDER WILLIAM ''BO'' STEWART ON THE OCCASION OF HIS RETIREMENT FROM THE UNITED STATES NAVY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. MILLER of Florida. Mr. Speaker, today I rise to recognize and pay tribute to Commander William "Bo" Stewart, United States Navy, on the occasion of his retirement from active duty. I commend Commander Stewart for his 21 years of faithful and selfless service to the United States Navy, and I salute him for his dedication to protecting freedom, ensuring liberty and defending the principles of this country.

A 1983 Citadel graduate, Commander Stewart joined the Navy in 1985. In addition to earning a Masters' Degree in Business Management from Troy State, his formal military education included Aviation Officer Candidate School, where he earned his "Wings of Gold" as a Naval Aviator, SH–3H "Sea King" training and UH–1N training at HC–16.

In 1987 Commander Stewart reported to San Diego, CA for his first assignment with Helicopter Squadron Fourteen, the "Chargers." After completing his tour aboard the USS *Ranger* with the "Chargers," Commander Stewart was stationed at NAS Whiting Field for his first shore tour as a flight instructor for Helicopter Training Squadron Eight. In 1993, he returned to sea duty aboard the USS *Nassau* serving as the Assistant Air Officer and Aircraft Handling Officer, deploying to Haiti and the Adriatic Sea. Following this assignment, he was ordered back to shore in Jacksonville, FL where he served as the Officer in Charge of the Surface Rescue Swimmer School and as an instructor pilot in the SH–3H and SH–60F/H at Helicopter Antisubmarine Squadron One (HS–1), the "Sea Horses."

Commander Stewart returned to sea in 1997 joining Helicopter Antisubmarine Squadron Five, the "Night Dippers," as the Maintenance Officer, deploying from USS *John C. Stennis* and USS *John F. Kennedy*. In 1999, Commander Stewart went to the Naval Personnel Command where he served as Deputy Director and Director of Restricted Line and Staff Corps Distribution and Special Placement Division. In February of 2003, Commander Stewart assumed his final post as Executive Officer of Naval Air Station Pensacola, FL.

Commander Stewart's personal awards include the Meritorious Service Medal, the Navy Commendation Medal (five awards), and the Navy Achievement Medal, along with other personal and unit citations. During his naval career, Commander Stewart accumulated over 4,000 hours of flight time in the following airframes: SH–60F/H, SH–3H/D, UH–1, TH–57, and T–34C.

Mr. Speaker, Commander Stewart answered the call to duty with an unmatched determination. Through his honorable service he gave so much to Pensacola, our Navy, and our Nation. He will be missed by the United States Navy, but he leaves a great legacy behind for future generations to follow.

PAYING TRIBUTE TO MICHAEL MURPHY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend, Michael Murphy, for his service as Clark County Coroner and recognition as the 2006 Clark County Director of the Year.

Before embarking on a law enforcement career, Michael earned a doctorate in Business Administration from California Pacific University. He began his service career in Kansas City, Kansas as a police officer, and after moving to Nevada, Michael became a captain with the Boulder City Police Department. He later served as the Chief of Police for nine years with the City of Mesquite Police Department. He then moved on to the position of Commander at the City of Las Vegas Department of Detention and Enforcement, and was quickly promoted to Deputy Chief.

In addition to his law enforcement service, Michael takes the time to share his expertise with others as a guest lecturer and instructor, including speaking to law enforcement agencies in Russia, China, and Azerbaijan.

Currently, as Clark County Coroner, Michael uses his thirty years of experience to manage programs, staff, and policy objectives, among other things. Michael is intrigued by the science of his office, despite his lack of scientific training. Since his appointment as Coroner in May of 2003, he has led the coroner's office in establishing a Cold Case Unit, which has since closed an amazing 29 cases. He also served for six months as acting Director of the Department of Juvenile Justice Services until a new director was found. Despite the long and taxing hours required by his position, he finds his work as Coroner to be one of the most fulfilling jobs he's had.

In June of 2006, during the Clark County Employee Service Awards, where the unwavering efforts of those who serve the public and efficiently spend taxpayer dollars are recognized, Michael's innovation and hard work earned him the title of "Director of the Year."

Of all that Michael has to be proud of, his family tops the list. His 26-year-old son, Brandon, and his daughter-in-law, Megan, are expecting their first daughter, to be named Caitlin, in August.

Mr. Speaker, I am proud to honor Michael Murphy for his outstanding service as Clark County Coroner. I congratulate him on being named Clark County Director of the Year, and commend his dedication to law enforcement in Nevada. Michael is a very good friend and serves as a role model for us all.

EXPRESSING GRATITUDE FOR RICHARD SCHNEIDER'S SERVICE TO WEST TENNESSEE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a gentleman who has become an important leader in west Tennessee, a journalist who has helped bring together a community, and a good friend of mine, Richard Schneider. After 14 years as executive editor of the Jackson Sun, Dick is moving to Florida to fill that same position at the Pensacola News Journal.

Since Dick came to Jackson in 1992, the Sun has moved from an afternoon paper to a morning paper, launched its Web site, broadened its coverage and publications, expanded its circulation and changed the way west Tennesseans get their news and information.

When our region was hit by tornadoes—first in 1999, again in May 2003 and yet again in April of this year—the Sun's news staff, under Dick's leadership, provided excellent and in-depth coverage of the storms, the fatalities they caused, the lives they touched, the communities they devastated and the rebuilding that still continues today. West Tennesseans will always appreciate the information they received from the Jackson Sun during those trying times.

The paper has also provided thorough coverage on other issues facing our area, including crime, health care, mortality, religion, veterans care, and race relations. Dick and the Jackson Sun have been recognized nationally by Gannett, the Associated Press and other organizations for the innovative ways the newspaper has increased its community outreach.

I have also enjoyed getting to know Dick on a personal level over the years. Jackson will miss Dick and his wife Lea, as well as their three children, Troy, Ashley, and Nicole. They have been important to our community over the years, and we wish them all the best.

Mr. Speaker, please join our colleagues and me in thanking Richard Schneider for his service to west Tennessee and congratulating him on his new opportunity.

PAYING TRIBUTE TO WALTER CUCHINE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Walter Cuchine for earning the Distinguished Nevadan Award, the most prestigious award given by the Nevada System of Higher Education Board of Regents. The award recognizes the achievements of those who have contributed to the cultural, scientific, or social advancement of Nevada.

Walter has helped to preserve the history of Nevada, especially Hawthorne, Lovelock, Ely, Fallon, and Lincoln County, as a Humanist-in-Residence, sponsored by the Nevada Humanities Committee. His experience studying Nevada's environment and history helped him to become the Director of the Bristlecone Convention Center in Ely, and since 1993 he has served as the Eureka County Facilities Director, where he is responsible for programming at the Eureka Opera House and the Eureka Sentinel Museum. Through his position with Eureka County and as Humanist-in-Residence, Walter works with the Rural Presenters Network, the Nevada Commission on Tourism, and other organizations to encourage numerous groups to visit Eureka and enjoy its history and cultural sites.

