United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MAY 3, 2005 No. 56

Senate

The Senate was not in session today. Its next meeting will be held on Monday, May 9, 2005, at 2 p.m.

House of Representatives

TUESDAY, MAY 3, 2005

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 3, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

SOCIAL SECURITY WILL NOT GO BANKRUPT

Mr. DEFAZIO. Mr. Speaker, well, last week the President finally revealed a few more specifics about the direction he wants to take to deal with the potential, possible, future funding shortfalls in Social Security. He used some unfortunate verbiage. He said Social Security will be bankrupt in 2041. It will not be bankrupt; it will pay 75 percent of promised benefits under very conservative economic assumptions into the indefinite future, or 2053 if we use the estimates of the Republican Congressional Budget Office. So it would not be bankrupt in any sense.

But he did talk about the possibility there could be a shortfall in Social Security starting 40 or 50 years from today. That is progress that he is beginning to talk about that problem. He actually offered a solution, for once. His privatization plan he has admitted would in fact make Social Security's finances worse, has nothing to do with dealing with the future possible potential shortfalls in the Social Security trust fund, the program as we know it today. He said, finally, let us talk about how we might get there.

He cloaked benefit cuts in a veneer in high-falutin rhetoric. He called it progressive indexing of wages. What he is talking about is benefit cuts. Who would pay the benefit cuts? Let us take someone who is 22 years old, graduated from college last year. They are a public schoolteacher. They are going to work the next 40 years as a public schoolteacher and hope to retire in their 60s with a Social Security benefit. If they earn $36,000 average over their lifetime, their benefits would be cut by 16 percent, $3,000 a year. Their proposed benefit would go from $19,800 down to $16,500. These are calculations of the Social Security actuaries of the President's proposed cuts.

Now let us say that young person graduating from college is going to become an entrepreneur, small business person and do pretty well with a truly small business, and they average $58,000 a year throughout their lifetime. What would the President do to them? He would cut their Social Security benefit from $26,000 to $19,800 which would be a 25-percent cut which they could get if Social Security went, under the President's words, bankrupt. That is if Congress did nothing and Social Security had a shortfall starting 40 or 50 years from today. Under the worst-case scenario, that person would get the same. But the President wants to guarantee a cut in that person's benefits. Remember, this does not have anything to do with the President's privatization plan which would further undermine the finances of Social Security and accelerate the date of what the President calls bankruptcy, others call trust fund exhaustion, I call benefit reductions.

The funny thing is that half of the American people pay more in taxes to Social Security than Federal income taxes. They have a lot invested in this program, and they would like to see the benefits when they retire.

Now, it is a little different for rich people. Let us take the President on his modest $400,000 which is a lot less than he earns from his private investments. Let us just take his salary and pretend that is all he has. He stopped paying Social Security taxes on the morning of March 24. That American

Printed on recycled paper.

that earns $36,000 or $58,000 or even $90,000 pays Social Security tax every day of the year, this year, with the expectation they will get a benefit; but not so for people who earn more, $90,000, including Members of Congress. When income hits $90,000, the tax goes away. The President stopped paying on March 24, and he wants to cut the benefits of people who pay that tax every day this year, many of them a bigger tax than they pay to the Federal Government under income taxes, particularly low-income people.

Let us take some other friends of the President. The heads of Viacom, Tom Freston and Les Moonves, they stopped paying the Social Security tax at 4 a.m. on January 2 because they earn $77,000 a day. So at 4 a.m. on January 2, their obligations to Social Security went away. Despite their huge $20 million salary, they will pay one one-thousandth of 1 percent of their salary to Social Security, but working Americans are going to pay 6.2 percent of every paycheck and self-employed will pay 12.4 percent of every paycheck, and the President wants to cut their benefits. But he does not want to cut the tax cuts for Mr. Moonves or Mr. Freston, and he does not want to cut the tax cuts for himself.

There is a better way to solve the Social Security problem, and I will talk about that another day.

CONSTITUTION OPTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. CHABOT) is recognized during morning hour debates for 5 minutes.

Mr. CHABOT. Mr. Speaker, for several years now, President Bush's judicial nominees have been filibustered, including those who would fill four vacancies in the Sixth Circuit Court of Appeals located in my district in Cincinnati, Ohio. This is unprecedented.

Some would have us believe blocking judicial nominations is a long and revered tradition. Nothing could be further from the truth. Never before have judicial nominees with clear majority support been denied the courtesy of an up-or-down vote. Not once.

The filibuster is not part of the Constitution. It is not even part of the old Senate rules. While it is a useful tool when considering legislation, and should remain as such, we cannot allow filibustering of judicial nominations. Each time a nominee is denied an up-or-down vote, the impact is vast. Not only is our Federal judiciary weakened, but our Constitution becomes more vulnerable; and as chairman of the Subcommittee on the Constitution, let me emphasize that these actions are unprecedented and should be abhorrent to those of us who are bound by oath to uphold our country's most sacred document, the United States Constitution.

ASTHMA AWARENESS DAY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, tomorrow is Asthma Awareness Day. I rise to celebrate the October 2003 enacted Asthmatic Students Treatment and Health Management Act, ASTHMA. It is now Public Law 108–377 and was H.R. 2023 in the House and the Senate bill was S. 2815. I introduced this with the gentleman from Rhode Island (Mr. KENNEDY), and Senator ENZI and Senator KENNEDY carried the mantle there.

Mr. Speaker, this law provides incentives for States to pass favorable laws that guarantee that students can carry and use prescribed medicine and anaphylaxis medications while in school. It is not a mandate, and incurs no new spending. The idea has been germinating since the early 1990s and has been building momentum since.

On Asthma Awareness Day, May 7, 2003, there were only 20 asthma-friendly States in our United States. Even more limiting, of these 20, only nine extended that protection even further to anaphylaxis medication like epinephrine auto-injectors. Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, we have a strong number of 41 States protecting for asthma, 26 for asthma plus anaphylaxis, and four have legislation pending for both conditions. Four that have asthma laws have legislation pending for anaphylaxis, and there is one State just getting started and has legislation that is pending for asthma anaphylaxis-carrying students.

Mr. Speaker, this is a dramatic upswing for our children. I am especially proud to report what is going on in Florida. Florida has been an inhaler-friendly State for years, but now there is legislation pending to include epinephrine auto-injectors.

My friend and constituent, Dr. Karl Altenberger, an allergist in Ocala, Florida, has been active in advancing this for his patients in the Florida State legislature. He is to be commended. This bill passed last week and is ready for the Governor's signature.

Just yesterday, the Orlando Sentinel reported ''Girl fights for allergy law as lives depend on it.'' In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. ''Severely allergic to peanuts, she has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in classrooms, on field trips, and during school activities. Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida school children with life-threatening allergies the same access to this EpiPen.

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors urging them to pass the bill. We might call Kelsey a true respiration inspiration. She shares a quote, ''My mom told me in some schools, there are children like myself who need the EpiPen with them, but it is locked far away in the clinic.'' She told the committee that if someone needed their EpiPen, it might not get to them in time.

Kelsey's charisma and dedication led legislators in Tallahassee to rename H.B. 279 the Kelsey Ryan Act. More than 60 State legislators cosponsored the bill which the House passed earlier this month 114 to 0. The Senate passed it last week, and it is on the desk of Governor Jeb Bush.

Brenda Olson, director of governmental affairs for the American Lung Association of Florida points out that ''most schools in Florida do not allow students to carry the EpiPen.'' As we have been saying for years, ''Moments count when these reactions start.''

Kelsey's mother, Blair Ryan, emphasized another point we made in our bill, H.R. 2023, that this is a team effort between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, a school should not impede this medical regimen, but help it work for the student.

Currently, school districts across Florida have different policies on this matter, and some may well not serve a student who just accidentally got stung by a bee or ate a cookie with an unknown walnut. Officials in Volusia and Orange counties said the majority of EpiPen are kept locked in school clinics. This is disastrous for the student's health and potentially a lawsuit on the school.

In conclusion, I am pleased with the strong progress on this issue here in our Nation's Capitol and in the State houses. I invite everyone to join us in the Cannon Caucus Room tomorrow at 11:30 a.m. for a congressional briefing followed by free asthma screenings and asthma health clinics and exhibits from 1 to 3:30 p.m. This year, Asthma Awareness Day is truly a breath of fresh air.

Mr. Speaker, tomorrow, is Asthma Awareness Day and I rise to celebrate the October 2003-enacted Asthmatic Students Treatment and Health Management Act (ASTHMA). What is now P.l. 108–377, and was H.R. 2023 in the House and S. 2815 in the Senate, I had introduced on 2003's Asthma Awareness Day with my friend Representative PATRICK KENNEDY from Rhode Island. In the Senate, Senator ENZI and Senator KENNEDY carried the mantel.

This law provides incentives for States to pass favorable laws guaranteeing that students can carry and use prescribed asthma and anaphylaxis (anna full AXE iss) medications while at school. It is not a mandate, and it incurs no new spending. This idea has been germinating since the late 1990s, and has been building momentum since. On Asthma Awareness Day, May 7, 2003, there were only 20 "asthma-friendly" States. Even more limiting, of these 20 only 9 extended that protection even further to anaphylaxis (anna full AXE

iss) medication, like epinephrine auto-injectors. Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, a grand-slam of 41 States protect for asthma, 26 for asthma plus anaphylaxis, 4 have legislation pending for both conditions, 4 that already have asthma laws have legislation pending for anaphylaxis, and 1 State is just getting started and has legislation pending for asthma. This is a dramatic upswing for our children.

I am especially proud to report what is going on in Florida. Florida has been inhaler-friendly for years, but now there is legislation pending to include epinephrine auto-injectors. My friend and constituent Karl Altenberger, MD, an allergist in Ocala, FL has been active on advancing this for his patients for years in the Florida State legislature. The bill passed last week and is ready for the Governor.

Just yesterday (May 2nd), the Orlando Sentinel reported that ''Girl fights for allergy law as if lives depend on it.'' In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. ''Severely allergic to peanuts, (she) has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in her classroom, on field trips and during after-school activities.

Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida schoolchildren with life-threatening allergies the same access to their EpiPens—also known as epinephrine auto-injectors.

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors with tags urging them to pass the bill.'' We might call Kelsey a true respiration inspiration. She shares that ''My mom told me that in some other schools there's children like myself who need their EpiPen with them, but it's locked up far away in the clinic,'' Kelsey told one committee. ''If they somehow needed their EpiPen, it might not get to them in time.''

Kelsey's ''charisma and dedication led legislators in Tallahassee to rename H.B. 279 the ''Kelsey Ryan Act.'' More than 60 State representatives co-sponsored the bill, which the House passed earlier this month 114–0. The Senate passed it last week and it is on the desk of Governor Jeb Bush.

Brenda Olsen, director of governmental affairs for the American Lung Association of Florida, points out that ''Most schools in the State of Florida do not allow students to carry their EpiPens,'' and, as we have been saying for years, ''Moments count when these reactions start.''

Kelsey's mother, Blair Ryan, emphasizes another point we made in H.R. 2003: This is a ''team effort'' between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, a school should not impede this medical regimen, but help it work for the student. Currently, school districts across Florida vary on their policies, and some may not well-serve a student who just accidentally got stung by a bee, or ate a cookie with an unknown walnut. In the Sentinel article, officials in Volusia and Orange counties said the majority of EpiPens are kept locked in school clinics. This could prove to be just disastrous, for the student's health, and potentially as a lawsuit to the school.

I am pleased with the strong momentous progress of this issue here in our Nation's capital and in our statehouses. I invite everyone to join us in the Cannon Caucus room tomorrow at 11:30 a.m. for a Congressional Briefing, followed by free asthma screenings and asthma health exhibits from 1–2:30 p.m. This year's Asthma Awareness Day is truly a breath of fresh air.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, tomorrow in the Committee on Rules and on Thursday on the House floor under the able leadership of the gentleman from California (Mr. LEWIS), chairman of the Committee on Appropriations, we will be considering and voting with, I am sure, strong bipartisan support, we will be voting out the conference report on the supplemental appropriations bill focused on providing very important assistance to our effort in Iraq, the men and women there, and also aid to the victims of the tragic tsunami that we saw take place last year.

We also are very pleased that included in that legislation is an item which the gentleman from Illinois (Mr. HASTERT) made a commitment to last fall that would be there when we were working on implementations of the recommendations from the 9/11 Commission, the intelligence conference report.

To refresh the memories of our colleagues, there were many of us, Republican conferees on the House side especially, who were pushing to include very important border security provisions.

□ 1245

Unfortunately, our colleagues in the other body refused to include those. We went ahead and passed out, again with strong bipartisan support, the legislation that implemented the recommendations of the 9/11 Commission, including the establishment of a new Director of National Intelligence and very important measures to increase the size of our border patrol as well as other important items dealing with the issue of intelligence. We were unable, because, as I said, our colleagues in the other body would not include it, to have the border security issues which we are going to be including in this supplemental appropriation bill. Again, Speaker HASTERT made a very good commitment that we would have it on the first must-pass piece of legislation.

Those provisions, Mr. Speaker, are very, very important. They are designed to ensure that driver's licenses do not get into the hands of people who are here illegally. It also is designed to complete the 3½-mile gap in the border fence which exists along the border between Mexico and the United States, between San Diego and Tijuana. We, I believe, are going to be much better off with these items that are included.

But as we move beyond this issue, it is important for us to also focus on other priorities that we have legislatively to deal with the border security issue. Next week we are scheduled to have a hearing in the Judiciary Committee's Subcommittee on Immigration on H.R. 98, a measure which enjoys bipartisan support. I am proud that the lead cosponsor of the legislation is the gentleman from Texas (Mr. REYES), former chairman of the Hispanic Caucus, and we have support from a wide range of Members.

H.R. 98, Mr. Speaker, establishes a counterfeit-proof Social Security card. We know that there are employers out there who are required under the employer sanctions provisions of the 1986 Immigration Reform and Control Act to ask for documents when they are hiring people, a birth certificate, driver's licenses, other things. The existence of a counterfeit-proof Social Security card will make it easier for the employer with a card like this, and they will simply take and swipe this card or call a toll-free number and be able to determine whether or not someone is an American citizen, here on a work permit or what their status is. If they do not have this card, they will not be able to get a job; and if employers hire them, we have increased by 400 percent the penalty for those employers and we call for the establishment in H.R. 98 of 10,000 enforcement agents who will make sure that employers are actually complying with the law and not hiring people here illegally.

The bill is called H.R. 98, Mr. Speaker, because according to T.J. Bonner, the president of the National Border Patrol Council, it will reduce by 98 percent the number of illegal border crossings. So we believe very strongly that implementation of a national counterfeit-proof Social Security card, which is not a national identification card, only required for people who are looking for a new job, is one of the most important ways that we can deal with our very, very important border security issue.

We look forward to the passage of the supplemental appropriations bill here on the floor on Thursday. We also look forward to what we hope to be very, very growing support for passage of H.R. 98.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this last weekend I held a town hall meeting on Social Security in my hometown of Martinez. I must say that the audience was quite stunned to learn that not only was President Bush continuing his drive for

the privatization of Social Security, which would borrow trillions of dollars from the Social Security trust fund and drive it deeper into debt and imperil its opportunities to achieve solvency, but now he was offering something called progressive indexing, which would be a substantial cut in benefits under Social Security to middle-class recipients.

They were quite stunned to learn that those individuals who pay into Social Security every week from their paychecks, every month from their paychecks and all year long from their paychecks, that the President was now suggesting that they should take a cut in their benefits as a way of restoring solvency. They were not just stunned that the President was suggesting this one-two assault on Social Security, but they were also quite alarmed to learn that the President apparently has no intention of paying back the some $700 billion that his administration has borrowed from the Social Security trust fund, that the trust fund is, in fact, not being honored, the people that pay into that trust fund every year to the tune of some $160 billion, that that money is now being taken out to use for other functions of the government, whether it is the war in Iraq or whether it is the general spending of the government.

It is very clear that they want that trust fund restored. It is a trust fund. They are paying into it because they believe that that money is going to be put there, loaned to the government, replaced by Treasury bills, but it will be there for their use, for their annuities that they are buying every week when they pay into the Social Security fund.

But that is not what the President is suggesting. The President is suggesting, as he does in the budget that this House passed last week, that he will continue to borrow $160 billion out of the trust fund and, as he said when he went to West Virginia, it is really not a trust fund, there is no trust there, so apparently he is the first President since we started Social Security who has suggested that he may not pay the trust fund back.

That is just unacceptable to my constituents at the town hall in Martinez. I think it is unacceptable to the overwhelming number of the American public who believe that the reason they are paying into Social Security is so that they can have some level of financial security upon their retirement.

Social Security, for the current retirees, supplies over half of their retirement income. Sure, we all want to make it easier and better and more likely that Americans will save for their retirement. But that has not happened. Hopefully it will happen in the future. But Social Security is a very important part of people's retirements. When they look at the efforts by corporations to get rid of their retirement plans, when they look at the difficulty they are having as middle-class families to save not only for their child's education but for their retirement, they recognize how important it is that the Social Security trust fund be maintained.

But now this President comes along and suggests that that is not the case, that he is going to put an assault on that trust fund with the privatization of Social Security and then he is going to come along and cut the benefits to middle-class Social Security recipients who have paid into that trust fund throughout their entire working life. I think it is very clear that not only is this plan unacceptable to the vast numbers of Americans who have had a chance to take a look at it, but hopefully it will become unacceptable to this Congress as stewards of that trust fund.

But first and foremost, what the American people want us to do is to stop taking the money out of the trust fund to fund the rest of the government. We have got to honor what we set out to do in 1983 under the bipartisan agreement of Speaker Tip O'Neill, an icon of the Democratic Party, President Ronald Reagan, an icon of the Republican Party, when they sat down and hammered out a bipartisan agreement.

Part of that agreement was to create a trust fund, not some honey pot that any Member of Congress could go into and take out for whatever purpose they want but a trust fund for the retirement of millions and millions of Americans and their families.

It is important that we honor that, Mr. Speaker.

LOWELL STOUT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Mexico (Mr. PEARCE) is recognized during morning hour debates for 5 minutes.

Mr. PEARCE. Mr. Speaker, I rise today to salute Lowell Stout, a good friend who recently passed away in Hobbs, New Mexico.

Lowell was an attorney there. He moved to the area from Oklahoma after the Dust Bowl days in the 1930s. He always called himself a proud son of a sharecropper from Blaine Bottom, Oklahoma.

Lowell worked his way through school as a roughneck on drilling rigs. He also worked as an oil field roustabout. During the Korean War, he served in the Army. After his time in the service, he returned to Hobbs to practice law defending a variety of civil litigation matters. Later he began to specialize, representing the small guy in personal injury, plaintiff-related matters.

Lowell became a fellow of the American College of Trial Lawyers in 1981. He was selected to be included among the ''Best Lawyers in America.'' He was an early inductee into the Joe Roehl Circle of Honor which honors the finest trial lawyers in New Mexico.

I never asked Lowell if he was a Democrat or Republican. I suspect he was a Democrat. We never talked much about politics because we shared a common belief that the family was paramount. Lowell was the parent of Mark and Georgiann. Georgiann and I went to school together and graduated. She went on to San Francisco and lives there today. Son Mark stays in Hobbs. He and his wife Cindy have raised their family there.

The abiding memory of Mr. Stout is that he was always with his wife Liliane. They raised their family in Hobbs. He was a dedicated family man. In these days of partisan politics, I know that many times Mr. Stout disagreed with my opinions, but he frankly encouraged me to do the best that I could. He did the best that he could. I think that we ought to learn by his example: dedication and commitment to family, dedication and commitment to a wife.

Again, I salute Lowell Stout, a great lawyer, a fine human being, a friend and the father of friends of mine and the husband of a friend of mine.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

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

Eternal Father, You are ever present to Your people, especially the young and the most vulnerable of society. As we pray for the Members of the United States House of Representatives today, we strain with eyes of faith to peer into the future. We know, Lord, that even now, You are preparing us for an uncertain age to come. By blessing this country with energetic and intelligent young people who have a clear vision of just what is right and a vibrant awareness of those suffering in the world, You are already providing our Nation with young leaders for tomorrow.

By Your grace, strengthen family life, that our young people mature in love and in freedom. Steeped in religious values, may they embrace the self-discipline and study necessary to achieve personal goals and realize their full potential.

May many young people be open to Your call to serve fellow Americans in public service, raise ethical standards in business, bring greater integrity and

civility to politics, and become ambassadors of peace, reconciliation and liberty in a world community.

We praise You and thank You, for Your hopeful dreams You are now planting in the hearts of America's youth, both now and always. 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 Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

COMBAT MEDIC BADGE

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

Mr. PITTS. Mr. Speaker, the combat medic badge was first awarded in 1945 to medics who served in combat while in or attached to a combat unit. As times changed, the role of the medic changed with them. In Vietnam, medics served in units, but some also flew in helicopter medical evacuation ambulance units, called medivacs.

DUSTOFF was the call sign that we gave this mission, and they saved nearly a million people during the Vietnam war by flying unarmed onto the battlefield to treat and save our wounded soldiers, most often under fire.

The average DUSTOFF medic treated nearly 2,000 troops in a 1-year tour. Currently, there is no unique way to honor these brave men and women. Although they flew in and out of combat every day, they are not eligible for the combat medic badge, because they were not attached to a combat unit; often the medivac unit was another unit.

And my friend and colleague, the gentleman from Pennsylvania (Mr. HOLDEN), has legislation to correct this by directing the Army, Navy, Air Force, and Marines to develop the combat medivac badge. The badge will be awarded to anyone who has served in combat as a pilot or crew member of a helicopter medical evacuation ambulance since 1950.

I urge the body to pass this, give the DUSTOFF veterans the honor they deserve.

UNINSURED AMERICANS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, almost a quarter of Texans do not have health insurance, and this is the highest rate of uninsured in the United States.

In Dallas alone, the uninsured rate is 25 percent. We all know someone who is living without health insurance. There is a perception that if someone does not have health insurance, it is because they do not work or they are on public assistance.

Over 80 percent of the uninsured workers are workers, and 50 percent of them are full-time workers. Americans who work hard for a living should not have to live without health insurance. These uninsured often face the difficult decision of either ignoring their medical problems or being able to afford food and rent.

Mr. Speaker, the sad truth is that no American family is more than one job change, one corporate cost cut, or one serious illness or an accident away from being uninsured. It is time for this Congress to address this problem with innovative ideas and actions.

GIVING CYNICAL PLOYS A BAD NAME

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

Mr. DELAY. Mr. Speaker, as much as we may hate to admit it, there is no denying that the bald-face, cynical ploy can be as much a part of American politics as shaking hands and kissing babies.

Though cynical ploys are occasionally effective, they are almost never pretty. But, Mr. Speaker, the refusal of the national Democratic leaders to offer constructive proposals to strengthen and preserve the Social Security system is starting to give even cynical ploys a bad name.

After all, the stakes of this debate are not a mere election or two, but are instead a looming fiscal crisis and the retirement security of a generation of American seniors.

President Bush and some Republican congressional candidates ran in 2004 on the issue of retirement security. And the President made Social Security the focus of his first State of the Union after his reelection.

From that day on, Democrat leaders have rejected any effort to begin bipartisan dialogue on reform and have threatened any of their rank-and-file Members from so much as discussing the issue with members of the AARP, let alone Republican Members.

From the outset of this debate, Republicans, led by President Bush, have held a seat at the table open for congressional Democrats. And despite this sincere desire among many Democrats to help, their leaders have demanded unquestioned obedience to their obstructionism.

Just last week, President Bush ended a 60-day tour of our Nation explaining to the American people the problems facing Social Security and his ideas to help solve those problems. Indeed, he has left open for debate, as we have, any productive reform idea to address the system's funding and benefit structure, personal retirement accounts, and other options.

President Bush and his party are trying to preserve and strengthen Social Security for generations to come, to keep the promise the program originally made to the American people 7 decades ago. And since January, we Republicans have identified the problems and begun this crucial debate by proposing several solution alternatives.

Meanwhile, the Democrats have ignored problems, offered no solutions, and attacked anyone with courage to help. As I said, Mr. Speaker, some cynical ploys work and some do not. But as the retirement security of a generation of future retirees depends on the honest, sincere work we do this year, I think we owe it to them to be a little bit better than that.

So even as Republicans continue our work this month to develop the long-term solutions to Social Security troubles, I once again remind Democrats willing to work with us that their seat at the table will be kept open.

SOCIAL SECURITY

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

Mr. KUCINICH. With all due respect to my good friend, the gentleman from Texas (Mr. DELAY), Mr. Speaker, the Democrats have been doing right for the American people on social security. We have been holding town hall meetings all over this country. We know and the American people ought to know that Social Security is not going bankrupt, that the President misspoke when he said that there is no Social Security trust fund.

As a matter of fact, the Social Security trustees released a report recently that says that right now the Social Security trust fund has $1.68 trillion in it; that trust fund will grow to $6 trillion by the year 2028 without any changes whatsoever; that Social Security is rock solid through the year 2041, according to the Social Security Administration's own actuaries; that Social Security is rock solid through the year 2052, according to the bipartisan Congressional Budget Office.

Yes, both parties ought to come together; but we ought to come together in truth, and we ought to have the President let go about this masquerade about social Security going bankrupt.

What is going bankrupt is a legislative process that fails to stand up for the retirement security of the American people. Forty-seven million Americans rely on Social Security. They have a right to expect that the money is going to be there, and we Democrats will make sure that money will be there for them for generations to come.

IN HONOR OF PRIVATE FIRST CLASS STEVEN SIRKO

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

Ms. FOXX. Mr. Speaker, it is with the heaviest heart that I rise today to express the heartfelt condolences of a grateful Nation and to honor the life of Private First Class Steven Frederick Sirko, who passed away on April 17 while serving in Iraq.

Steven served our country as a U.S. Army battalion medic. He was scheduled to return to his home in Statesville, North Carolina, in August. Steven was a loving husband, son, and brother. He leaves behind his wife, Virginia Downs Sirko; his mother, Summer Lipford; and stepfather, Steven Lipford; his father, Rick Sirko; and stepmother, Rose Sirko; his sisters; and his brother.

May good bless them and comfort them during this very difficult time. We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our Nation could not maintain its freedom and security without heroes like Steven who make the ultimate sacrifice.

Americans, as well as Iraqis, owe their liberty to Steven and his comrades who came before him. Mr. Speaker, please join me in honoring PFC Steven Sirko.

CRISIS IN THE FEDERAL PRISON SYSTEM

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

Mr. CHANDLER. Mr. Speaker, I rise today to highlight a serious security risk to our communities. Our Federal prison system faces a crisis that we can no longer ignore.

The inmate population continues to reach record highs; yet the administration and Congress failed to provide the funding to keep our prisons secure. This has caused overcrowding and a shortage in correctional staff.

Our prisons are now more dangerous and our communities are being put in jeopardy. For example, last July, Lexington, Kentucky, an inmate escaped from the Lexington Federal Medical Center because there were fewer than 20 staff members supervising almost 2,000 inmates.

He was eventually caught. Thankfully, no one in the community was seriously injured. However, if we do not start funding our Federal prison systems at a level that provides adequate staff, we may not be as fortunate next time.

I urge my colleagues and the administration to provide sufficient funding to the Federal prison system.

SOLVING THE CHALLENGES FACING SOCIAL SECURITY

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

Mr. WILSON of South Carolina. Mr. Speaker, over the past 70 years, Congress has tried repeatedly to fix the Social Security program. The payroll tax has been raised 22 times, and the amount of Social Security benefits taxed has increased from zero to 85 percent.

Unfortunately, these changes did not solve the real challenges threatening the retirement of millions of Americans. Raising payroll taxes simply postpones the bankruptcy and would not be a permanent solution for Social Security.

On Thursday, President Bush further outlined his proposal to provide a lasting solution for Social Security. Today, the Washington Times reported that the Heritage Foundation and the CATO Institute strongly support President Bush's proposal. The gentleman from Texas (Mr. DELAY) is correct. Unfortunately, Democrats have yet to offer any positive suggestions that would fix Social Security.

Procrastination will not solve the problem. We must act now to protect benefits for today's retirees and strengthen benefits for future generations.

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

□ 1415

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 513

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 513.

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

There was no objection.

SOCIAL SECURITY SOLUTIONS

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

Mr. PRICE of Georgia. Mr. Speaker, last Thursday our President told the Nation that he was willing to listen to any ideas from anyone and was willing to share the credit for a solution to Social Security problems.

Finding a solution requires more than just complaining and my colleagues on the other side would like you to believe that they have a plan, but plans require more than just complaints.

A recent national poll by Harvard University found that 7 out of 10 college students do not believe that Social Security will be there for them. Younger workers know that the government has used their Social Security money for other programs. They also understand voluntary personal accounts offer a better way to provide security for them.

And it is only fair. In past years, retirees received a return of 10 percent and more from Social Security. Today that return is barely 1.5 percent and that is not fair to younger Americans. Younger workers today are much more familiar with investments through 401(k) plans offered which employers, workers know the power of compound interest and how their contributions to these accounts grow steady.

Mr. Speaker, I challenge Members of the House and Senate to have a vision for Social Security one of fairness for all Americans.

ASSOCIATION HEALTH PLANS

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

Mr. BURGESS. Mr. Speaker, this is National Uninsured Week. In my home State of Texas, there are a significant number of people who are uninsured.

The number of uninsured has increased for the third year in a row and that is largely because of the drop of the employer based coverage.

Mr. Speaker, there is a tool, there is a lever we can pull to help stop the drop off in employer based coverage. That lever is called association health plans. In fact, this House passed association health plans several times during the 108th Congress. The problem is it has never been taken up by the other body.

What are association health plans? This is the ability for small businesses of a similar business model to band together and get the purchasing power of a large corporation in order to hold the cost down of providing insurance to their members.

Now, nearly 63 percent of all uninsured workers are employed by small businesses with fewer than 100 employees. It is estimated that association health plans would enable some 8 million currently uninsured individuals to receive coverage.

Mr. Speaker, I was so encouraged because the chairman of the relevant Senate committee said this year they were going to seriously take up association health plans. In fact, he has charged people on both sides of this question to come together and find solutions to finally allow association health plans to be available in this country.