Walter's passion for Nevada's history has also led him to become one of the foremost collectors of contemporary Nevada art and the owner of a book collection featuring Nevada-related works. Last summer, the Nevada Historical Society presented an exhibit featuring his art collection, which broke all of the society's previous attendance records.

Mr. Speaker, I am proud to congratulate Walter Cuchine, winner of the Distinguished Nevadan Award and supporter of Nevada's historic and cultural needs. His fundraising efforts and foundation of the Emerald Society have made a tremendous impact on the Las Vegas community.

A PROCLAMATION HONORING MR. AND MRS. JAMES RUSSELL CASH, III

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. NEY. Mr. Speaker,

Whereas, J.R. and Allison Cash were united in marriage June 3, 2006 in Cadiz, Ohio; and

Whereas, J.R. and Allison Cash have dedicated their lives to each other; and

Whereas, J.R. and Allison Cash shared their wedding day with family and friends; and

Whereas, J.R. and Allison Cash have illustrated the love and commitment necessary to live a long and beautiful life together.

Therefore, I join with their family, friends, and the entire 18th Congressional District of Ohio in congratulating J.R. and Allison Cash on the occasion of their marriage.

PAYING TRIBUTE TO LEONARD GOODALL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Leonard Goodall for earning the Distinguished Nevadan Award, the most prestigious award given by the Nevada System of Higher Education Board of Regents. The award recognizes the achievements of those who have contributed to the cultural, scientific, or social advancement of Nevada.

Leonard has a long history of service in education. He began his career as a professor at Arizona State University in 1962. He moved on to become Vice Chancellor of the University of Illinois-Chicago and then Chancellor of the University of Michigan-Dearborn. Leonard moved to Las Vegas in 1979, where he served as University of Nevada, Las Vegas President and as a professor of Public Administration. Since his retirement, Leonard has served on the Nevada System of Higher Education's Retirement Plan Alternatives Committee.

Leonard has also had an impressive career as a writer, authoring or co-authoring eight books and countless articles on economics, government, and public administration. After his experiences living and working in Las Vegas, he co-authored "Nevada Government and Politics: Conservatism in an Open Society" and "Reinventing the System: Higher Education in Nevada."

Leonard has also been active in the community. He has served on the board of local chapters of numerous organizations, including the American Red Cross, the American Society for Public Administration, the Nevada Development Authority, and the Boulder Dam Council of Boy Scouts. He aided in the foundation of the Commercial Bank of Nevada, currently serving as its chairman of the board of directors, and he was appointed by the Clark County Commission to serve as the chairman of the Community Growth Task Force, a position he currently holds.

Mr. Speaker, I am proud to honor Leonard Goodall, a role model to the community and accurately named Distinguished Nevadan. His dedication to educating our future leaders and his passion for community service are truly admirable.

IN RECOGNITION OF CHIEF MARK LAYHEW

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. GALLEGLY. Mr. Speaker, I rise in recognition, and with thanks, for the 31½ years of exemplary service Police Chief Mark Layhew has given to the City of Simi Valley, California, as he prepares for his retirement next month.

Mr. Speaker, Simi Valley is my home. I served as mayor there for seven years before being elected to Congress. I am proud of the fact that Simi Valley is routinely recognized as one of the safest cities in the United States. That recognition is in large part due to the caliber of the men and women of the Simi Valley Police Department.

Mark has the distinction of the being the first Simi Valley police officer to rise from the ranks as an entry level officer to Chief of Police. In many ways he epitomizes the maturity and professionalism of the department. Mark began with the department just four years after the city incorporated and he helped to shape it. He is not only the face of the Simi Valley Police Department, he is very much its soul.

Mark acquired his sense of duty from his late father, who gave a lifetime of dedicated service to his country as an FBI agent.

During his three decades with the department, Mark Layhew served in virtually every position. He served as an Operations Division Captain, Support Services Division Captain, Detective Unit Commander, SWAT Commander, Traffic Unit Commander, Watch Commander, and Special Administrative Commands.

And that's just as a lieutenant and captain.

As a sergeant, he served as a Patrol Field Supervisor, Field Training Program Manager, and Detective Supervisor. As an officer, he served as a Patrol Officer, Traffic Officer, Field Training Officer, Rangemaster, Academy Staff Officer, Planning and Research Officer, and Background Investigator.

Mark earned a bachelor's degree from California State University, Northridge, and is a graduate of POST Command College Class #26, Simi Valley Leadership Class of 1999, and the 2004 POST Executive Development Course. In his spare time, he serves as a member of the Simi Sunrise Rotary and is a board member of the Simi Valley Education Foundation and the Simi Valley Police Foundation.

Mr. Speaker, I know my colleagues will join me in thanking my friend Mark Layhew for his decades of service to the City of Simi Valley and his country, and in wishing him, his wife, Holly, and their children Godspeed.

PAYING TRIBUTE TO KEVIN PAGE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Kevin Page for earning the Distinguished Nevadan Award, the most prestigious award given by the Nevada System of Higher Education Board of Regents. The award recognizes the achievements of those who have contributed to the cultural, scientific, or social advancement of Nevada.

Kevin has had an impressive academic career, graduating from the University of Nevada, Las Vegas with a bachelor's degree in finance in 1986 and an MBA one year later. He continued his involvement with UNLV through 2005 as a member of the Alumni Board, and served as board president for three of those years.

As a founding member of the Police and Fire Emerald Society of Nevada, he has been committed to helping children and youth succeed, caring for families in need, and honoring fallen heroes. From 2001 to 2004, he led Run for Heroes in raising scholarship money for the families of fallen law enforcement members and fire fighters, and helped shift some of that fundraising to the Golf for Heroes program in 2004.

Kevin's interest in helping students goes beyond the families of law enforcement and fire officials. Through his Kiwanis Club membership, he has raised more scholarship money for high school Key Clubs and to support Clark County School District Varsity Quiz programs.

Mr. Speaker, I am proud to congratulate Kevin Page, winner of the Distinguished Nevadan Award and dedicated volunteer. His fundraising efforts and foundation of the Emerald Society have made a tremendous impact on the Las Vegas community.

TRIBUTE TO MONTGOMERY COUNTY, MARYLAND

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to congratulate Montgomery County, Maryland, on being recognized for the third straight year by the U.S. Environmental Protection Agency's Green Power Partnership as one of the Nation's top ten local government green power purchasers.

For many years, Montgomery County has set a precedent for the consumption of renewable energy sources. Its buying group, which is now at the forefront of an innovative and unique wind energy purchase, was noted by the EPA as one of the top 25 largest national purchasers of green power. Its pioneering purchases have promoted a cleaner and more environmentally-safe approach to energy consumption in our community. Furthermore, this purchase also represents the Nation's first effort on the part of a local government to include renewable energy in the State's plan to implement air quality improvements under the federal Clean Air Act.