END FILIBUSTERS

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

Mr. SMITH of Texas. Mr. Speaker, since 2003 Senate Democrats have filibustered or threatened to filibuster ten of the President's circuit court nominees. This is unprecedented.

Some believe that applying the filibuster to judicial nominations is a long and revered Senate tradition. Not so.

Never before has a judicial nominee with clear majority support been denied an up or down vote on the Senate floor.

Not until Miguel Estrada's nomination in 2003 has a judicial nominee with clear majority support been blocked by a filibuster.

Fairness in the justice system begins with the confirmation of capable judges. Each time a nominee is denied a vote, the American people are denied justice. The American people deserve better. It is time for every judicial nominee to receive an up or down vote.

Remember, never before has a judicial nominee with clear majority support been denied an up or down vote on the Senate floor.

PENSION FUND BLACKMAIL FROM LABOR UNIONS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, recently the Wall Street Journal highlighted a disturbing trend among labor union boards. They are engaging in pension fund blackmail to bully corporations into agreeing with their partisan political agenda. A top AFL–CIO lobbyist was referring to financial services funds backing the President's personal retirement account proposal and he said, ''We have no intention of letting any of these companies get away with this while they manage our workers' funds.''

And 3 trustees representing the New York City Employees Retirement System sent a letter to several investment banking companies demanding to know their Social Security stance.

These union boards should be ensuring their members' pensions are being wisely invested in qualified ethical companies.

How can we say that Sarbanes-Oxley has strengthened corporate responsibility if labor unions are investing in and managing corporate boards based on their political interest rather than their fiduciary responsibilities to their members and the corporations for which they represent?

APPOINTMENT AS MEMBER TO COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore. Pursuant to Section 2 of the Civil Rights Commission Amendments Act of 1994 (42 USC 1975 NOTE), the order of the House of January 4, 2005, and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on Civil Rights for a 6-year term expiring May 3, 2011:

Mr. Michael Yaki, San Francisco, California.

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 after 6:30 p.m. today.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 218) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. RES. 218

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of our families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and are promoting the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and are serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities' financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001, and contained in the Elementary and Secondary Education Act of 1965, in the same manner as traditional public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 to 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening the public school system of the United States;

(2) the House of Representatives supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 218.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 218. This resolution honors our Nation's charter schools and the students, parents, teachers, administrators and other individuals involved for their hard work and dedication to providing a quality public education.

This week, May 1 through May 7, has been designated National Charter Schools Week. During this week, charter school organizations and others around the United States recognize these schools for their continued contributions to education. The Nation's charter schools deliver high-quality education and challenge students to reach their potential.

Forty-one States, the District of Columbia and Puerto Rico, have passed laws authorizing charter schools. Since the first charter school law was passed in 1991, almost 3,300 charter schools now serve nearly 900,000 students in 40 States, the District of Columbia and Puerto Rico.

Specifically, I am pleased to honor the 19 charter schools in the State of

Nevada that serve nearly 4,500 students. Nevada first passed charter school legislation in 1997. As a co-sponsor of that legislation, our first charter school opened in 1998 and in 1999 school year.

The State charter school legislation was revised in 1999, lending teachers more room for creativity and allowing charter schools the ability to offer an extended school day as well as an extended school year.

In my own community, the Andre Agassi College Prepatory Academy serves as a model for other charter schools across the Nation. Designed to enhance a child's character, respect, motivation and self-discipline, Agassi Prep, as the school has been nicknamed, was created specifically to improve skill levels and combat lowered academic expectations among the community's most challenged children.

Advanced technology, smaller class sizes, and extended school hours are just some of practices that Agassi Prep utilizes to achieve a higher standard of education.

I commend the charter schools in the State of Nevada and across this great Nation for recognizing the immense need for improved education and for their commitment to improving student achievement for students who attend these schools.

At charter schools nationwide, almost half of the students are considered at-risk or are former dropouts. Charter schools serve a significant number of minority students, students with disabilities, and students from lower income families.

These schools give opportunity and freedom to students and parents who otherwise not might not have had the chance to receive a quality education.

Nearly 40 percent of charter schools report having a waiting list. And the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools. By allowing parents and students to choose their public schools, charter schools can stimulate change and benefit all public students.

In exchange for flexibility and autonomy, public charter schools are held accountable by their sponsors for improving student achievement and for their administration.

Charter schools respond to the needs of America's communities families and students while promoting the principles of quality, choice, and innovation.

Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools and often set higher and additional individual goals to ensure that they are all high quality and truly accountable to the public.

According to the Center for Education Reform, as many as 15 studies find that students who frequently enter charters significantly are below the normal grade level. These students then achieve the same or even higher gains as compared to their surrounding district's demographically-compared schools, or even the State average.

A report from America's Charter School Finance Corporation called ''Take Me on a Reading Adventure,'' cites research from several States that shows greater gains and/or higher scores in reading for charter schools as compared to their traditional school peers.

Charter schools have enjoyed broad bipartisan support from the administration, the Congress, State governors and legislators, educators and parents across the Nation. The Sixth Annual National Charter School Week held this week, May 1 through May 7, 2005, recognizes the significant impacts, achievements and innovations of our Nation's charter schools.

Through this resolution, Congress today acknowledges and commends the charter school movement and charter schools' students, teachers, parents, and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation's public schools.

I urge my colleagues to support this resolution.

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

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

Mr. Speaker, H. Res. 218 discusses the impact which charter schools are having on our educational system. Charter schools, while relatively new, like all public schools, have continued to garner both accolades and criticism for role they play.

Recent studies by the American Federation of Teachers and the Economic Policy Institute have raised questions about whether charter schools are outperforming traditional public schools. These studies have generated a great deal of debate from both detractors and supporters of charter schools.

The one thing that does seem clear is that charter schools on the aggregate are not performing on the level most hoped they would. Regardless of whether you are a supporter of charter schools, we can all agree on the importance of a strong public school system. This system, including charter schools, continues to educate ninety percent of American students. Our public schools must have the resources and the focus on quality to ensure that our children get the best education possible regardless of race, ethnicity, disability, status or whether they can speak English.

It is our public school system that I rise to support today.

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

Mr. PORTER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER) and chairman of the committee.

(Mr. BOEHNER asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

Mr. Speaker, I rise today in support of House Resolution 218, to recognize charter schools and their students, parents, teachers and administrators across the United States for their ongoing contributions to education.

This week is the Sixth Annual National Charter Schools Week and a great opportunity for Congress to honor charter schools and those involved in the role they play in reforming and improving our Nation's public education system.

□ 1430

Charter schools are public schools that agree to improved academic achievement and accountability in financial and other operations, in exchange for increased flexibility and independence. Greater autonomy allows charter schools to focus on increasing academic achievement for individual students, rather than complying with bureaucratic paperwork.

Charter schools are subject to all the same No Child Left Behind achievement goals as other public schools, but with greater flexibility in how they improve student success. Increased flexibility allows charter schools to use varied educational methods and techniques while accounting for results.

Almost 3,300 charter schools serve around 900,000 students in 40 States, Washington, D.C., and Puerto Rico; and nearly 40 percent of these charter schools have waiting lists.

Charter schools are adept at meeting the specific needs of the local communities in which they are located and are particularly devoted to serving low-income communities. Nationwide, almost half of charter schools serve students considered at-risk or who have previously dropped out of school. Charter school students share similar demographic characteristics with students in all public schools, and charter schools serve significant numbers of students from low-income families, minority students, and students with disabilities.

Because charter schools often serve students with limited access to educational options, these innovative public schools allow many parents and students freedom of choice that otherwise would not be available. And studies show that the increase in educational options, including access to charter schools, is improving outcomes for students.

According to the Center for Education Reform, 15 studies show that students frequently enter charter schools significantly below grade level. These students will then progress at or above the gains being made in surrounding districts, demographically comparable schools, or at the State average.

In December, Harvard University released a comprehensive, long-term study comparing student academic achievement at charter schools and

traditional public schools, and I will enter the executive summary of that report in the RECORD at this point and share just one of the most compelling facts.

ACHIEVEMENT IN CHARTER SCHOOLS AND REGULAR PUBLIC SCHOOLS IN THE UNITED STATES: UNDERSTANDING THE DIFFERENCES

(By Caroline M. Hoxby)

ABSTRACT

This study compares the reading and mathematics proficiency of charter school students to that of their fellow students in neighboring public schools. Ninety-nine percent of all elementary students in charter schools are included in the study. The charter schools are compared to the schools that their students would most likely otherwise attend: the nearest regular public school with a similar racial composition (the ''matched'' school). Compared to students in the matched regular public school, charter students are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math on their state's exams. Students in charter schools that have been in operation longer are more likely to have a proficiency advantage over their peers in the matched regular public school. In reading, the advantage is 2.5 percent for a charter school that has been operating 1 to 4 years, 5.2 percent for a school operating 5 to 8 years, and 10.1 percent for a school operating 9 to 11 years. Also, charter school students are more likely to have a proficiency advantage if their school has funding that is at least forty percent of that enjoyed by regular public schools. The results suggest that charter schools are especially likely to raise the achievement of students who are poor or Hispanic.

EXECUTIVE SECRETARY

This study compares the reading and mathematics proficiency of charter school students in the United States to that of their fellow students in neighboring public schools. Because charter schools are public entities, their students take state exams. Thus, this study is based on schools that enroll approximately 99 percent of elementary students who attend charter schools. The charter schools are compared to the schools that their students would most likely otherwise attend: the nearest regular public school with a similar racial composition (the ''matched'' school).

Compared to students in the matched public school, charter students are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math on their state's exams. Charter schools that have been in operation longer have a greater proficiency advantage over the matched public schools. For example, in reading, the advantage is 2.5 percent for a charter school that has been operating 1 to 4 years, 5.2 percent for a school operating 5 to 8 years, and 10.1 percent for a school operating 9 to 11 years.

The results show that charter schools are especially likely to raise the achievement of students who are poor or Hispanic. This is a useful finding because charter schools serve students who are disproportionately likely to be minorities or poor.

Charter school students are more likely to have a proficiency advantage if their state has a strong charter school law that gives the schools autonomy and that ensures that charter schools get funding equal to at least 40 percent of the total per-pupil funding of regular public schools.

In states where charter schools are well-established, charter school students' advantage in proficiency tends to be greater. For instance, in Arizona, fourth grade charter students are about 10 percent more likely to be proficient in reading and math than students in the matched regular public schools. In California, the corresponding proficiency advantages are 9 percent in reading and 5 percent in math. In Colorado, the corresponding proficiency advantages are 12 percent in reading and 14 percent in math.

North Carolina is the only state in which charter students' proficiency is statistically significantly lower, by 4 percent, in both reading and math, compared to students in the nearest public school. In addition, Texas' charter students appear to be statistically significantly less proficient in math (not reading).

By adjusting for schools that serve at-risk students, the study focuses on regular charter schools that are expected to meet the same standards as traditional public schools. The study's ''matching'' method compares charter schools to public schools that are likely to share the same neighborhood, same economic conditions, and the same population of students and parents. The selection of a neighboring public school as the point of comparison ensures that the groups of students being compared are as similar as possible. It is also likely that the public school selected for comparison was the school that most of the charter school students would have attended, had there been no charter school.

A national study like this one is useful because it is comprehensive. Nevertheless, it is useful to complement studies like this one with studies based on randomization. Because many charter schools have more applicants than places, they routinely hold lotteries, which allow scientific, random assignment studies to be conducted. The key advantage of randomization-based studies is that the charter school students and regular public school students are comparable not only in terms of race, ethnicity, and income, but also on subtle dimensions like motivation and aptitude. Multiple studies based on randomization are underway. The first such study (Hoxby and Rockoff 2004) finds that a large system of Chicago charter schools raised math and reading scores by about 6 percentiles among students who entered in grade 5 or below.

Because charter schools enroll only 1.5 percent of students, it is important to include nearly all of them in a study. Results based on only a small sample of charter school students (for instance, studies that rely on the 3 percent sample of the National Assessment of Educational Progress) cannot be used to draw conclusions about states' charter school policies. A study that relies on a 3 percent sample of 1.5 percent of American students is a study based on only 0.045 percent of students. In contrast, this study uses data that are sufficient for detailed investigations of charter school students' proficiency, nationwide.

The study, completed by Harvard economics professor Caroline Hoxby, found charter schools overall are more likely to raise the academic achievement of students who are poor or minority, and show a larger effect on reading and math proficiency when they operate in areas that have a high percentage of students who are poor, African American, or Hispanic. Charter schools serve the very students who need help the most, and they are getting results.

Charter schools have benefited from a strong degree of bipartisan support at the local, State, and national levels. This was evidenced in 2001 by the efforts of both Republicans and Democrats in Congress to expand access to charter schools through the bipartisan No Child Left Behind Act. In the last 10 years, Congress has provided $1.5 billion to support charter schools through facilities' financing assistance and grants for planning, startup, implementation, and dissemination.

Through this resolution honoring National Charter Schools Week, Congress is recognizing the continued success demonstrated by charter schools and acknowledging the benefits that charter schools provide to our local communities. Charter schools provide parents with a wider variety of educational choices. This not only helps the students who attend those charter schools but also helps to take some of the pressure off traditional public schools that might be struggling to improve.

I want to thank my colleague, the gentleman from Nevada (Mr. PORTER), for introducing this resolution and urge my colleagues to join me in strong support for our Nation's charter schools.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from Michigan for yielding me time, and I thank him and I thank the gentleman from Nevada for bringing this resolution in support of charter schools to the floor.

Mr. Speaker, charter schools are one of the most innovative developments in the history of public education in our country, and they came from the bottom up. They have not developed out of State governments or the like. They have come from searches within jurisdictions for all alternative public schools, and this is what they are.

In the District of Columbia, we think of the charter schools as an alternative public school system because there are so many of them. We have 43 charter schools in this one city alone, and that is the largest number of charter schools per capita in the United States.

Why are there so many charter schools? We feel strongly in the District of Columbia that public money must go to public schools, and it is understood that here and throughout the United States public schools which have to take every child are often overcrowded and underfunded, have had a very tough time making up for what particularly the most disadvantaged children do not bring to school. As a result, public schools in many jurisdictions show low scores for children in those schools.

What is a parent to do? What parents increasingly do is look for a public alternative to their public schools. They want better schools, but the public is very clear that it wants public money for public schools. If we have any doubt about that, remember that even this House has never voted a voucher bill for, nor has the Senate, anywhere except for the District of Columbia where

you can undemocratically do anything you want to do, but for everybody else they have listened to what people say and that is, yeah, we will punish you if one dime goes to anything but a publicly accountable public school.

Looking for a way to deal with the fact that, yes, many public schools do not show the progress they should, it seems to me we have to look to the paradigm that the public itself has created, and those are charter schools. There is no better place to begin than in the District of Columbia where people have simply voted with their feet. When they did not like their school, they have gone to a nearby charter school.

They have advantages. They are not the advantage discussed in this resolution, where it says, whereas charter schools improve students' achievement. That is very controversial. I do not know whether they do or not. All I know is that there are studies that say that they do and studies that say they do not.

I want to say to my goods friends on the other side who are with me in support of charter schools, our case does not rest on that. If my colleagues understood how difficult it was to deal with education in the inner city, they would understand that the fact that they come so close ought to be enough; that parents want them as an alternative; that they are small; that they are flexible; that they are in their neighborhoods; that sometimes they are specialized. That is enough.

We have got a long way to go before we find the elixir for bringing particularly disadvantaged children to where they should be; but if we just look at what some of these schools in the District of Columbia, like just by some of their names, District of Columbia Bilingual School, that is totally a bilingual charter school.

The SEED school, this is the first public live-in school in the District of Columbia. These children do not go home during the week. They do not go home at night. So they have money from us per capita from the school budget, and they raise other money; and these children actually live in a public charter school like a boarding school.

There is the Marriott Hospitality Public Charter High School, where children, besides learning the general high school curriculum, also prepare themselves to go into the hospitality field, which is the most important industry in this region.

Here is another one, the Washington Mathematics, Science and Technology School. And these are some of the reasons that parents have, in fact, sometimes chosen alternative schools here in the District of Columbia: the public school test scores are better. They are better and systematically better, but my colleagues do not see me here saying public schools are better because their scores are better.

The fact is that each kind of school has broad benefits that parents have chosen and both kinds of schools are accountable to parents and to the public for the dollars spent.

I do believe that they stimulate competition, unlike private schools which do not stimulate any competition at all. Private schools in the District of Columbia, which can take whatever children they want to or not, are no competition for the District of Columbia; but if there is a charter school in one's neighborhood, the principal will look to see what that charter school is doing.

The superintendent today has announced a plan because there are a few charter schools that are very good and they must take every child, but there are a few charter schools that are very good about actually pairing those charter schools with some charter schools in their neighborhood which are not doing as well.

With No Child Left Behind we have a problem we are seeing all over the country. You have got to find yourself a better school. Well, guess what. Those schools are all full so there is no place to transfer now. Everybody ought to wish for charter schools because there is a publicly accountable school with a public dollar that perhaps one can transfer to. They are opening fast, but not fast enough for us here.

There is no real substitute in any civilized society for a public school system; but particularly when parents are not satisfied with their public schools, it does seem to me that charter schools offer the alternative and the only alternative we ought to fund.

The District received the first Federal funds, first funds from this Congress for charter schools. That was when Speaker Gingrich was here. He knew that he profoundly opposed school vouchers. He worked with me on charter school funding for the District of Columbia. That paved the way for charter school funding which is now available to every State in the Union.

We had mothers who went to schools with private school vouchers. The vouchers that this Congress mandated be paid for in the District of Columbia were fully paid for by private funds, but we said you do not have to pay for them. You have been raising money every year; we will pay for them. So we simply transferred public funds for the private funds which have been sending these same children to school.

Well, the mothers came to me who had been going to school on the private funds, and I said you are my folks and I understand why you are looking for alternative schools. Tell me more. I wanted them to know why I opposed vouchers from public funds for private schools; and I was amazed at how many of them said, Congresswoman, we wanted to go to a charter school, but they were all full. So, look, we wanted a better school, and that is why they chose and were pleased to get these vouchers.

Well, of course, I argued since charter schools are what the people of District of Columbia want, if you have got any extra money, Congress, please give it to us for charter schools. We said, oh, no, you are the District of Columbia; we can experiment on you. We can do anything undemocratically to do what we want to do, and we will do some undemocratic things to you that our people would punish us for doing if we did it to them.

So now our folks are still hungry for even more charter schools, and we have got people going to private schools as well.

I am going to put in the RECORD what our charter schools have done because each year we have a climbing up. This is how people vote. They vote with their feet. This is what a market system is about. Ask people what they want. This is what democracy is. Ask people what they want, and they will choose what they want. Do not impose on them what you want.

In our city, since most of our Catholic schools which would be the alternative schools in the Northwest and most of our most deprived children are in the Southeast, the first year of the vouchers, we had most of the children in middle class and better schools, thank you very much. Then there was an outcry, which I can see, whether they can do any better this time. I can tell my colleagues it is very much harder to do better if you are from a very disadvantaged neighborhood in far Southeast and there is a Catholic school over here in this part of town and you have got a voucher to go there. That is not going to work in the District.

What will work in the District is what the people in the District have embraced, and that is, if there is to be an alternative, let it be a publicly accountable school.

The District of Columbia, unlike many jurisdictions, has absolutely eliminated charter schools that were not doing what they were supposed to do.

□ 1445

So we know what to do when they work. We know what to do when they do not work.

I am pleased to see the spread of charter schools. I believe that every district has to decide for itself. In this region, for example, in Maryland and Virginia, where Republicans have the majority of the Congress, they cannot even get charter schools, and yet there are hundreds of thousands of poor Hispanic and black children who might decide that was a good alternative for them, not to mention the children elsewhere in those States, but they cannot even get charter schools, which are publicly accountable charter schools to be embraced in their districts. That is how much people in their districts want every public dollar to go to the public school system.

When I argued that on this floor, they said, who do you think you are, somebody voted by the people or the

District of Columbia? Well, we were not, but we are going to tell you what to do with your schools. Well, we have led the way on what to do if your schools do not work. Designed, publicly accountable schools, which parents agree should be the alternative that they want.

This is still America. This is still a democracy. Nothing is felt more deeply than who decides how a person's child will be educated. It was wrong for this Congress to decide for us rather than to decide on the alternative you now come to the floor to embrace.

Mr. Speaker, I very much thank the gentleman for yielding me this time.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman once again yielding me this time, and I am glad that our friend from D.C. was here to honor the contributions of charter schools, because clearly here in D.C. charter schools have had a significant impact on providing educational opportunities for children who, in many cases, are stuck in some very, very bad schools.

Now, I appreciate the support of the charter schools week resolution by my friend from D.C., but let me try to answer part of the charges that were outlined in terms of her opposition to other forms of school choice.

We know that in our large urban centers, we have a difficult time educating low-income children who need our help the most. No place is more evident than right here in the District of Columbia, where we spend over $13,000 per student and have some of the worst schools in all of America. We have similar problems in other large urban districts and, clearly, charter schools have been an opportunity for some students to escape these dreadful schools and have a chance.

All of us know that without a chance at a decent education, none of us would be here, but without a decent education, many of those children will never ever have a chance at the American dream. I have always believed if we are to reform education in America, if we are going to give every child and every parent of a child a chance at a good education, the way to do that is to provide more choices and more options for parents around the country so that they can choose schools that they believe are in their best interest.

In some communities, charter schools might be the answer. Here in the District of Columbia, clearly they are growing. Dayton, Ohio, part of my congressional district, probably has more charter schools per capita than any large urban center in America. And it is providing a very good opportunity for students to escape the Dayton public schools and enter the charter school of their choice.

But it should not be the only choice. There are a lot of parochial schools, private schools, Christian schools all over America that parents want to choose. We all know that if you have money, you have choice. Middle income, higher income, you have all the choice you want because you can get your child into the school you think is best for them. But if you are poor and you cannot move, you have no choice. And if there is not a charter school in your particular neighborhood, you do not have any choice. You are stuck, stuck and condemned to an education that will never help lift you out of poverty and never give you a chance at the American dream.

That is why other forms of choice, I think, are important. That is why I and others were involved in helping the mayor here in the District of Columbia and other parents here in the District who wanted a scholarship program. We provided $15 million to help some low-income children get into a private school and it has helped. It has helped about 1,100 children here in the District in giving them another option. I think, frankly, it is a good option.

I was at two of those schools this morning. I was at St. Francis DeSalles Elementary School, and I was at St. Anthony's Elementary School, both over in the northeast part of town; and both schools, part of the 13 schools that make up the city's Center Consortium. These are 13 very poor Catholic schools here in the District, who I have been involved with over the last few years to help raise them private money to help provide scholarships, to help keep those schools open in those very poor neighborhoods. Last week, I visited four schools in the southeast part of town, in Anacostia. I did not realize Anacostia was as large as it is, but it is very large and it is very poor.

And the fact that those schools are there provide more children more choices, more opportunities to have a chance. I saw kindergartners this morning reading at a first-grade level at both of these Catholic elementary schools. Yes, they have some students that are there because they get D.C. scholarships; others are there because of the generosity of an awful lot of people who want to keep these schools open and provide a choice for those parents and those students.

It is this competition from the public schools, the charter schools, the private schools that I believe will make our school system better and will help all of them. Growing up in sports and growing up in a large family, I know a little about competition, and competition makes all of us better. I believe that the increased competition we are seeing in the provision of an education, especially in the K through 12 arena, has in fact made all of education better.

Do we have a long way to go? We certainly do, but I believe that charter schools are playing an integral role in providing that competition. I think parochial schools, private schools, and Christian schools play a role in that competition as well. The more we can do to encourage parents to have more choice about where their kids can go to school, I think the better off those children will be and the better off our society will be.

Mr. KILDEE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I want to also thank the gentleman from Michigan (Mr. KILDEE) for his years of service and commitment to education, not only of the children in his district but those in America.

Mr. Speaker, I was moved by the accounting and recounting by the gentlewoman from the District of Columbia, particularly because of her leadership on these issues regarding the educating of the children in this district, but I rise to speak of the climate in Texas. And I might say that my children have been in both private and public schools.

As I listened to the distinguished chairman of the Committee on Education and the Workforce, I would simply say that much of what he has said I agree with, and that is that all of us would want to emphasize the excellence of education for our children and no one is condemning private schools. The simple statement is, however, that the public school system was the underpinnings of the founding of this Nation and has made us the great Nation that we are today; that private schools, obviously, welcome and deserve our private funding and our support and encouragement. But charter schools, which we congratulate today, and public schools, stand as entities which we can account for and which can be accountable to the taxpayers.

I want to congratulate charter schools in my district, the KIPP School, the Knowledge is Power Program; the 3D Academy, a school that emphasizes the ''Yes I Can'' innovative approach to education, which has been making a significant impact on education across the Nation. The Dominion Academy, which teaches children from first to eighth grade about business and capitalism and other ways of financing and investing in America; and then the WALIPP Boys Academy that focuses on young men, African-American men, to teach them confidence and character and integrity. But yet the charter schools in our community in Texas are accountable.

And, frankly, that is the difference and the distinction between the question of vouchers and charter schools and public schools. In my district right now, Mr. Speaker, we have the leadership of our school district, the Houston Independent School District, suggesting that three schools need to be closed, three schools with enormous history, two of them happen to be Kashmir High School and Yates High School. These are two of our oldest schools in the African-American community.

How unfortunate that the school district, rather than investing in those schools, with all the richness of history, all the outstanding alumni, all those individuals who are doctors and lawyers and teachers and leaders of the community, and business persons who would want to invest back into the public school that they graduated from, and yet our district is talking of closing them or privatizing them.

That is why we need to speak about excellence and congratulate today the charter schools, because they have taken the resources and they are accountable and they teach in a unique way, each of them with their own definition and character, and they are educating our children and they are accountable. Likewise, the public school system must be accountable as well.

Our independent school district in Houston must be accountable to these historic schools. I visited one of these schools yesterday. I had two of the schools with me on Friday afternoon. They have school pride. They are wearing their uniform. They have band uniforms. It may not be perfect, but these kids want to succeed. And it is important to note, Mr. Speaker, that these children I met with, Kashmir High School and Yates High School and Sam Houston that is in the District of my good friend and colleague, the gentleman from Texas (Mr. GREEN), that these youngsters have the desire to learn and they have applauded those who are working with them, their teachers and principals. So I am asking for an opportunity to be given to them to learn. That is a public school.

But today, I stand on the House floor congratulating charter schools because they work simultaneously and parallel with our public schools. They are a wonderful fit and they give parents the opportunity to increase the excellence of their children. I believe that our only challenge is to reaffirm excellence in education in America and to educate our children, because they are not only our future, they are our todays.

Mr. Speaker, I am pleased to be here today to speak about the benefits of charter schools and their ability to deliver high-quality education and challenge our students to reach their potential. Charter schools provide thousands of our families with diverse and innovative educational options for their children.

I have had the pleasure to visit a charter school in my district, KIPP 3D Academy. KIPP stands for Knowledge is Power Program, and this is an innovative approach to education which has been making a significant impact all over the country. Charter Schools are a unique opportunity for students to access other methods of education, and after visiting with the 3D Academy students, I can see how excited they are for learning. Charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and promote the principles of quality, choice, and innovation.

In exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations. During my visit to KIPP 3D Academy, I was able to see their substantial progress with their students, and how their strict curriculum embodied their slogan that Knowledge is Power.

Nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students.

Charter schools improve their students' achievement and stimulate improvement in traditional public schools. They also give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities.

Charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system. These schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States.

The sixth annual National Charter Schools Week is this week. This event is sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools. I am pleased to join my colleagues in the House of Representatives to acknowledge and commend charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 218, supporting the sixth annual National Charter Schools Week and honoring the outstanding achievements charter schools have made.

As a former educator, I understand the importance of charter schools. These schools are educational laboratories, as they allow students to learn and grow in a non-traditional sense. Charter schools are an alternative to public schools that allow for trial, experimentation and development. With a freedom to employ innovative techniques, charter schools, year after year, continue to provide academic excellence and prepare our youth for higher education, the workforce and their future.

The State of New Jersey has 52 approved charter schools. These schools serve nearly 14,000 students statewide in pre-kindergarten through 12th grade. In 2004, 16 applications were filed in New Jersey for new charter schools with hopes of openings in 2005 and 2006. Many of these applications are for schools in some of New Jersey largest cities, including Newark, Camden and Jersey City.

My district is fortunate enough to have eight exceptional charter schools that offer students a diverse educational opportunity, rigorous curricula, and an outstanding learning environment.

One of these schools, the Princeton Charter School in Mercer County became the first charter school accredited by the American Academy of Liberal Education in April of 2002. In addition to this esteemed recognition, the Princeton Charter School was also recently named a No Child Left Behind Blue Ribbon school. This award is given to schools that meet the national goals and high standards of educational excellence.

Another school in my district, the Greater Brunswick Charter School in Middlesex County will be the subject of a documentary film that will feature the middle school students who have worked hard to develop a class project based on the Buck Institute's model for project based learning. This documentary will be produced in conjunction with the Buck Institute for Education, the Rutgers University Center for Media Studies, and the George Lucas Education Foundation. The documentary will be available online through the George Lucas Education Foundation website.

I applaud the students, teachers, administrators and parents of charter schools for all of their hard work and commitment to the educational community of charter schools. Charter schools continue to grow in number in New Jersey and across the country, offering students an exceptional educational opportunity with room for innovation and development.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 218.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LATE PLAYWRIGHT ARTHUR MILLER AND THE UNIVERSITY OF MICHIGAN ON ITS INTENTION TO BUILD A THEATRE IN HIS NAME

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 216) to honor the late playwright Arthur Miller and the University of Michigan for its intention of building a theater in his name, as amended.