Montgomery County has long been a leader in the field of clean energy. In 2004, under Montgomery County Executive Douglas M. Duncan's leadership, the County began purchasing five percent of its energy from wind. In April 2006, County Executive Duncan and the County Council committed to increasing the County's renewable energy purchase to 20 percent of its total electricity use over the next 5 years. Significantly, Montgomery County has been actively encouraging residents to join these efforts by purchasing clean energy for their homes, businesses, and community organizations.

Mr. Speaker, I urge my colleagues to join me in saluting Montgomery County, Maryland, for its groundbreaking commitment to increasing the overall consumption of renewable energy sources now and in the years to come.

PAYING TRIBUTE TO MARIE McMILLAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Marie Stever Daly McMillan for earning the Distinguished Nevadan Award, the most prestigious award given by the Nevada System of Higher Education Board of Regents. The award recognizes achievements of those who have contributed to the cultural, scientific, or social advancement of Nevada.

In 1957, Marie and her husband, Duke Daly, moved to Nevada to work at the Nevada Test Site during the pioneering nuclear testing era, and developed and implemented protocols for the management of classified documents. Her work in this capacity was vital, as the nuclear information had to be kept secret, but still available to the scientists working on the projects.

Although her work to preserve the confidentiality of nuclear secrets was important, her aviation career is what she is best known for. In 1978, Marie learned that the U.S. Aeronautic Association was looking for pilots to break records in honor of the 75th anniversary of the Wright brothers' flight. She decided not to break a record, but to set a new one. On December 16, 1978, she set her first record for speed between two cities. Over the next 10 years, Marie set hundreds more, and she currently holds 656 aviation records.

In addition to setting records, Marie has served as the U.S. Delegate to numerous Federation Aeronautique International Conferences, and she has won many awards and honors. She served as a flight instructor for over 25 years, where she taught people, from teenagers and Las Vegas Metropolitan Police Officers, how to fly. She also served for 10 years as Clark County Department of Aviation public information representative to McCarran Airport, where she had the opportunity to teach schoolchildren about aviation careers.

Dedicated to encouraging young women to pursue careers in aviation and technical fields, Marie has developed a local ''Wings'' program as a part of the Girl Scouts. She also has devoted countless hours and her plane to carry medical personnel and supplies to Mexico and, through Wings for Direct Relief, transported supplies to California so they could be shipped to South America.

Mr. Speaker, I am proud to congratulate Marie McMillan, winner of the Distinguished Nevadan Award and aviation pioneer. I commend her dedication to the community, which exemplifies her strong character, innovation, leadership, and service.

HONORING THE ALPHA PHI ALPHA FRATERNITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I rise in support of H. Con. Res. 384, a resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans.

Since its founding on December 4, 1906, Alpha Phi Alpha Fraternity, Inc., has provided voice, vision, and pride to the struggle of African-Americans and persons of African descent around the globe.

Alpha Phi Alpha, was founded at Cornell University in Ithaca, New York, by seven college men who recognized the need for a strong bond of brotherhood among African descendants in this country. The visionary founders, known as the ''Jewels'' of the fraternity, are Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy.

The fraternity initially served as a study and support group for minority students who faced racial prejudice, both educationally and socially, at Cornell. Alpha Phi Alpha chapters quickly spread to other colleges and universities, many of them historically black institutions, soon after the founding at Cornell. While

continuing to stress academic excellence among its members, Alpha also recognized the need to help correct the educational, economic, political, and social injustices faced by African-Americans and persons of African descent around the world.

The Jewel founders and early leaders of the fraternity succeeded in laying a firm foundation for Alpha Phi Alpha's principles of scholarship, fellowship, good character, and the uplifting of humanity. These principles of this organization hold true to this very day.

Alpha Phi Alpha has long stood at the forefront of the African-American community's fight for civil rights through leaders such as: W.E.B. DuBois, Adam Clayton Powell, Jr., Edward Brooke, Martin Luther King, Jr., Thurgood Marshall, Andrew Young, William Gray, and Paul Robeson.

For almost a century, Alpha Phi Alpha Fraternity, and all the ''Brothers of the Black & Old Gold,'' the official colors of the fraternity, have continuously served their community, country, people, and each other in a manner that is befitting of an organization of such character, dignity, and commitment. I, too, am a proud member of Alpha Phi Alpha, and it is an honor to be a part of an organization with such a rich legacy.

Mr. Speaker, I urge my colleagues to support this resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans. Please vote in support of H. Con. Res. 384.

PAYING TRIBUTE TO ALISON KASNER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my dear friend Alison Kasner for her dedication to education and for her outstanding service to southern Nevada.

Alison has served as the principal of Helen J. Stewart School for the past 5 years and is retiring this summer from a distinguished career with the Clark County School District. She began teaching school in southern Nevada at the age of 20. During her career, Alison served the school district in a variety of capacities. She has taught elementary through high school age students and also served as a transitional counselor before becoming principal at Helen J. Stewart School

Although Alison Kasner has devoted a great deal of her life to education, what is perhaps most impressive about her is her dedication to special needs students. Helen J. Stewart School is a very special school within the Clark County School District that serves the educational needs of students between the ages of 6 and 22 who have significant mental and developmental challenges. The school's mission is to provide an education specifically tailored to the needs of its students so that all students have the opportunity to reach optimum development and become as self-sufficient as possible.

Alison first became acquainted with Stewart School and its mission after visiting the campus on a field trip her freshman year of high school. As a result of that experience, Alison volunteered at Helen J. Stewart throughout high school and remained involved with the school throughout her career. Since becoming principal of the school, Alison has served her students and her colleagues with vision, determination and a commitment to achieving excellence. Her compassion for others, her desire to serve and her enthusiasm for special education has made an indelible impact on our community.

Mr. Speaker, I am proud to honor Alison Kasner for her service as an educator and for her dedication to special needs students. Although she will certainly be missed at Helen J. Stewart School, I know that she will continue to contribute her time, talent, and perspective in ways that will benefit and enrich the world around her. I wish Alison the very best in her retirement and in all her future endeavors.

PROVIDING FOR CONSIDERATION OF H.R. 5684, UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT.

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. HOLT. Mr. Speaker, I oppose the Oman Free Trade Agreement (OFTA).

The Bush administration has again presented the Congress with a flawed trade agreement. I support vigorous international trade, but it should also be fair trade.

The inadequate labor provisions in this agreement are almost identical to those contained in the flawed Dominican Republic-Central American Free Trade Agreement (DR–CAFTA), which I opposed. After the contentious vote on DR–CAFTA, the United States Trade Representative said he would address the concerns we raised in future agreements. Unfortunately nothing has changed.

OFTA does little to improve the poor protection for workers in Oman. The labor provisions in this trade agreement are lackluster, and will be very hard to enforce. This trade agreement asks Oman only to meet the lowest possible dominator of labor law. We can and we must do better.

Currently, Oman labor laws do not provide for the freedom to associate or the rights to organize and bargain collectively, the most fundamental of workers rights. There are no protections for workers who want to strike in Oman, and there are no independent unions. Oman has said it will change, but it does not have to. These promises should be included as requirements in this agreement, not in unenforceable side letters.