The Clerk read as follows:

H. RES. 216

Whereas Arthur Miller was considered a legend during the vaunted period known as Broadway's Golden Age, earning him a celebrity status that few playwrights would ever realize;

Whereas, as noted upon his death by The Michigan Daily, the student newspaper where Arthur Miller honed his writing, Miller was twice denied admission to the University of Michigan, and gained admittance only after appealing directly to the Dean;

Whereas in 1949, at the age of 33, with his play ''The Death of a Salesman'', Arthur Miller seized all major drama awards for the year—the Pulitzer Prize, the Tony, and the New York Drama Critics Award;

Whereas Arthur Miller's plays, books, essays, and articles touched the moral fabric of a nation;

Whereas, according to Robert Falls, Artistic Director of Chicago's Goodman Theatre, ''Probably not a day goes by that, somewhere in the world, one of Miller's plays isn't being performed.'';

Whereas during his extraordinary life and career, Arthur Miller tapped a social conscience that will see his work live as long as there is an American Theatre;

Whereas his courageous response to the McCarthy era witch-hunts of the 1950's was ''The Crucible'', where his carefully tailored character John Proctor refused to name names and ultimately died for his convictions;

Whereas Arthur Miller's success did not come easy and was born of hard work and an uncanny ability to translate the human condition on to the American stage; and

Whereas Arthur Miller's first plays were written at the University of Michigan and earned him two Avery Hopwood awards which enabled him to complete his education, that same University now prepares to honor his memory with the Arthur Miller Theatre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary contributions to American literature and American theatre of Arthur Miller;

(2) honors Arthur Miller as a great American and pioneer in the annals of American history; and

(3) commends the University of Michigan for its commitment to build the Arthur Miller Theatre, a fitting monument to one of its most distinguished alumna.

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

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. 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. 216, the resolution now under consideration.

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

There was no objection.

□ 1500

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

Mr. Speaker, I rise today in support of House Resolution 216, which honors the great American playwright Arthur Miller, and also honors the University of Michigan for building a theater in his name. I thank the gentleman from Michigan (Mr. SCHWARZ) for his work on this resolution, and I recognize his contributions to the University of Michigan and its alumni association.

As a talented and brilliant playwright, Arthur Miller was a legend of his time. Most widely known for his work ''Death of a Salesman,'' Miller enjoyed a successful career and earned great celebrity status. Miller's significant contribution to theater and society at large can be felt even today. According to Robert Falls, director of Chicago's Goodman Theater, ''Not a day goes by that, somewhere around the world, one of Miller's plays is not being performed.''

Miller's fame, however, did not come without hard work and an ability to translate the human condition onto the American stage. Throughout his life, he overcame much adversity, and this struggle played out through his many works.

After graduating from high school in 1932, Miller worked in an auto-parts warehouse to earn money for college. Reading great novels by world-famous authors, Miller decided to become a writer. In order to follow this passion, he applied to the University of Michigan in 1934 to study journalism. Ironically, the university initially denied admission to Miller because of his less-than-stellar high school career. He failed algebra three times in high school. (And, of course, that stabs me right in the heart as a scientist!) He gained admittance only after appeal to the dean. After being accepted, however, Miller thrived at the university and won two of the university's prestigious Hopwood Awards for his playwriting.

After graduating in 1938, Mr. MILLER returned to New York and launched his career. His first successful play was in 1947 when ''All My Sons'' ran for 328 performances on Broadway. In 1949, Miller won international recognition and a Pulitzer Prize by producing his most famous work, ''Death of a Salesman,'' which is known as one of the major achievements of modern-day theater. The story portrays the tragedy of Willy Loman, a salesman living around the time of World War II, who fails in pursuit of the American Dream. The powerful story is still well known and read today.

Throughout his successful career, Miller maintained his connection to the University of Michigan. He often visited to meet and work with students in the theater program. The university awarded him an honorary Doctor of Humane Letters in 1956, and Miller worked with the Alumni Club of New York to establish the Arthur Miller Award for aspiring writers. In 2000, Miller sent a simple postcard to the university allowing it to name a theater after him.

Therefore, it is fitting that Arthur Miller's lasting contributions as a playwright and author will be forever remembered through the Arthur Miller Theater. It is my pleasure to commend the University of Michigan for honoring his memory and impressive accomplishments. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H. Res. 216 celebrates the life of one of the greatest playwrights of all time. In addition, this resolution rightly recognizes the University of Michigan for naming a theater after this great American.

Arthur Miller was a Pulitzer Prize winner; a recipient of the New York Drama Critics Circle Award; the Nation's most distinguished recognition for the arts, the Kennedy Center Honors. He enriched our country through his great works, including ''Death of a Salesman,'' ''The Crucible'' and ''A View From the Bridge.''

This remarkable man and his remarkable work really took root at the University of Michigan. At age 19 when he came to Michigan, he began to realize his dream was to become a writer. Miller won two of the University of Michigan's prestigious Avery Hopwood Awards while attending the University. Michigan and the entire university were happy to call Arthur Miller one of our most distinguished citizens and alumni.

Madam Speaker, I wanted to thank the gentleman from Michigan (Mr. SCHWARZ) for introducing this resolution. The University of Michigan deserves recognition for naming a theater after this great American. We would be remiss, however, if we did not also recognize the contributions Arthur Miller made to our country and to the world. I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SCHWARZ), my distinguished colleague.

Mr. SCHWARZ of Michigan. Madam Speaker, I commend my colleague from Flint, a fellow University of Michigan graduate, and also another gentleman from Michigan (Mr. EHLERS).

''After the Fall,'' ''All My Sons,'' ''Death of a Salesman,'' ''The Crucible,'' ''Anatomy of the People,'' ''A View From the Bridge,'' ''The Misfits,'' ''Incident at Vichy,'' ''The Archbishop's Ceiling,'' ''Two-Way Mirror,'' ''The Last Yankee'' and innumerable other works by Arthur Miller, a distinguished graduate of the University of Michigan.

As an individual in the House whose district almost comes up to Ann Arbor, I think I can safely say I represent also the sentiments of the dean of House, the gentleman from Michigan (Mr. DINGELL), who represents Ann Arbor, in supporting this resolution.

Arthur Miller was like many students who come to University of Michigan, especially in that era. They came from the eastern part of the United States, came from families that did not have a great deal of wealth, and were extremely hard workers. As alluded to by the gentleman from Michigan (Mr. KILDEE) and the gentleman from Michigan (Mr. EHLERS), Arthur Miller had an extremely successful career at the university winning the Hopwood Award, an award given to students for the best writing, two times at the university. He graduated and wrote for the Federal Theater Project; and after World War II, he wrote and his magna opus was performed on Broadway, ''Death of a Salesman.''

Subsequent to that, Miller wrote many plays, some made into moving pictures, some performed on Broadway. It is indeed, as the gentleman from Michigan (Mr. EHLERS) indicated, a

very rare day when somewhere in the world an Arthur Miller play is not performed.

As a means of saluting Mr. Miller, then-president of the University of Michigan, now president of Columbia University, Lee Bollinger, had the idea that we should build a theater on the University of Michigan campus and name it after Arthur Miller. And as the gentleman from Michigan (Mr. EHLERS) indicated, Arthur Miller, by a postcard to the university, said yes, that would be okay.

So in March 2005, following Mr. Miller's death at the age of 88, the regents of the University of Michigan approved plans to build the Arthur Miller Theater, a 250-seat performing venue on the campus of the University of Michigan; and this resolution honors the late Arthur Miller and the University of Michigan, Mr. Miller for his contributions to American theater, and the University of Michigan, I think, for playing a part in educating Mr. Miller and in recognizing the fact that he indeed was America's greater playwright of the 20th century.

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

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

Madam Speaker, I would just like to make a few closing comments. I was struck by the fact that Mr. Miller spent some time working in an auto-parts warehouse. There must be some relationship between that and the University of Michigan because my youngest son also spent some time working at an auto-parts warehouse because he did not intend to go to college or a university. After a short time, he decided to go to college and today is a faculty member in geophysics at the University of Michigan. So for those wishing to succeed at the University of Michigan, they may consider starting to work at an auto-parts warehouse.

I also want to recognize the importance of the preeminent play that Mr. Miller wrote, ''Death of a Salesman.'' Very few works of the theater or cinema have affected me as much as that, simply because it struck me as someone who is a generation removed from the time of that particular play. I was just astounded at the generosity of Willy Loman's neighbor who recognized that Willy was in trouble, tried to help him, and every once in awhile would slip him $20 and say, ''Do not worry about repaying it. Whenever you get it, just give it back to me.''

What struck me about that was there was no widespread social network in those days, and people depended on their neighbors. This is something we have lost today. Handing a neighbor $20 in the 1930s and early 1940s is equivalent to handing them more than $100 today; and how many of us would casually slip $100 to a neighbor and say, Here, do not worry about it, just pay it back when you can. I think that encapsulates the spirit of that era. It was very tough times in the 1930s after the Great Depression, yet everyone helped each other, and that is how we as a Nation survived and became the great Nation we are today.

I have many personal differences with Mr. Miller and his stance and position on various issues, but I think it is appropriate to recognize genius when and where it exists, and it is certainly appropriate for us to honor him today. Therefore, I urge my colleagues to adopt this resolution honoring Mr. Miller and the University of Michigan for its role in naming a theater after him.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 216, 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.

OBSERVING 30TH ANNIVERSARY OF FALL OF THE REPUBLIC OF VIETNAM TO THE COMMUNIST FORCES OF NORTH VIETNAM

Mr. FORTENBERRY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 228) observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist Forces of North Vietnam, as amended.

The Clerk read as follows:

H. RES. 228

Whereas the Vietnamese who resettled in the United States after the events of April 1975 have, through perseverance and hard work, been able to rebuild their lives and form a vibrant community across the United States, nearly a million and a half strong, which contributes in many significant ways to the richness and diversity of American society;

Whereas the large flow of refugees to the United States and elsewhere was caused by the fall of the Republic of Vietnam to the Communist forces of North Vietnam in April 1975, resulting in a world refugee crisis of historic proportions, the exodus of millions of Vietnamese, and hundreds of thousands of deaths at sea;

Whereas since 1975, Vietnamese Americans have worked tirelessly to promote freedom and democracy in Vietnam;

Whereas the United States honors all members of the United States Armed Forces and members of the South Vietnamese forces who fought in the Vietnam conflict, including those individuals who gave the ultimate sacrifice, their lives, for the cause of freedom during such conflict; and

Whereas the interests of the United States with respect to the Socialist Republic of Vietnam will be best served when the Vietnamese people fully enjoy the exercise of their basic human rights regardless of politics, religion, gender, or ethnic origin: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the significant contributions of Vietnamese Americans to the richness, diversity, and success of American society;

(2) observes the 30th anniversary of the large exodus of refugees from Vietnam when the Republic of Vietnam fell to the Communist forces of North Vietnam;

(3) supports all individuals taking part in events in Washington, D.C. and across the United States to commemorate these momentous events in world history;

(4) honors the memory of those Vietnamese who lost their lives in that refugee exodus; and

(5) urges all citizens of the United States to share in remembering these events and working toward the full realization of freedom, democracy, and equality for all the people of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. FORTENBERRY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY).

GENERAL LEAVE

Mr. FORTENBERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Madam Speaker, I would like to first start by thanking the gentleman from Virginia (Mr. TOM DAVIS) for introducing this timely resolution honoring the contributions of Vietnamese Americans to American society over the past 3 decades.

This past week marked the 30th anniversary of the fall of Saigon, a tragic anniversary on many levels. Those events signified the fall of the Republic of Vietnam to the Communist forces of North Vietnam, and also marked the start of several successive waves of people fleeing their homeland in a refugee exodus that ultimately involved millions of Vietnamese. Of those who fled as boat people in the late 1970s, countless thousands died at sea.

The resolution before us honors the memory of those victims as well as the many sacrifices made by the Armed Forces of the United States and of South Vietnam during the Vietnam Conflict. But more centrally, the resolution honors the significant contributions of Vietnamese Americans to the richness, diversity, and success of American society.

□ 1515

Adversity reveals the mettle of a people. The hundreds of thousands of Vietnamese who braved those circumstances to relocate in the United States have since grown into a vibrant American community nearly 1.5 million strong. In addition to thriving in their newfound homeland, Vietnamese

Americans have also worked tirelessly in their attempts to realize freedom and equality for all people in Vietnam, an ideal that remains a work in progress.

This week, many Americans are gathering in Washington, D.C., and elsewhere to commemorate the events of 30 years ago. Thus, it is a particularly fitting time for all Americans to join them in remembering the hardships and accomplishments of the past as well as our shared hopes for the future. For these reasons, House Resolution 228 deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

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

I rise in strong support of this resolution. At the outset, I would like to commend the gentleman from Virginia (Mr. TOM DAVIS) for introducing this important resolution and the gentleman from Nebraska (Mr. FORTENBERRY) for ably managing it on the floor.

Madam Speaker, 30 years ago, the fall of South Vietnam caused a refugee crisis of enormous proportions. Three million Vietnamese fled their homeland, with more than 1.5 million ultimately arriving in the United States. While a few left from the top of the U.S. Embassy in helicopters in the hurried rush at the end of the war, millions were loaded with their families onto rickety, overcrowded boats to flee Vietnam for freedom.

The resolution before us observes the 30th anniversary of this huge exodus of refugees from Vietnam and honors the significant contributions made by Vietnamese Americans after their arrival in the United States.

Madam Speaker, we are a Nation of immigrants, and Vietnamese Americans have warmly embraced the values and ethics of previous immigrant generations: hard work, education, an emphasis on family, and a strong embrace of our democratic system. Many Vietnamese Americans arrived with little more than the clothes on their back and have made new, prosperous lives for themselves here in the United States. Vietnamese Americans have become astronauts, television anchors, NFL football players, attorneys general and software entrepreneurs. They have made significant contributions to our society and to our culture, and their positive influence on our Nation will continue to grow.

Vietnamese Americans have also made the ultimate sacrifice for their newly adopted Nation. On March 22, 2004, Marine Lance Corporal Andrew Dang was killed by enemy fire while on patrol near Ramadi in Iraq. Andrew joined the Marines about a month after the start of the war in Iraq and was assigned to Camp Pendleton in my home State of California. After his death, a fellow Marine wrote about Andrew, and I quote, ''Everyone could count on him and no one questioned his loyalty. He believed in what the United States was doing against terror and so do we. None of us who knew Andrew will ever forget him.''

Madam Speaker, our condolences go out to Andrew's family as does our great appreciation for his willingness to serve our Nation.

Vietnamese Americans are increasingly part of the fabric of American society, working hard, caring for their families, and giving back to their adopted homeland. Our resolution recognizes the evolution of the Vietnamese-American community and their lasting contributions to our entire Nation.

Madam Speaker, I am delighted to yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank the gentleman from California for yielding me this time.

I rise today in support of House Resolution 228, which marks the 30th anniversary of the fall of Saigon. Last weekend, thousands of Vietnamese Americans from across the country came to Washington for the Vietnam Freedom March. This event celebrated the freedom and the heritage of the Vietnamese-American community, honored the sacrifices of American and Vietnamese veterans, and highlighted the desperate need for freedom and basic human rights in Vietnam today. I am proud to have been an honorary cohost of this event, along with over 20 of my House colleagues, and I look forward to the support of this entire body for the resolution in today's vote. As the congressional representative of the largest Vietnamese community outside of Vietnam, it is a great privilege to bring this legislation to the floor today on their behalf.

Madam Speaker, the gentleman from California is right. The Vietnamese community here in America has done an incredible job. They are hard workers, they are business owners, they are in the top universities, they are getting educated, they are beginning the political process, having now been elected in many of the areas, in Orange County and also in Texas, and, I believe, in Virginia.

It is great to see the strides that they have made as an immigrant community here in the United States. But the truth of the matter is that the people, especially people back in Orange County and around here that are Vietnamese Americans, are still worried about the situation in Vietnam. We know that the people of Vietnam awaken every day under a very harsh and repressive regime, and events such as the Vietnam Freedom March remind those of us here in Washington that even 30 years after the fall of Saigon, there remains much to be done before the Vietnamese people can enjoy the freedom and the liberty that we here in America often take for granted.

I hope that my colleagues will work with me and with the Vietnamese community of the United States to work on the human rights issues still left there in Vietnam. They came here because they were seeking freedom and liberty. We fought and we lost 58,000 Americans in that war trying to find freedom and liberty. I hope we will continue as Americans to fight for freedom and liberty.

Mr. FORTENBERRY. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I rise in support of this resolution honoring the contributions of Vietnamese Americans to American society over the past 3 decades. After the events of April 1975, many brave Vietnamese migrated to the United States. Through perseverance and hard work, they rebuilt their lives to form a vibrant community across this country.

I take great pride in representing a part of Orange County's thriving Vietnamese-American community, and I have witnessed the community's growth over the years. There are now more than 3,500 Vietnamese-American-owned businesses straddling the cities of Garden Grove, Santa Ana and Westminster. Little Saigon is no longer ''little.'' It is the cultural and commercial capital for close to 300,000 Vietnamese Americans, the largest concentration outside Vietnam.

I have seen the community grow not only economically but politically as well. Van Tran, who used to work for me in the State senate, has now been elected to the State assembly, the highest Vietnamese American elected to public office. Rightly, these Vietnamese Americans are focused on promoting democratic ideals in Vietnam. The U.S. must be a strong advocate of human rights, particularly when basic freedoms are being wantonly disregarded as they are in Vietnam. We must continue to shine a light on repression in that country.

I am sorry to say that in the 30 years, not much has changed in Vietnam. Not much has changed since the Communists launched their disastrous Socialist Republic of Vietnam because political, religious and economic freedoms have been systematically squashed. This is a government that continues to deny citizens of Vietnam the right to change their government. When I visited Vietnam, I saw firsthand the Communist Party's harassment of those Vietnamese citizens who decided to peacefully set forth dissenting political and religious views. When I met with the venerable Thich Quang Do and Le Quang Liem, I was immediately denounced by that Communist government.

But I must share with you that there is a strategy that is working to bring information to Vietnam. Radio Free Asia is an effective tool listened to across the country. I have carried legislation to expand those broadcasts.

But I would share with you in my conversations with Vietnamese that in the same way that Lech Walesa in Poland listened to those radio broadcasts and in the same way the members of solidarity had a chance to have their story told across Poland, in the same way that Vaclav Havel used to tune into Radio Free Europe, Radio Liberty broadcasts, today people across Southeast Asia, in Burma and in Vietnam have that same opportunity to listen to the news not only about what is happening in the world but what is happening inside their own country, and that is shaping the values and the attitudes and the knowledge of a new generation of young Vietnamese.

The Vietnamese-American community has not lost sight of the struggle in their original homeland for freedom, for religious freedom, for freedom of speech, even for the right of young people to sit down in an Internet cafe and have a dialogue without censorship. They are a part of this effort to make certain that those ideals stay alive so that in the same way that eastern Europe came to evolve into a democratic, market-oriented, tolerant society, that there will be that opportunity in the future for Vietnam.

In the meantime, this resolution commends the success of the Vietnamese-American community. I thank the gentleman from Virginia (Mr. TOM DAVIS) and the other cosponsors of this resolution and urge its passage.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the ranking member very much for yielding me this time and the sponsor of this legislation and my colleagues, because I believe that we come unanimous to the floor to acknowledge the 30th anniversary of the fall of the Republic of Vietnam to, unfortunately, the Communist forces, but to stand tall with the resolved in Vietnam that fought steadfastly against those forces and to applaud the Vietnamese community which I have the opportunity of interacting with and, of course, working with in my own community of Houston.

I am proud to be an original cosponsor of this legislation and to have supported the recent event this past weekend commemorating the contributions and, of course, the commitment of the Vietnamese people and their longstanding commitment to Vietnam. Truly, the Vietnam War has had a lasting impact on our Nation and, indeed, the world in the 30 years since it has ended. The nation of Vietnam today is showing signs of economic revival. Much like China, Vietnam is realizing that market reforms that are more open and free can yield a greater fiscal growth and development.

However, again like China, Vietnam must also take the same approach in respecting opposition and, of course, freedom and civil liberties. Unfortunately, the citizens of Vietnam must still endure arbitrary arrests, detentions without trial and the censorship of peaceful expressions of political and religious beliefs. These practices are not uncommon because they are written into the national constitution. Specifically, article 4 of the constitution of the Socialist Republic of Vietnam ensures the supremacy of the Vietnamese Community Party as the only political party in the country. At the same time, the government continues to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to 2 years, without trial, under the pretext of endangering national security.

That is why, Madam Speaker, I have been concerned about establishing trade relations that has not answered the question of the freedom of people in parts of Vietnam and particularly in the Communist areas. I also believe it is important to stand up to demand that those who have been incarcerated and detained are released and to say to those who are here, the Vietnamese community, that we stand with them in order to ensure the reuniting of their family members, many of them separated now for decades.

□ 1530

But that has not stopped the Vietnamese community in Houston, in Texas, and around the Nation from being strong advocates and supporters of their individual communities. They are business persons, they are artists, they are teachers, they are community leaders.

I want to thank the community in Houston for raising over $100,000 and coming to the aid of the victims of the tsunami by working with Houston's Solution for Tsunami Relief. I would like to acknowledge their artistic activities by saluting the Vietnamese Dance Company, saluting the first Vietnamese who was elected to the State legislature in the last election, and of course to salute those individuals who befriend and take care of their senior citizens. They have one of the best citizens programs for many of these elderly Vietnamese citizens who do not speak the language because they came to this country way after the prime of their life, but there is no more group that loves freedom as much as the Vietnamese community. And my senior citizens, who may not be able to speak English very well, I can assure Members that freedom is in their hearts, that they love this Nation, that they realize that they are in a country that is free and respects them.

So I am proud to recognize the achievements of Vietnamese Americans in 3 decades since the end of the Vietnam War. And I am proud to say that the city of Houston is home to about 160,000 Vietnamese who maintain an active and vibrant community. They live at Bellaire. They have a Vietnam town there. One can find Vietnamese shops and restaurants, places of worship, but I will say they are very welcoming. 900 AM is Radio Saigon in Houston. They believe in being part of this Nation.

On April 30, 1975, the Republic of Vietnam fell to the Communist forces; but now we are standing to say that even as it fell, it yielded 3 million refugees, at least 500,000 individuals who died at sea trying to escape from danger, but they came to the United States and they stand together as free and united.

I congratulate the community, and I thank the distinguished ranking member for his leadership also.

I rise today as a cosponsor of H. Res. 228, which observes the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam. In addition, this resolution honors the contributions of Vietnamese Americans to American Society over the past three decades. Truly, the Vietnam War has had a lasting impact on our Nation and indeed the world in the 30 years since it ended.

The nation of Vietnam today is showing signs of economic revival. Much like China, Vietnam is realizing that market reforms that are more open and free can yield greater fiscal growth and development. However, much like China, Vietnam must also take the same approach of open opposition and freedom for its civil liberties. Unfortunately, the citizens of Vietnam must still endure arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political and religious beliefs. these practices are not uncommon because they are written into the nation Constitution. Specifically, Article 4 of the Constitution of the Socialist Republic of Vietnam ensures the supremacy of the Vietnamese Communist Party as the only political party in the country. At the same time the government continues to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to 2 years, without trail, under the pretext of "endangering national security." As a Member of Congress I have always stood for human rights and these practices go against all tenants of good governance. Truly, any nation in this era that hopes to have its place in the international community must maintain proper standards in human rights.

I am proud to recognize the achievements of Vietnamese Americans in the 3 decades since the end of the Vietnam War. I am proud to say that the City of Houston is home to about 160,000 Vietnamese, who have maintained an active and vibrant community. In the Southwest Houston Area at Bellaire Street, there is an area the community refers to as Vietnam Town, where you can find many of the Vietnamese shops, restaurants, and places of worship. In addition, the Vietnamese community in Houston has established their own radio stations including 900 AM Radio Saigon Houston.

On April 30, 1975, the Republic of Vietnam fell to the Communist forces of North Vietnam, resulting in a world refuge crisis of historic proportions, and yielding approximately 3,000,000 refugees around the world and at least 500,000 individuals who died at sea trying to escape from danger. One million five

hundred thousand of those Vietnamese resettled in the United States and like the Vietnamese community in Houston they have contributed to the diversity and vibrancy of our Nation.

As we commemorate the thirtieth anniversary of the end of the Vietnam War we should take this time to reflect on our current war in Iraq. Much like the final years of Vietnam we are confronted with the question of how do we end this war and when can we bring our fighting men and women home to be with their families and loved ones? There have been 1,763 coalition troop deaths in Iraq, 1,585 of which have been Americans. At least 12,243 U.S. troops have been wounded in action and their lives will be changed forever because of this war. In addition, the latest attacks in Iraq by insurgents have killed hundreds of innocent Iraqi civilians. We must work vigorously to ensure that we have a proper exit strategy in Iraq. We can not allow more American troops to die without doing all we can to extract them from this danger. We must work to bring the current state of chaos in Iraq to be under control.

Can I thank the good people of Vietnam who came but to this Nation or refugee, who now serve us well. I believe we must likewise find resolve to fix the problem in Iraq.

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

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

I wish to thank the distinguished gentleman from California (Mr. LANTOS) for his profound remarks today.

Madam Speaker, this resolution honors the accomplishments of the Vietnamese Americans who have proudly contributed in so many ways to American society, and I am personally grateful for so many friends in eastern Nebraska, including Loan Vu, Bich and Brian Bui, Tha and Cuong Nguyen, and Phi Huynh, who have opened their homes to me, sharing personal stories of hardship and escape, of hope in seeking to rebuild their lives in America, and gratitude for the blessings of our country.

I am grateful for the opportunity to offer this resolution, which I hope my colleagues will support.

Mr. HONDA. Madam Speaker, I rise today to thank my colleague, the co-chairs of the Congressional Caucus on Vietnam, Representatives TOM DAVIS, ZOE LOFGREN, CHRIS SMITH and LORETTA SANCHEZ for their leadership in bringing H. Res. 228 to the floor. This resolution honors the contributions to the United States made by the Vietnamese Americans since their arrival nearly 30 years ago.

Today, there are 1.2 million Vietnamese Americans living in the U.S. More than 484,000 Vietnamese live in my home state of California, giving us the largest Vietnamese American community outside of Vietnam; my hometown of San Jose the largest Vietnamese population of any city outside of Vietnam. The Vietnamese community makes up the largest population of Southeast Asian refugees to have settled in the United States.

When Saigon fell to the communists 30 years ago, the first wave of Vietnamese fled Vietnam. Approximately 135,000 Vietnamese refugees fled to the U.S.; a majority of them were ex-military and government officials who were our allies during the Vietnam War.

The second migration of refugees came from the southern portion of the newly reunified nation of Vietnam. Of the countless thousands who tried to flee the country in makeshift boats, as many as half perished at sea. Those who succeeded found refugee camps in Thailand, Malaysia, Indonesia, the Philippines, and Hong Kong.

In the late 1970s, the United Nations High Commissioner for Refugees (UNHCR) negotiated an agreement under which the government of Vietnam would allow an orderly departure for those with relatives who had resettled abroad. From 1975 to 2002, a total of 759,000 Vietnamese refugees fled Vietnam and resettled in the United States.

The Vietnamese American community has made and continues to make positive contributions to the U.S. Vietnamese Americans can be found in any profession, becoming doctors, lawyers, actors, politicians, scientists, professional athletes, and entrepreneurs.

In 1992, Tony Quang Lam became the first Vietnamese American elected to public office; he served as a City Council Member in Westminster, CA until 2002. Eugene Trinh became the first Vietnamese American Astronaut for the Space Shuttle *Columbia* in 1992. Recently in the 2004 elections, Hubert Vo became the first Vietnamese American to win a Texas State Legislature seat, representing District 149 of Texas.

Madam Speaker, the list of accomplished Vietnamese Americans goes on, and these are just some examples of the vibrant Vietnamese American community. As we move forward and honor the accomplishments of this community, we must also address the disparities that still exist in this community, such as college graduation rates and the number of those living below the poverty level.

As we recognize the history and contributions of Vietnamese Americans, we continue to honor their stories of hardship, their noble struggles, and their extraordinary accomplishments.

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H. Res. 228 which recognizes the 30th anniversary of the tragic fall of the Republic of Vietnam and honors the 1.5 million Vietnamese-Americans who have settled in the U.S. and worked to promote democracy and prosperity in the U.S. as well as back in their homeland.

As this Congress is aware, the tragedy of the fall of the Republic of Vietnam displaced approximately 3 million Vietnamese. Many of these individuals sought refuge in the United States. The people of Guam have a special relationship with these Vietnamese-Americans, 150,000 of whom arrived in Guam as refugees after the fall of Saigon in April 1975. To give you some perspective on the impact of this refugee crisis and the magnitude of Operation New Life, the current population of Guam today is 157,000. At the time of Operation New Life, Guam grew by 150 percent in a matter of days.

My late husband Ricardo J. Bordallo was Governor of Guam at the time of Operation New Life, and I remember how the Guam community came together in solidarity with the Vietnamese people and worked hard to help comfort these brave individuals who had left all their worldly possessions behind in the name of freedom. The people of Guam empathized with the Vietnamese refugees, and we opened our hearts as well as our island home to them. Schools were closed because the buses and classrooms were needed to respond to this human emergency. The Asian refugee camp became our largest village overnight. One of my assignments as First Lady was to organize the care for the hundreds of orphan babies that arrived in Operation Baby Lift. This was a moving experience that has remained one of my fondest memories of my husband's first term as Governor of Guam.

Today, many of the Vietnamese refugees who landed in Guam continue to live and prosper in the Guam community and throughout the United States. They have had families, opened businesses and contributed to our national life. They represent the finest ideals of political freedom.

Many of the Vietnamese refugees have used their skills to create new businesses and to improve their lives and the lives of their fellow refugees. I am proud to call attention to one example of how Vietnamese-Americans have become an American success story. I recently learned of a new business venture in southern California called the First Vietnamese American Bank, which, when fully operational, will serve the Vietnamese-American community as well as prime the economic pumps for business relationships between Vietnam and the United States. The visionary board of the First Vietnamese American Bank gives us all hope that economic ties will lead the way towards stronger relationships between the Vietnamese people and the American people. I congratulate them on this bold endeavor and I wish them success in serving their community as well as building bridges to their former homeland. I commend the Chairman of the Board, Dr. Chan Q. Kieu, and the Directors, Mr. Pedro (Sonny) P. Ada, Mr. Arthur B. Birtcher, Mr.Walter L. Hannen Sr., Mr. Alex L. Hoang, Mr. Joe Keleman, Dr. Hieu T. Nguyen, Ms. Loan (Lynn) T. Nguyen, and Mr. Masao Tsuzura. I also commend the President and Chief Executive Officer Dr. Hieu T. Nguyen, and senior managers Mr. Binh S. Hoang, Mr. John A. Podlesni and Mr. Douglas M. Shearer.