As I have said before, international trade is not just inevitable, it is a good thing. It has enormous potential to raise standards across the globe, disseminate technology and encourage economic growth. But lowering the cost of goods and increasing their availability is not the single goal of trade. Trade should also lift the global standard of living. Trade agreements are not just about goods and commodities; they are also about what constitutes acceptable behavior in workers' rights, environmental matters, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them. Like the DR–CAFTA and Bahrain Free Trade Agreements, the Oman Free Trade Agreement does not pass these tests. The agreement before us fails both parties: it will not help either America's or Oman's workers.

Each new trade agreement entered into by the United States ought to be closely scrutinized, and ought to include the strongest enforceable worker rights and environmental safeguards attainable. We know how to craft such agreements, for example the U.S.-Jordan Agreement of 2000 was a fair and good agreement. Unfortunately, the Bush Administration has abandoned that successful format and pushed ahead with a trade policy that only looks at the bottom line, rather than the workers who produced the goods or the environment they live in and rely upon for sustainable growth.

We need to go back to the successful format that incorporates American values into our trade agreements. This would ensure that U.S. companies and employees are not forced to compete with countries that have no or weak labor laws, poor working conditions, and a willingness to debase the environment for the short term. The people of all countries lose in such a ''race to the bottom''.

Mr. Speaker, I cannot support OFTA or other flawed trade agreements.

PAYING TRIBUTE TO CHARLES KENNY LEAVITT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend for more than 20 years, Charles ''Charlie'' Leavitt. Charlie will be retiring from a career in general engineering contracting on August 15, 2006.

Charlie was born on ''the old Stewart Ranch'' in Las Vegas, Nevada, on August 24, 1942. His class of 1960 was Rancho High School's first graduating class. After graduation, he worked as a parking attendant for many of the hotel and casinos up and down the Las Vegas Strip, including the Stardust Hotel and the Dunes Hotel and Casino, which is now the Bellagio Hotel and Casino. He then went to work on the Virgin River Gorge Project as an engineer. This project provides a transportation route from Las Vegas, through Arizona, and into Utah.

In 1974, Charlie joined the Warrants Division of the Las Vegas Metropolitan Police Department and served until 1979. He then went to the Caesar's Palace Hotel and Casino as a doorman and parking attendant. After running the front of that hotel for many years, he, along with his brother and nephews, moved to the Tropicana Hotel to help with their failing parking situation.

After marrying the love of his life Margaret ''Peggy'' on March 16, 1984, he started his own excavation company called Charles K. Leavitt Excavation in 1987, now known as CLK Incorporated. CKL Inc. serves the Las Vegas, Henderson, and Boulder City areas.

Charlie is very active in the community, serving in the Sunrise Rotary, and has served in many leadership positions in the Church of

Jesus Christ of Latter-Day Saints. He is an avid and accomplished golfer, and has won the Boulder City Men's Club Tournament.

His greatest accomplishment is being the proud father of his four sons Michael Glen, Christopher Keoni, Glen Kaimi, and Charles Kelley. He also loves his daughters-in-law, Leanna and Rebecca. However, his greatest joy comes from spending time with his six grand-children Tommy (19), Connor (8), Garret (6), Olivia (4), Rory (3), Wyatt (2), and one on the way Delaney, who will be born in August.

Mr. Speaker, I am honored to recognize Charles Leavitt on the floor of the House. I commend him for his contributions to southern Nevada and congratulate him on his retirement.

EXPANDING HOMEOWNERSHIP ACT OF 2006

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5121. I hope that my colleagues will join me in voting for this bill to expand homeownership and the American Dream to our fellow Americans.

In my district of Houston, Texas, the U.S. Census Bureau reports that approximately 46 percent of housing units are owned by their inhabitants. This needs to change and it is our job in Congress to extend the opportunities of homeownership and the American Dream to all within our Nation.

I commend those of my colleagues that have brought this issue to the floor today and think it is fantastic that we are doing more to help those who wish to become homeowners by making the Federal Housing Administration more than a last resort. By including 100 percent financing for those wishing to purchase housing up to the median housing price, we address the needs of more Americans than before. In addition, giving attention to middle-income borrowers provides the FHA with additional funds to be able to help low-income borrowers as well.

This bill puts money in the system while helping our Nation's citizens become homeowners and I thank my colleagues for working so hard on a comprehensive solution to the lack of homeownership in areas of our country.

I look forward to seeing this bill passed and witnessing its positive impacts within my own community. I ask my colleagues to join me in supporting this important legislation to expand homeownership and extend the American Dream to all.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 27, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

9:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine recovery and reconstitution of critical networks relating to cyber security, focusing on immediate steps that Department of Homeland Security and the private sector can take to formalize a partnership and to ensure effective response and recovery to major cyber network disruption.
SD–342

JULY 31

3 p.m.
Foreign Relations
To hold hearings to examine the nomination of Mark R. Dybul, of Florida, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador.
SD–419

AUGUST 1

9 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, focusing on case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, and Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor; to be followed by a business meeting to consider pending nominations.
SD–430

2 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

2:15 p.m.
Foreign Relations
Business meeting to consider Treaty Between the United States and the Oriental Republic Of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar Del Plata, Argentina, on November 4, 2005 (Treaty Doc. 109–9), United Nations Convention Against Corruption (the ''Corruption Convention''), adopted by the United Nations General Assembly on October 31, 2003 (Treaty Doc. 109–6), and the nominations of Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia, Christina B. Rocca, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament, and a Foreign Service Officer Promotion List.
S–116, Capitol

2:30 p.m.
Armed Services
To hold hearings to examine the Boeing Company Global Settlement Agreement.
SH–216

Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold hearings to examine interpreting the effect of the U.S. Supreme Court's recent decision in the joint cases of Rapanos v. United States and Carabell v. U.S. Army Corps of Engineers on ''The Waters of the United States''.
SD–406

AUGUST 2

9 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine H.R. 4200, to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests.
SR–328A

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine the Toxic Substances Control Act and the chemicals management program at Environmental Protection Agency.
SD–406

Judiciary
To hold hearings to examine the authority to prosecute terrorists under the war crime provisions of Title 18.
SD–226

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the status of Iraq construction, focusing on contracting and procurement issues.
SD–342

11:30 a.m.
Energy and Natural Resources
Business meeting to consider the nominations of John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission, and other pending calendar business.
SD–628

2:30 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine creating a fair standard for attorney's fee awards in establishment clause cases.
SD–226

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine efforts to meet the housing needs of veterans.
SD–538

AUGUST 3

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 2589, to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain.
SD–628

POSTPONEMENTS

AUGUST 1

9:30 a.m.
Judiciary
To hold hearings to examine the Thompson Memorandum's effect on the right to counsel in corporate investigations.
SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8211–S8328

Measures Introduced: Fourteen bills were introduced, as follows: S. 3731–3744. **Pages S8269–70**

Measures Reported:

H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute. (S. Rept. No. 109–293)

S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act. (S. Rept. No. 109–294)

Report to accompany S. 2703, to amend the Voting Rights Act of 1965. (S. Rept. No. 109–295)

Page S8269

Measures Passed:

Temporary Assistance Program: Senate passed H.R. 5865, to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, after agreeing to the following amendment proposed thereto:

Pages S8216–17

Martinez (for Grassley/Baucus) Amendment No. 4695, in the nature of a substitute. **Page S8217**

Burmese Import Restriction Renewal: Senate passed H.J. Res. 86, Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, clearing the measure for the President. **Pages S8217–22**

Foreign Investment and National Security Act: Senate passed S. 3549, to amend the Defense Production Act of 1950 to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional Oversight with respect thereto, after agreeing to the following amendment proposed thereto:

Pages S8317–21

Shelby Amendment No. 4703, to make certain revisions to the bill. **Pages S8318–21**

Lebanon Evacuation Funding Authority: Senate passed S. 3741, to provide funding authority to facilitate the evacuation of persons from Lebanon.

Page S8321

Carl D. Perkins Career and Technical Education Improvement Act—Conference Report: Senate agreed to the conference report to accompany S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

Pages S8321–28

Gulf of Mexico Energy Security Act: Senate resumed consideration of the motion to proceed to consideration of S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico. **Pages S8211–16, S8222–55**

During consideration of this measure today, Senate also took the following action:

By 86 yeas to 12 nays (Vote No. 217), 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 motion to proceed to consideration of the bill. **Pages S8215–16**

A unanimous-consent agreement was reached providing that following the opening remarks of the Majority and Democratic Leaders on Thursday, July 27, 2006, the motion to proceed be agreed to and the Senate begin consideration of the bill. **Page S8328**

Nominations Confirmed: Senate confirmed the following nominations:

James Lambright, of Missouri, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education.

Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013.

Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009.

Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years.

3 Coast Guard nominations in the rank of admiral. **Page S8328**

Messages From the House: **Page S8266**

Measures Referred: **Pages S8266–67**

Enrolled Bills Presented: **Page S8267**

Petitions and Memorials: **Pages S8267–69**

Additional Cosponsors: **Pages S8270–71**

Statements on Introduced Bills/Resolutions: **Pages S8271–82**

Additional Statements: **Pages S8262–66**

Amendments Submitted: **Pages S8282–S8317**

Authorities for Committees to Meet: **Page S8317**

Privileges of the Floor: **Page S8317**

Record Votes: One record vote was taken today. (Total—217) **Pages S8215–16**

Recess: Senate convened at 9 a.m., and recessed at 7:23 p.m., until 9:30 a.m., on Thursday, July 27, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8328.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission, who was introduced by Senator Harkin; Nancy Montanez-Johner, of Nebraska, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, who was introduced by Senator Nelson (NE); Margo M. McKay, of Virginia, to be an Assistant Secretary of Agriculture for Civil Rights, who was introduced by Senator Allen; and Bruce I. Knight, of South Dakota, to be Under Secretary of Agriculture for Marketing and Regulatory Programs, and to be a Member of the Board of Directors of the Commodity Credit Corporation, who was introduced by Senator Thune, after the nominees testified and answered questions in their own behalf.

TAX GAP

Committee on Finance: Subcommittee on Taxation and IRS (Internal Revenue Service) Oversight held a hearing to examine the size and sources of the tax gap, which is the difference between the amount of tax imposed on taxpayers for a given year and the amount that is paid voluntarily and timely, receiving testimony from Mark J. Mazur, Director, Research, Analysis, and Statistics, IRS, J. Russell George, Inspector General for Tax Administration, and Raymond T. Wagner, Jr., Chairman, IRS Oversight Board, all of the Department of the Treasury; Nina E. Olson, National Taxpayer Advocate Service; and Michael Brostek, Director, Tax Issues, Strategic Issues Team, Government Accounting Office.

Hearing recessed subject to the call.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Philip S. Goldberg, of Massachusetts, to be Ambassador to the Republic of Bolivia, after the nominee testified and answered questions in his own behalf.

INTELLECTUAL PROPERTY RIGHTS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine a progress report on protecting and enforcing intellectual property rights here and abroad, focusing on the Administration's Strategy Targeting Organized Piracy (STOP!) and the extent to which it has been effective in educating businesses about the issues related to conducting business in the global economy, the progress made since the appointment of the IP Coordinator last July, and explore if the STOP! initiative has identified effective human capital and strategic plans to build on the existing program, and if it has the necessary resources required to complete its mission, after receiving testimony from Chris Israel, Coordinator for International Intellectual Property Enforcement, and Stephen M. Pinkos, Deputy Under Secretary for Intellectual Property, and

Deputy Director, U.S. Patent and Trademark Office, both of the Department of Commerce; Arif Alikhan, Vice Chairman, Taskforce on Intellectual Property, and Deputy Director, National Intellectual Property Law Enforcement Coordination Council, Department of Justice; Loren Yager, Director, International Affairs and Trade, Government Accountability Office; and Anthony C. LaPlaca, Bendix Commercial Vehicle Systems, LLC, Elyria, Ohio.

FISA FOR THE 21ST CENTURY

Committee on the Judiciary: Committee concluded a hearing to examine the current and future status of the Foreign Intelligence Surveillance Act which prescribes procedures for requesting judicial authorization for electronic surveillance and physical search of persons engaged in espionage or international terrorism against the United States on behalf of a foreign power, and related measures S. 2453, to establish procedures for the review of electronic surveillance programs, and S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, after receiving testimony from General Michael V. Hayden, Director, Central Intelligence Agency; Lieutenant General Keith B. Alexander, Director, National Security Agency, Chief, Central Security Service; Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice; H. Bryan Cunningham, Morgan and Cunningham, LLC, Denver, Colorado; James X. Dempsey, Center for Democracy and Technology, and Mary B. DeRosa, Johns Hopkins Center for Strategic and International Studies Technology and Public Policy Program, both of Washington, D.C.; and John Schmidt, Mayer, Brown, Rowe, and Maw, LLP, Chicago, Illinois.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 5889–5914; and 9 resolutions, H. Con. Res. 454–456; and H.Res. 949–950, 953–956 were introduced. **Pages H5952–54**

Additional Cosponsors: **Page H5954**

Reports Filed: Reports were filed today as follows:

H.R. 5830, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas (H. Rept. 109–600, Pt. 1);

H.R. 4157, to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology, with amendments (H. Rept. 109–601, Pt. 1); and

H.R. 4157, to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology, with an amendment (H. Rept. 109–601, Pt. 2);

H. Res. 951, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–602); and

H. Res. 952, providing for consideration of H.R. 4157, to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology (H. Rept. 109–603). **Page H5952**

Speaker: Read a letter from the Speaker wherein he appointed Representative Price of Georgia to act as Speaker pro tempore for today. **Page H5857**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Richard K. Barnard, Rector, The Chapel of the Cross, Dallas, Texas. **Page H5857**

Recess: The House recessed at 10:06 a.m. for the purpose of receiving His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq. The House reconvened at 12:15 p.m., and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Page H5858**