We reflect today on the long road from the fall of Saigon to a new world that seeks peace and prosperity. The Vietnamese-Americans who inspire us also remind us of the cost of the freedom we enjoy. We hope that Vietnam will continue on its own political journey so that one day the freedom that Vietnamese-Americans enjoy in America can be shared by their families in Vietnam. That is a vision worth pursuing and in supporting H. Res. 228, Congress can express its solidarity with all those who share this vision for Vietnam.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H. Res. 228, which I introduced to observe the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam.

As you know, the Republic of Vietnam succumbed to North Vietnamese Communist troops on April 30, 1975. This dark day was a great tragedy not only for Vietnamese people, but for all democratic governments and free people in the world. America reacted quickly by opening its hearts and borders to over one million Vietnamese refugees. Another one million people fled to Europe, Australia, and Canada, and almost one million died en route to freedom.

Many came here by surviving incredible hardships. They risked their lives on rickety boats facing pirates, starvation, and the perils of being at sea on open boats for weeks and months on end. Others escaped through dangerous mountainous and jungle terrain and those who were not so lucky were forced into so called ''Re-education Camps'' which were nothing more than concentration camps designed to torture and kill people who opposed the community regime. Soldiers, writers, journalists, members of the clergy and other religious leaders all suffered the same fate in these camps: humiliation, torture, and often, death.

We owe all those who gave the ultimate sacrifice during the Vietnam War, both American and Vietnamese, a debt of gratitude that can never be repaid. While we pay homage to these fallen heroes with resolutions and commemorations, the most fitting tribute is the enduring memory of their lives.

Madam Speaker, in 1994 the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. continues to open diplomatic relations with Vietnam, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

I have traveled to Vietnam many times to learn about these issues first-hand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in my congressional district continues to keep me apprised of the situation. As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

Madam Speaker, I urge every citizen of the United States to share in remembering this dark chapter in history. We must strive to have a greater understanding of the role these events had in hollowing the Vietnamese people of their liberty to provide the necessary leadership so that one day the Vietnamese people may enjoy freedom, democracy, and equality.

I am hopeful H. Res. 228 will serve as a sensible voice of reason and help move the Vietnamese people one step closer toward ultimate liberation and freedom. At the least, however, I believe it will help shed much needed light on the atrocities committed by the Socialist Republic of Vietnam everyday on its own citizens. I would like to thank the other co-chairs of the Vietnam Caucus, LORETTA SANCHEZ, CHRIS SMITH, and ZOE LOFGREN, for their support and urge my colleagues to join me in the passage of this resolution.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise as a coauthor in strong support of H. Res. 228, a resolution that marks the 30th anniversary of the fall of the Republic of Vietnam and that honors the contributions of Vietnamese-Americans to American society over the past three decades.

April 30, 1975 marked a very somber day for millions of people when the Republic of Vietnam fell to Communist forces from North Vietnam. Instantly, the world was faced with millions of refugees, many who resettled in the United States, but also hundreds of thousands who perished at sea in their attempt to escape Communist forces. Those who remained in Vietnam were forced to re-education camps and detention as their punishment.

Unfortunately, to this day, the Vietnamese Communist government continues to violate basic human rights of its own citizens. As it has been documented by various States Department reports, the U.S. Commission on International Religious Freedom, Amnesty International and various Vietnamese-American groups, the Vietnamese government has been an egregious violator of religious freedom, human rights, and free speech. The government in Vietnam has continuously imprisoned religious figures who simply want to practice their faith, journalists attempting to print basic information about the actions of their government, and democratic activists in Vietnam. Vietnamese-Americans are playing a vital role to ensure that the Vietnamese government improves its human rights record, but much work remains to be done.

Even though April 30th, 2005 marks the 30th anniversary of a very sad day for millions of Vietnamese and American families whose sons and daughters gave the ultimate sacrifice during the Vietnam War, it is also a day to enthusiastically commend countless contributions that millions of Vietnamese-Americans have made in the United States. In just 30 years, 1.5 million Vietnamese refugees rebuilt their lives to become leaders in education, business, and government in the United Sates and have greatly enriched the cultural diversity of our country.

So today I rise to remember the sacrifice of American and Vietnamese soldiers who fought for democracy in Vietnam and for their families who suffered their loss and injury. But I also rise to commend millions of courageous Vietnamese-Americans who have successfully rebuilt their lives in the United States while fighting to improve the human rights situation for their brothers and sisters left in Vietnam.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. FORTENBERRY) that the House suspend the rules and agree to the resolution, H. Res. 228, 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. LANTOS. Madam 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 motion will be postponed.

CALLING ON GOVERNMENT OF NIGERIA TO TRANSFER CHARLES GHANKAY TAYLOR TO SPECIAL COURT FOR SIERRA LEONE

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The Clerk read as follows:

H. CON. RES. 127

Whereas on January 16, 2002, as requested by United Nations Security Council Resolution 1315 (2000), an agreement was signed by the Government of the Republic of Sierra Leone and the United Nations to establish the Special Court for Sierra Leone;

Whereas the Special Court for Sierra Leone was given the power to prosecute persons who have committed and ''bear the greatest responsibility'' for war crimes, crimes against humanity, other serious violations of international humanitarian law, and certain crimes under Sierra Leonean law committed within the territory of Sierra Leone during that country's brutal civil war during the period after November 30, 1996;

Whereas on June 4, 2003, the Special Court for Sierra Leone unsealed an indictment issued on March 3, 2003, against Charles Ghankay Taylor, former President of the Republic of Liberia, charging him with seventeen counts of war crimes, crimes against humanity, and other violations of international humanitarian law relating to his role in directly supporting and materially, logistically, and politically abetting the rebel Revolutionary United Front (RUF) and its actions, including its notorious, widespread, and systematic attacks upon the civilian population of Sierra Leone;

Whereas the indictment of Charles Taylor includes charges of terrorizing civilians and subjecting civilians to collective punishment, mass murder, sexual slavery and rape, abduction and hostage taking, severe mutilation, including the cutting off of limbs and other physical violence and inhumane acts, enslavement, forced labor, forced military conscription, including forced conscription of children, theft, arson, looting, and pillage, and widespread attacks upon the United Nations Mission in Sierra Leone (UNAMSIL) and humanitarian workers by the Revolutionary United Front combatants;

Whereas the Revolutionary United Front was notorious for brutally murdering and torturing civilians, including the amputation of limbs with machetes, and by carving ''RUF'' onto the bodies of thousands of victims, including women and children;

Whereas the Revolutionary United Front made widespread use of abducted children as laborers and soldiers and forced many of the abducted children to perform severe human rights abuses, constituting a serious crime under the jurisdiction of the Special Court for Sierra Leone;

Whereas on August 11, 2003, Charles Taylor departed Liberia for Calabar, Nigeria, where he was granted asylum and, according to press reports, agreed to end his involvement in Liberian politics;

Whereas in September 2003 the Government of the Federal Republic of Nigeria warned Taylor that it would ''not tolerate any breach of this condition and others which forbid him from engaging in active communications with anyone engaged in political, illegal or governmental activities in Liberia'';

Whereas the United States, Nigeria, and other concerned nations have contributed extensive political, human, military, financial, and material resources toward the building of peace and stability in Liberia and Sierra Leone;

Whereas the Special Court for Sierra Leone has contributed to developing the rule of law in Sierra Leone and is deserving of support;

Whereas on March 17, 2005, the United Nations Secretary-General reported to the United Nations Security Council that Charles Taylor's ''former military commanders and business associates, as well as members of his political party, maintain regular contact with him and are planning to undermine the peace process'' in Liberia;

Whereas David Crane, Chief Prosecutor at the Special Court for Sierra Leone, stated: ''Unless and until Charles Taylor is brought to justice, there will be no peace. Charles Taylor is a big cloud hanging over Liberia. He is still ruling the country from his house arrest in Calabar. His agents remain influential in the country.'';

Whereas on March 22, 2005, Jacques Klein, the United Nations Special Representative of the Secretary-General to Liberia, stated: ''Charles Taylor is a psychopath and a killer . . . He's still very much involved [in and is . . .] intrusive in Liberian politics.''; and

Whereas Charles Taylor remains a serious present and continuing threat to Liberian and West African subregional political stability, security, and peace, and to United States interests in the region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges the Government of the Federal Republic of Nigeria to expeditiously transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the jurisdiction of the Special Court for Sierra Leone to undergo a fair and open trial for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as she may consume to the distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I rise today in strong support of H. Con. Res. 127, a resolution calling on Nigeria to turn over the former Liberian President Charles Taylor to the Special Court for Sierra Leone. The Special Court has indicted Taylor, who is allegedly responsible for the murder, rape, and mutilation of 1.2 million people during the war in Sierra Leone in the late 1990s.

It has now come to the surface that the al Qaeda operatives both before and after September 11 have viewed West Africa as an effective sanctuary and as a place to launder money. Evidence suggests that Taylor himself was personally involved in serving as a middleman between al Qaeda and West Africa's multimillion dollar diamond trade. The illicit international trade in so-called blood diamonds, an asset that is virtually untraceable and easily convertible into cash, helped fund many of West Africa's wars in the 1990s and clearly is a suspected means of finance for terrorists.

The United States estimates that between $70 million and $100 million is still smuggled out of Sierra Leone each year, despite the coming of peace and the international accords to block illicit trafficking. Taylor was a top conduit for smuggling West Africa diamonds which helped bankroll the insurgency that brought him to power in Liberia. Even though he is under house arrest, Taylor is able to use his financial resources and contacts to ensure that he has the protection of whoever wins the October election. The new government will make sure that Taylor can return home, never to face the court and allow him to continue to pose a great threat to the region.

This is a man who has been indicted on 17 counts of war crimes and crimes against humanity. We must take action to ensure justice and accountability. We can no longer allow Taylor to evade responsibility for his unconscionable actions. Taylor poses a clear and present danger to West Africa and U.S. interests. With the mandate of the court set to expire at the end of this year, we must act quickly to turn him over to the SCSL.

Removing the potential for his return to power in the region will aid us significantly in learning better the extent of his activities. This information may be of great relevance to our national security.

As a cosponsor of this resolution, I am very hopeful that with its agreement this administration will speak out actively and support Taylor's immediate extradition.

I want to thank the gentleman from California (Mr. ROYCE), the gentleman from Virginia (Mr. WOLF), the gentleman from California (Mr. LANTOS), and the gentleman from Arkansas (Mr. SNYDER) who worked especially hard on this issue; and I certainly do thank the gentleman from New Jersey (Mr. SMITH), the chairman of the committee.

I encourage support of everyone for this very important measure.

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

Madam Speaker, I rise in strong support of this resolution. I first would like to commend the gentleman from California (Mr. ROYCE) for introducing this timely and important resolution, which calls on the Nigerian Government to hand over former Liberian President Charles Taylor to the Special Court for Sierra Leone.

Madam Speaker, the stability of West Africa and many innocent lives may be in jeopardy if Charles Taylor is allowed to avoid justice for the horrendous crimes he committed during the Sierra Leone civil war.

There is no doubt that the Nigerian Government stepped in and helped end that civil war and brought peace to Liberia by offering Taylor exile. The terms of that exile stated, however, that he was not to interfere in the internal affairs of Liberia.

According to the U.N. Secretary General, Charles Taylor is in regular contact with former military commanders, business associates, and members of his political party. Ominously, his departing statement when forced into exile, that he would return to Liberia, remains his goal.

Madam Speaker, Charles Taylor is an international criminal of the worst order. He was singularly responsible for using conflict diamonds to fund armed terrorist groups to destabilize Sierra Leone. He financed the notorious Revolutionary United Front terrorists, who in turn recruited children and used them to terrorize their own communities. And he is responsible for innocent civilians having their limbs and other body parts chopped off.

I am baffled by the reluctance of the Government of Nigeria to transfer this criminal Charles Taylor to the Special Court where he belongs. Not only is there strong evidence that he was a brutal dictator and a warmonger as president of Liberia; he has violated the very conditions his host government laid down for him to remain in their custody.

I see absolutely no reason, Madam Speaker, why Nigeria should continue to offer Charles Taylor undeserved sanctuary so that he can once again pull together a criminal network to terrorize the people of West Africa.

The relationship between the United States and Nigeria is strong, and Nigeria remains an important ally of ours in Africa. They should not jeopardize this relationship for the likes of Charles Taylor.

I urge all of my colleagues to support H. Con. Res. 127.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman, also the author of this resolution.

Mr. ROYCE. Madam Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time.

I rise in support of House Concurrent Resolution 127. This resolution calls on the Government of Nigeria to transfer Charles Taylor, the former president of Nigeria, to the Special Court for Sierra Leone so that he can be tried for war crimes. And I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, and the gentleman from New Jersey (Chairman SMITH) for their support of this resolution and also for their support over the years for the establishment of a Special Court.

Madam Speaker, Charles Taylor has been indicted on 17 counts, 17 counts of war crimes and crimes against humanity by the Special Court for the role that he played during Sierra Leone's brutal war. This hybrid court, which has been supported by this body, has been given jurisdiction over, in the terms of that agreement, ''those who bear the greatest responsibility'' for

the atrocities and human rights violations in this now-past war. Charles Taylor is at the top of that list.

During the late 1990s, then-President Taylor of Liberia supported the Revolutionary United Front, or RUF as it is commonly known, which was designated by the State Department as a terrorist organization. He supported it in neighboring Sierra Leone in West Africa, and the RUF was notorious for hacking the limbs off their political opponents, even young children. When I chaired the Africa Subcommittee, we hosted some of these victims on Capitol Hill. We held numerous hearings dating back to 1998, examining the chaos in West Africa caused, orchestrated by Charles Taylor.

Employed by the RUF were child soldiers. Investigative reporter Doug Farah described what life was like for child soldiers in his book ''Blood from Stones.'' And in his book he said: ''One thing the children do remember vividly is the preparation for what they called 'mayhem days,' sprees of killing and raping that lasted until the participants collapsed from exhaustion. They said they were given colored pills, most likely amphetamines, and razor blade slits near their temples, where cocaine was put directly into their bloodstreams. The ensuing days would be a blur. The children often remembered only the feeling of being invincible before the drugs wore off.''

This was Charles Taylor's view of West Africa. Yet today Charles Taylor safely resides in exile in Nigeria.

□ 1545

In August 2003, some believe that removing Taylor from Liberia and giving him exile would prevent Liberia and West Africa from destabilization. Instead of facing justice at the Special Court in Freetown, Sierra Leone, Taylor was given a seaside villa in Calabar, Nigeria. In exchange, Taylor would refrain from engaging in political activity.

Nearly 2 years after the exile deal, Taylor is still very much involved in Liberian politics as that Nation prepares for elections in the fall. According to the United Nations reports, his ''former military commanders and business associates, as well as members of his political party, maintain regular contact with him and are planning to undermine the peace process in Liberia.'' Now, this peace process, incidentally, has been supported by the United States and Congress with hundreds of millions of dollars.