Joint Meeting to receive His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq: The House and Senate met in a joint session to receive His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq. He was escorted into the Chamber by a committee comprised of Representatives Blunt, Pryce of Ohio, Hunter, Ros-Lehtinen, Hoekstra, Pelosi, Hoyer, Clyburn, Larson

of Connecticut, and Lantos; and Senators Frist, McConnell, Stevens, Santorum, Hutchison, Kyl, Dole, Burns, Reid, and Durbin. **Pages H5858–60**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Reform of National Security Reviews of Foreign Direct Investments Act: H.R. 5337, amended, to ensure national security while promoting 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, by a (2/3) yea-and-nay vote of 424 yeas with none voting ''nay'', Roll No. 404; **Pages H5863–73, H5899–H5900**

United States-Israel Energy Cooperation Act: H.R. 2730, amended, to establish a grant program to fund eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board; **Pages H5874–78**

Agreed to amend the title so as to read: ''To authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.''. **Page H5878**

Fuel Consumption Education Act: H.R. 5611, amended, to provide for the establishment of a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign; **Pages H5878–83**

Agreed to amend the title so as to read: ''To authorize a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes.''. **Page H5883**

Deleting Online Predators Act of 2006: H.R. 5319, amended, to amend the Communications Act of 1934 to require recipients of universal service support for schools and libraries to protect minors from commercial social networking websites and chat rooms, by a (2/3) yea-and-nay vote of 410 yeas to 15 nays, Roll No. 405; **Pages H5883–89, H5900**

Expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established: H. Res. 928, to express the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established; **Pages H5889–94**

Providing for a correction to the enrollment of S. 203: H. Con. Res. 456, to provide for a correction to the enrollment of S. 203; **Pages H5901–02**

Expressing the sense of Congress that the Government of Venezuela should actively support strategies for ensuring secure airport facilities that meet international certifications to prevent trafficking of controlled substances, narcotics, and laundered money: H. Con. Res. 400, amended, to express the sense of Congress that the Government of Venezuela should actively support strategies for ensuring secure airport facilities that meet international certifications to prevent trafficking of controlled substances, narcotics, and laundered money; and **Pages H5930–36**

Amending the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006: H.R. 5877, to amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006. **Pages H5936–37**

Suspensions—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration of the measure is expected to resume tomorrow, Thursday, July 27th:

Congratulating the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine: H. Res. 844, amended, to congratulate the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine. **Pages H5937–39**

Amending section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries: The House agreed by unanimous consent to agree with the Senate amendment and pass H.R. 5865, to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries—clearing the measure for the President. **Page H5902**

United States and India Nuclear Cooperation Promotion Act of 2006: The House passed H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, by a yea and nay vote of 359 yeas to 68 nays, Roll No. 411. **Pages H5894–99, H5902–30**

Rejected the Markey motion to recommit the bill to the Committee on International Relations with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of

192 ayes to 235 noes, Roll No. 410, after ordering the previous question without objection.

Pages H5928–30

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by the amendment printed in part A of the report, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. **Page H5915**

Rejected the Obey motion that the Committee rise and strike the enacting clause by voice vote.

Pages H5917–18

Agreed to:

Royce amendment (No. 1 printed in part B of H. Rept. 109–599) modified, to make technical and conforming changes to the text and also removes an amendment adopted during the full committee markup relating to subsection 4(b)(7); **Pages H5981–19**

Jackson-Lee of Texas amendment (No. 3 printed in part B of H. Rept. 109–599) expresses the sense of Congress declaring the importance of the South Asia region and urging the continuation of the United States' policy of engagement, collaboration, and exchanges with and between India and Pakistan;

Pages H5920–22

Fortenberry amendment (No. 6 printed in part B of H. Rept. 109–599) modified, to provide Congress with the ability to assess, to the extent possible, whether annual levels of India's nuclear fissile production may imply a possible violation of Article I of the Nuclear Nonproliferation Treaty; and

Pages H5924–25

Stearns amendment (No. 2 printed in part B of H. Rept. 109–599) to reinforce the intent of Congress that the nuclear cooperation into which the governments of the United States and India would enter is for peaceful, productive purposes, not military (by a recorded vote of 414 ayes with none voting "noe", Roll No. 407). **Pages H5919–20, H5926**

Rejected:

Sherman amendment (No. 4 printed in part B of H. Rept. 109–599) which sought to require that, before any nuclear cooperation with India can go forward, and every year thereafter, the President must certify that during the preceding year India has not increased the level of domestic uranium it sends through its weapons program. Baseline for the determination under the amendment is the 365 day period preceding the July 18, 2005 Bush-Singh declaration on nuclear cooperation (by a recorded vote of 155 ayes to 268 noes, Roll No. 408); and

Pages H5922–23, H5926–27

Berman amendment (No. 5 printed in part B of H. Rept. 109–599) that sought to restrict exports of uranium and other types of nuclear reactor fuel (defined as "source material" and "special nuclear material" in the Atomic Energy Act of 1954) to India until the President determines that India has halted the production of fissile material (i.e. plutonium and highly enriched uranium) for use in nuclear weapons (by a recorded vote of 184 ayes to 241 noes, Roll No. 409). **Pages H5923–24, H5927**

H. Res. 947, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 311 yeas to 112 nays, Roll No. 406, after agreeing to order the previous question. **Pages H5900–01**

Late Report: Agreed that the Committee on Financial Services have until 5 p.m. on Friday, August 11, 2006 to file a report on H.R. 5637, to streamline the regulation of nonadmitted insurance and reinsurance. **Page H5930**

Summer District Work Period: The House completed debate on H. Con. Res. 454, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. Further consideration is expected to resume tomorrow, Thursday, July 27th. **Pages H5873–74**

Senate Messages: Messages received from the Senate today appear on pages H5860, H5902.

Senate Referrals: S. 3549 was referred to the Committees on Financial Services, International Relations, and Energy and Commerce. **Page H5950**

Quorum Calls—Votes: Three yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H5899–H5900, H5900, H5900–01, H5926, H5926–27, H5927, H5929–30, H5930. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at midnight.

Committee Meetings

MILITARY COMMISSIONS AND TRIBUNALS STANDARDS

Committee on Armed Services: Held a hearing on standards of military commissions and tribunals. Testimony was heard from Jennifer Elsea, Legislative Attorney, American Law Division, CRS, Congressional Research Service, Library of Congress; and public witnesses

NUCLEAR MATERIAL DISPOSITION

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on plutonium disposition and the U.S. Mixed Oxide Fuel Facility. Testimony

was heard from the following officials of the Department of Energy: Ambassador Linton F. Brooks, Administrator, National Nuclear Security Administration; and Charles Anderson, Principle Deputy Assistant Secretary, Office of Environmental Management; Ambassador Michael Guhin, Fissile Materials Negotiator, Department of State; and a public witness.

ENGLISH AS THE OFFICIAL LANGUAGE—EXAMINING VIEWS

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on Examining Views on English as the Official Language. Testimony was heard from Senator Paul McKinley, General Assembly, State of Iowa; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 4583, amended, Wool Suit Fabric Labeling Fairness and International Standards Conforming Act; H.R. 1078, amended, Social Security Number Protection Act of 2005; and H.R. 5863, To authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under the Toxic Substances Control Act.

SILICOSIS STORY

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations held a hearing on the Silicosis Story: Mass Tort Screening and the Public Health. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following bills: H.R. 5503, FHA Multifamily Loan Limit Adjustment Act of 2006; H.R. 5851, Hawaiian Ownership Opportunity Act; and H.R. 5637, amended, Nonadmitted and Reinsurance Reform Act of 2006.

PRESCRIPTION DRUG ABUSE

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''Prescription Drug Abuse: What is Being Done to Address this New Drug Epidemic.'' Testimony was heard from Bertha Madras, Deputy Director, Demand Reduction, Office of National Drug Policy; the following officials of the Department of Health and Human Services: Nora D. Volkow, M.D., Director, National Institute on Drug Abuse, NIH; and Sandra Kweder, M.D., Deputy Director, Office of New Drugs, Center for Drug Evaluation and Review, FDA; Joe Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of the Judiciary; and public witnesses.

FOIA IMPLEMENTATION

Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled ''Implementing FOIA—Does the Administration's Executive Order Improve Processing?'' Testimony was heard from Senators Cornyn and Leahy; Representative Sherman; Dan Metcalfe, Director, Office of Information and Privacy, Department of Justice; Linda Koontz, Director, Information Management Issues, GAO; and public witnesses.

PUBLIC HEALTH DISASTERS PREPAREDNESS

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science and Technology held a hearing entitled ''Emergency Care Crisis: A Nation Unprepared for Public Health Disasters.'' Testimony was heard from public witnesses.

REGIONAL IMMIGRATION CRISIS

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on Immigration: Responding to a Regional Crisis. Testimony was heard from Crescenio Arcos, Assistant Secretary, Office of International Affairs, Office of Policy, Department of Homeland Security; the following officials of the Department of State: Elizabeth A. Whitaker, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; and Mark Silverman, Principal Deputy Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development; and public witnesses.

MISCELLANEOUS MEASURES; COMMITTEE BUSINESS; ISSUANCE OF A SUBPOENA

Committee on the Judiciary: to continue mark up of H.R. 1704, Second Chance Act of 2005; and to mark up the following bills: H.R. 2679, Public Expression of Religion Act of 2005; H.R. 5092, Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act of 2006; H.R. 5005, Firearms Corrections and Improvements Act; H.R. 1384, Firearm Commerce Modernization Act; and H.R. 1415, NICS Improvement Act of 2005.

The Committee also approved the following motions: Establishing a Special Investigative Task Force of the Committee for the consideration of H. Res. 916, Impeaching Manuel L. Real, judge of the United States District Court for the Central District of California, for high crimes and misdemeanors; and to authorize the issuance of a subpoena to Elaine L. Chao, Secretary of Labor.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 479, amended, To replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–095 in Walton County, Florida; H.R. 4893, amended, To amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming; H.R. 5861, amended, To amend the National Historic Presevation Act; and S. 1773, Pueblo de San Llidefonso Claims Settlement Act of 2005.

HEALTH INFORMATION TECHNOLOGY PROMOTION ACT OF 2005

Committee on Rules: Granted, by a vote of 9 to 4, a structured rule providing one hour of general debate on H.R. 4157, to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology, with 35 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 25 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendments recommended by the Committees on Energy and Commerce and Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in part A of the Rules Committee report accompanying the resolution, modified by the amendment printed in Part B of the report, shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. The rule waives all points of order against provisions in the bill as amended. The rule makes in order only those further amendments printed in part C of the Rules Committee report. The rule provides that the amendments printed in part C of the report may be offered only in the order printed in the report, may be offered only be a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments in the Rules Committee report. The rule provides one motion to recommit with or without instructions. The rule provides that after passage of H.R. 4157, it shall be in order to consider in the House S. 1418. The rule waives all points of order against the Senate bill and against its consideration. The rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4157 as passed by the House. The rule waives all points of order against that motion. The rule provides that if the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1418 and request a conference with the Senate thereon. Finally, the rule provides that H. Res. 924 is laid on the table. Testimony was heard from Chairman Barton, Representatives Wilson of South Carolina, Gingrey, McMorris, Price of Georgia, Pallone, Markey, Towns, Wynn, Jackson of Illinois, Kennedy of Rhode Island, and Christensen.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of July 27, 2006, providing for consideration or disposition of any of the following measures: (1) a conference report to accompany the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; (2) a bill 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, to repeal the sunset provision for the estate and generation-skipping taxes, and to extend expiring provisions, and for other purposes.

GOVERNMENT EFFICIENCY ACT OF 2006

Committee on Rules: Testimony was heard from Chairman Davis (VA), Representatives Boehlert, Tiahrt, and Weiner, but action was deferred on H.R. 5766, Government Efficiency Act of 2006.

OVERSIGHT—NATIONAL DAM SAFETY PROGRAM ACT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on proposed amendments to and reauthorization of the National Dam Safety Program Act. Testimony was heard from David I. Maurstad, Director, Mitigation Division and Federal Insurance Administrator, FEMA, Department of Homeland Security;

Steven L. Stockton, Deputy Director, Civil Works, U.S. Army Corps of Engineers; Ruth A. Moore, Deputy Commissioner, Natural Resources and Water Quality, Department of Environmental Conservation, State of New York; and public witnesses.

IMPACTS OF BORDER SECURITY AND IMMIGRATION ON WAYS AND MEANS PROGRAMS

Committee on Ways and Means: Held a hearing on Impacts of Border Security and Immigration on Ways and Means Programs. Testimony was heard from the following officials of the Department of Health and Human Services: Wade F. Horn, Assistant Secretary, Children and Families; and Thomas A. Gustafson, Deputy Director, Centers for Medicare and Medicaid Services; Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Reform, Department of Homeland Security; Mark W. Emerson, Commissioner, IRS, Department of the Treasury; Jo Anne B. Barnhart, Commissioner, SSA; and public witnesses.

INTELLIGENCE COMMUNITY ACQUISITION REFORM

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Intelligence Community Acquisition Reform. Testimony was heard from departmental witnesess.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 838)*

S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention. Signed on July 26, 2006. (Public Law 109–245)

COMMITTEE MEETINGS FOR THURSDAY, JULY 27, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold an oversight hearing to examine the Department of Agriculture's use of technical service providers, 10 a.m., SR–328A.

Committee on Armed Services: to hold hearings to examine the nomination of Lieutenant General James T. Conway, USMC, for appointment to the grade of general and to be Commandant of the Marine Corps, 10 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold a hearing to examine pending nominations, 11 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California, S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects, H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Austin, Texas, and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine a path forward for the nation's emergency preparedness and response system relating to the Stafford Act, 9:30 a.m., SD–406.

Committee on Finance: business meeting to consider proposed legislation implementing the U.S.-Peru Trade Promotion Agreement, and S. 3495, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be the U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005, 9:30 a.m., SH–216.

Full Committee, to hold hearings to examine the nominations of Richard W. Graber, of Wisconsin, to be Ambassador to the Czech Republic, and Karen B. Stewart, of Florida, to be Ambassador to the Republic of Belarus, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine S. 3128, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 1838, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, S. 3721, to amend the Homeland Security Act of

2002 to establish the United States Emergency Management Authority, S. 2590, to require full disclosure of all entities and organizations receiving Federal funds, S. 3613, to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the ''Major George Quamo Post Office Building'', H.R. 4246, to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building'', H.R. 4962, to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building'', H.R. 5104, to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the ''Morris W. Milton Post Office'', H.R. 5169, to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the ''Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office'', H.R. 5540, to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the ''Sergeant Jacob Dan Dones Post Office'', H.R. 4646, to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the ''Coach John Wooden Post Office Building'', S. 2555, to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building'', S. 2719 and H.R. 5107, bills to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the ''Earl D. Hutto Post Office Building'', H.R. 4811, to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the ''John Paul Hammerschmidt Post Office Building'', and the nominations of Paul A. Denett, of Virginia, to be Administrator for Federal Procurement Policy, Anna Blackburne-Rigsby, to be Associate Judge of the District of Columbia Court of Appeals, Phyllis D. Thompson, to be Associate Judge of the District of Columbia Court of Appeals, Jennifer M. Anderson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and Mickey D. Barnett, of New Mexico, Katherine C. Tobin, of New York, and Ellen C. Williams, of Kentucky, each to be a Governor of the United States Postal Service, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine the Health Resources and Services Administration financial management of its budget in carrying out its mission to increase access to and quality of health care, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider the nominations of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, Frances Marie Tydingco-Gatewood, to be Judge for the District Court of Guam, and Steven G. Bradbury, of Maryland, to be Assistant Attorney General for the Office of Legal Counsel, and R. Alexander Acosta, to be United States Attorney for the Southern District of Florida, both of the Department of Justice, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 1845, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, S. 2679, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and other committee matters, 10:45 a.m., SD–226.

Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine detecting smuggled nuclear weapons, 2:30 p.m., SD–226.

Committee on Small Business and Entrepreneurship: business meeting to mark up an original bill to reauthorize the Small Business Administration, 10 a.m., SR–428A.

Committee on Veterans' Affairs: business meeting to consider the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary for Congressional Affairs, both of the Department of Veterans Affairs, Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary of Veterans Affairs for Congressional Affairs, 10 a.m., SR–418.

Select Committee on Intelligence: to hold closed hearings to examine the nomination of Randall M. Fort, of Virginia, to be an Assistant Secretary of State for Intelligence and Research, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine at home DNA tests, focusing on whether these should be considered a marketing scam or a medical breakthrough, 10 a.m., SD–106.

House

Committee on Agriculture, hearing and markup of H.R. 503, To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption; and to consider H.R. 3849, PIC and POPs Conventions and the LRTAP POPs Protocol Implementation Act.

Subcommittee on Conservation, Credit, Rural Development, and Research, hearing to review Conservation Issues, 1 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Homeland Security, hearing on Border Security and Immigration Enforcement, 10 a.m., 2359 Rayburn.

Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, hearing on the Census, 9:30 a.m., H–309 Capitol.

Committee on Education and the Workforce, hearing on No Child Left Behind: Can Growth Models Ensure Improved Education for All Students, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health to continue hearings on How to Build a Payment System that Provides Quality, Efficient Care for Medicare Beneficiaries. Testimony was heard from

Subcommittee on Energy and Air Quality, hearing on the following: Pipeline Safety Improvement Act Reauthorization; and H.R. 5872, Pipeline Safety Improvement Act of 2006, 11 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings entitled ''Questions Surrounding the 'Hockey Stick' Temperature Studies: Implications for Climate Change Assessments,'' 2 p.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled ''Review of the Repatriation of Holocaust Art Assets in the United States,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''Code Yellow: Is The DHS Acquisition Bureaucracy a Formula for Disaster?'' 10 a.m., 2154 Rayburn.

Subcommittee on Energy and Resources, hearing entitled ''Royalty Relief and Price Thresholds III,'' 2 p.m., 2154 Rayburn.

Committee on Homeland Security, to mark up H.R. 5695, Chemical Facility Anti-Terrorism Act of 2006, 10 a.m., 210 Cannon.

Committee on House Administration, to mark up H.R. 2134, Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2005; followed by an oversight hearing on the Library of Congress.

Committee on International Relations, Subcommittee on Africa, Human Rights and International Operations, hearing to Review the Progress and Charting the Path Ahead: the Microenterprise Results and Accountability Act of 2004, 2 p.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing on the Report of the Commission for Assistance to a Free Cuba, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 5055, To amend title 17, United States Code, to provide protection for fashion design, 9 a.m., and to mark up H.R. 5418, To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges, 10:30 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security and Claims, oversight hearing on Whether Attempted Implementation of the Senate Immigration Bill Will Result in an Administrative and National Security Nightmare, 11:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, oversight hearing to Examine Atlantic Striped Bass Conservation and Management, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 5760, Giant Sequoia National Monument Transition Act of 2006; H.R. 5149, Eastern Sierra Rural Heritage and Economic Enhancement Act; H.R. 4784, Eugene Land Conveyance Act; H.R. 4235, Browns Canyon Wilderness Act; H.R. 2718, Idaho Land Enhancement Act; H.R. 2039, and S. 225, Federal Land Recreational Visitor Protection Act of 2005, 1334 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 630, To authorize the Secretary of the Interior to convey certain Federal lands to the City of Yuma, Arizona, in exchange for certain lands owned by the City of Yuma, Arizona; H.R. 5666, Southern Idaho Bureau of Reclamation Act of 2006; H.R. 5796, To direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and S. 895, Rural Water Supply Act of 2005, 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Environment, Technology and Standards, hearing on Undersea Research and Ocean Exploration: H.R. 3835, National Ocean Exploration Program Act, 2 p.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on Emergency Care, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates/Hotspots, 9 a.m., H–405 Capitol.

Hearing on FISA legislation, 1 p.m., 2212 Rayburn.

Subcommittee on Intelligence Policy, executive, hearing on U.S.-Russian Strategic Considerations, 4 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine how the United States Government can live up to its commitment to promote human rights and democratic governance in Russia while preserving a relationship with Moscow, 1 p.m., SD–562.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 27

Senate Chamber

Program for Thursday: Senate will begin consideration of S. 3711, Gulf of Mexico Energy Security Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 27

House Chamber

Program for Thursday: Consideration of H.R. 4157—Health Information Technology Promotion Act of 2005 (Subject to a Rule); and H.R. 5766—Government Efficiency Act of 2006 (Subject to a Rule). Rolled Vote on George Miller Motion to Instruct Conferees on H.R. 2830—Pension Protection Act of 2005.

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