As the resolution points out, David Crane, Chief Prosecutor at the Court, has stated, ''Unless and until Charles Taylor is brought to justice, there will be no peace in Liberia.'' The U.N. Secretary General's Special Representative to Liberia is Jacques Klein. Jacques Klein has said, ''Charles Taylor is a psychopath and a killer. He is still very much involved in and is intrusive in Liberian politics.''

Madam Speaker, Charles Taylor remains a serious and continuing threat to West African peace and security, which is counter to U.S. interests as well.

I am hopeful that Nigerian President Obasanjo does the right thing and hands Taylor over to the Special Court. Among others, the Nigerian Union of Journalists and the Nigerian Bar Association have criticized the exile deal. President Obasanjo is in Washington this week. By passing this resolution, there will be no question where the U.S. House of Representatives stands.

Madam Speaker, I urge the government of Nigeria to transfer Charles Taylor to the Special Court for Sierra Leone so that he can be tried for war crimes and that justice can be served. It is time for Charles Taylor to face up to his crimes. This resolution deserves the strong support of the House.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to thank my good friend and colleague for authoring this resolution, which calls on the government of Nigeria to transfer the former President of Liberia, Charles Taylor, to the Special Court for Sierra Leone, and for bringing it before us today.

In August of 2003, as a vicious war engulfed the Liberian capital of Monrovia, the government of Nigeria made a bold offer. In the interest of peace, they would offer asylum to Liberia's pariah President, Charles Taylor. The decision to host an indicted war criminal that had terrorized his people and fomented conflict throughout West Africa could not have been an easy one. I shudder to think of the countless lives which surely would have been lost had Charles Taylor been allowed to remain in Liberia and continue his reign of terror. Thanks in no small part to Nigeria, the war in Liberia now has ended, a transitional government is preparing for historic elections, and Liberians, at long last, may have the opportunity to live in peace.

But Taylor's asylum deal did not come without conditions. Under the terms of the agreement, Taylor reportedly is prohibited from communicating with anyone engaged in political, illegal, or governmental activities in Liberia. By all accounts, he repeatedly and unabashedly has violated that agreement.

Further, the asylum did not grant Taylor amnesty for his past crimes. This warlord-turned-President-turned-war criminal has worked long and hard to earn the reputation of ''the cancer of West Africa.'' He is alleged to be cooperating with international terrorist organizations. He has engaged in the illicit trade in blood diamonds in violation of U.S. sanctions. He is linked to the proliferation of small arms throughout the region. He has fomented conflict not only in Liberia, but also in neighboring Guinea, Sierra Leone, and Cote d'Ivoire. In sum, Charles Taylor has destabilized the entire sub-region of West Africa, leaving thousands dead and millions displaced in his wake.

But it was Taylor's active support for the Revolutionary United Front, or the RUF, of Sierra Leone, a rebel group notorious, as my colleague pointed out just a moment ago, for hacking off the limbs of innocent civilians, including women and children, which earned him an indictment by the Special Court for Sierra Leone. That indictment, which included 17 counts of war crimes and crimes against humanity, reads like a grotesque horror novel.

The Special Court for Sierra Leone, a court which this Congress actively supports, is expected to conclude its work this year. That cannot be done, however, if Taylor is not transferred from Freetown immediately. Furthermore, there can be no peace in Liberia or in West Africa so long as Taylor is allowed to maintain influence and act as a menace to his neighbors. The clock is ticking, Madam Speaker, while the legitimacy of the Special Court and the stability of West Africa hang in the balance. The time to transfer Charles Taylor to the Special Court for prosecution is now.

Charles Taylor, Madam Speaker, has repeatedly violated the terms of his asylum in Nigeria, as the government of Nigeria itself has acknowledged. Consequently, the government of Nigeria would be justified in ending that asylum and turning Taylor over to the Special Court, as we now are urging him to do.

This bipartisan resolution, which has been given due consideration by the Committee on International Relations, deserves every Member's support and, hopefully, we will pass it unanimously on the floor today.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, before yielding back my time, let me just observe that our cooperation across party lines on this issue is emblematic of the many, many problems and areas and countries where the House Committee on International Relations functions in a uniquely bipartisan fashion for the national interest.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLF. Madam Speaker, I rise in support of H. Con. Res. 127 calling on the government of the Federal Republic of Nigeria to transfer Charles Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes,

crimes against humanity and other serious violations of international law. I urge my colleagues to vote in favor of this important resolution.

We must do everything possible to see that Charles Taylor, a fugitive from justice, is held accountable for his heinous crimes and brought before the Special Court for Sierra Leone. There should be no safe harbor for tyrants like Charles Taylor.

The legacy of Charles Taylor's human rights abuses and corruption in Liberia is deplorable. Charles Taylor sponsored a 10-year civil war in neighboring Sierra Leone and has inflicted suffering on innocent men, women and children in unprecedented acts of cruelty, all done to satisfy the avarice of a cruel despot.

The UN-backed war crimes court unsealed an indictment on Charles Taylor in 2003. He is accused of bearing the greatest responsibility for war crimes, crimes against humanity and serious violations of international humanitarian law. It is well known that he provided financial support, military training, personnel, arms and other form of assistance to the Revolutionary United Front to destabilize Sierra Leone and thereby gain access to her diamond wealth.

Charles Taylor organized and ordered armed attacks throughout Sierra Leone to terrorize the civilian population and ultimately punish them for failing to provide sufficient support to the RUF, or for supporting the legitimate government. The attacks routinely included unlawful killings, abductions, forced labor, physical and sexual violence, the use of child soldiers and looting.

I remain concerned that two years have passed and he has not been brought to justice before the Special Court for Sierra Leone. The United States must call on the Nigerian government to hand Charles Taylor over to stand trial. Charles Taylor has stated his plans to return to Liberia one day and is accused of meddling in the current affairs of West Africa.

If we fail to bring him to justice he may someday return to power in Liberia. Time is running out for the Special Court for Sierra Leone. Charles Taylor's crimes can not go unpunished. There must be justice for the victims.

Mr. ENGEL. Madam Speaker. I rise in support of H. Con. Res. 127.

Charles Ghankay Taylor is a ruthless war criminal who has been indicted by the Special Court for Sierra Leone (SCSL) on 17 counts of war crimes and crimes against humanity. Taylor, the former president of the Republic of Liberia, has supported atrocities including mass murder, rape, torture, mutilation, and the use of children as militants during Sierra Leone's brutal civil war.

Charles Taylor also supported the Revolutionary United Front (RUF), deemed a terrorist organization by the State Department. He therefore, should be held accountable for the inhumane barbarism the RUF committed within Sierra Leone's borders. Furthermore, this Special Court that indicted Taylor has contributed to the rule of law in Sierra Leone and deserves our support.

In August 2003, Charles Taylor was granted asylum in Nigeria and agreed to end involvement in Liberian politics. The Nigerian government also warned Taylor not to communicate with anyone involved in illegal or political activities in Liberia. However, the UN Secretary General has reported to the Security Council that Taylor has breached this agreement and maintains contacts in Liberia with those planning to undermine the peace process in Liberia.

Today, Charles Taylor remains in Nigeria. Taylor is a threat to peace and stability in West Africa and should not be granted any freedom in Nigeria. I call on the government of Nigeria to immediately turn over Charles Taylor to the Special Court for Sierra Leone. Only with the proceedings of a fair and open trial for the crimes against humanity, will justice be served, and I urge my colleagues to support this legislation.

Mr. SMITH of New Jersey. Madam 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 Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

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. LANTOS. Madam 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 motion will be postponed.

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (VE) DAY AND THE LIBERATION OF WESTERN BOHEMIA

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia.

The Clerk read as follows:

H. RES. 195

Whereas the final major offensive in the European theater of operations during World War II, known as the Liberation of Western Bohemia, was fought from April 25, 1945, to May 8, 1945, with Victory in Europe (VE) Day declared on May 8, 1945;

Whereas the Liberation of Western Bohemia was the closing offensive of World War II, which decisively contributed to the ultimate capitulation of the German Third Reich;

Whereas on May 4, 1945, General George S. Patton gave the order for the American Third Army, consisting of 18 divisions and 500,000 men, to resume the Allied offensive into Western Bohemia;

Whereas on May 5, 1945, the Third Army liberated the city of Plzen (Pilsen), the western-most city in then-Czechoslovakia;

Whereas on May 6, 1945, as Americans entered Pilsen, flowers were strewn along the paths and into the vehicles of the troops, while young girls and old men and women ran to kiss the soldiers;

Whereas during the communist era, Czechs celebrated their liberation from Nazi Germany on May 9 of each year in commemoration of the Soviet liberation of Prague; however, after the 1989 ''Velvet Revolution'', the date of commemoration was moved to May 8 of each year;

Whereas thousands of American veterans of the Liberation of Western Bohemia have traveled to Pilsen in the years since the liberation to honor their fallen comrades;

Whereas the people of the Czech Republic, symbolizing their friendship and gratitude toward the American soldiers who fought to secure their freedom, have graciously hosted countless veterans groups over the years;

Whereas between April 25 and May 9, 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by United States, Czech, and Belgian soldiers under the command of General Patton;

Whereas the citizens of Pilsen will dedicate a statue of General Patton which will be unveiled on the town square on the 60th anniversary of the liberation of Pilsen, commemorating the Liberation of Western Bohemia by United States Armed Forces during World War II; and

Whereas the friendship between the United States and the Czech Republic is strong today in part because of the Liberation of Western Bohemia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the Liberation of Western Bohemia in the European theater of operations during World War II which culminated in an Allied victory that assured the defeat of Nazi Germany and ended the War in Europe two weeks later;

(2) honors those individuals who gave their lives during the Liberation of Western Bohemia;

(3) encourages the President to issue a proclamation calling upon the people of the United States to honor the veterans of the Liberation of Western Bohemia with appropriate programs, ceremonies, and activities;

(4) reaffirms the bonds of friendship between the United States and the brave citizens of the Czech Republic; and

(5) seeks to continue building a great future between our countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 195 is a resolution introduced by the gentleman from Georgia (Mr. KINGSTON) which recognizes the 60th anniversary of the liberation of Western Bohemia by American forces.

I strongly support the resolution which recognizes the extraordinary sacrifice by American soldiers to free Western Bohemia from Nazi control. This was the last major offensive undertaken in Europe during World War II. The campaign was led by General George Patton and involved 18 divisions and approximately 500,000 men. It resulted in the liberation of Pilsen, which was then located in what was known as Czechoslovakia on May 5, 1945.

The liberation of Western Bohemia was decisive in leading to the ultimate surrender of Nazi forces and a quick end to World War II in Europe.

The resolution also recognizes the continued friendship between the people of the United States and the people

of the Czech Republic. In fact, in honor of the liberation of their city, the citizens of Pilsen will be dedicating a statue of General Patton on the 60th anniversary of the liberation of their city and all of Western Bohemia.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, in just a few days, we will celebrate the 60th anniversary of the victorious end of World War II in Europe, and the President will mark this important historic anniversary by visiting Holland and Russia for special commemorative events. It is very appropriate, Madam Speaker, that in addition to recognizing that all-important date, we recognize the liberation of the Czech people who have gone through so much in their search for liberty.

Our resolution calls attention to the role of American military forces in the liberation of Bohemia and the city of Pilsen in the very last days of the Second World War.

Madam Speaker, 10 years ago, on the 50th anniversary of this event, it was my privilege to represent the United States in Bohemia commemorating this historic occasion, and I sensed firsthand the warm friendship and gratitude the people of the Czech Republic have for the United States and for our role in liberating them. The strong friendship and the good relations between the United States and the Czech Republic were profoundly strengthened by the liberation of western Bohemia in May of 1949 under the leadership of General Patton and the Third Army he led, which included not only American, but also free Belgian and Czech troops.

Our resolution reaffirms the bonds of friendship between the American and the Czech people, which go back to the strong and enthusiastic support President Woodrow Wilson and the American people displayed for the establishment of Czechoslovakia at the end of the First World War.

In the last decade and a half, those ties have been further strengthened as we have welcomed the end of the Communist era in Central Europe. Eight years ago, it was my pleasure to fly to Independence, Missouri with the Foreign Minister of the Czech Republic, as well as the Foreign Ministers of Poland and Hungary, to witness the signing of Czechoslovakia's ascension to the North Atlantic Alliance.

The Czech people have faced domination by foreign rulers for centuries. The liberation of western Bohemia by the United States created the possibility of a new future for the Czech people, which they attempted to seize first in 1968 in the famous Prague spring which Soviet forces brutally suppressed, and then in 1989 when the Czech people prevailed. Our resolution honors not only their liberation, but their resilience and their commitment to free, open, and democratic societies.

I urge all of my colleagues to support this resolution as we send our best greetings to the free people of a free Czech Republic.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the author of the resolution.

Mr. KINGSTON. Madam Speaker, I am proud to have been a part of this resolution as we recognize the 60th anniversary of the victory in Europe and, really, the liberation of Western Bohemia as it signaled the end of the war in Europe and the defeat of the Third Reich.

On May 4, 1945, General George Patton gave the order for the American Third Army, consisting of 18 divisions and 500,000 men, to resume the allied offensive in Western Bohemia. The following day, Patton's Third Army liberated the city of Pilsen in the westernmost section of then Czechoslovakia. As the Americans entered Pilsen, flowers were strewn in their path and into vehicles for the troops. Young girls and old men and women ran out to kiss the soldiers. People who had been oppressed for all of the Nazi occupation and people who had had an underground resistance came out to welcome these soldiers.

□ 1600

Even today, thousands of American veterans of the liberation of Western Bohemia will travel to Pilsen to honor their fallen comrades.

The people of the Czech Republic symbolize their friendship and gratitude toward the American soldiers who fought to secure their freedom, having graciously hosted thousands and countless veteran groups over the many years.

Between April 25 and May 9, 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by the United States, Czech and Belgium soldiers under the command of General Patton.

The citizens of Pilsen will dedicate a statue of General Patton to be unveiled on the town square on the 60th anniversary of the liberation, commemorating the liberation. One footnote that is very significant for all of us, though, is that while America liberated Pilsen and the Czech Republic in 1945, in 1948, the Iron Curtain fell upon it.

And at that point, the historians and the photographers and the people who knew that America had played such a major role in their liberation, those people were sometimes arrested, often intimidated, and even the photographs of the liberation were destroyed. So for 3 years, the people of Czech Republic in Pilsen enjoyed the fresh air of liberation and freedom; and then from 1945 to 1948, that ended with the Iron Curtain.

And the Soviet Government came in and wiped out all traces of the American liberation, even to the extent of tearing down statues and changing the history books. And yet through the dark period, the many years and decades that followed, the people of the Czech Republic still remembered that day.

Maybe it was not in their textbooks, maybe they did not have access to the photographs anymore, and maybe the stories were held down to whispers; yet they still remember what happened. The Czech people, and Czechoslovakia, have had a great role in the development of the United States of America.

Czech immigrants are all over our country. Our country is better because of the Czech influence that we have. And because we were so significant in their liberation in 1945, they never let the Soviet Union wipe out the memory of our contribution to their country either.

I am proud to be going there on Thursday with a bipartisan delegation to present this resolution. And I am proud that Congress and this subcommittee is passing this bill, because it makes a very significant statement on what we feel and how we feel, what we feel about what happened in 1945, in 1948, and in 1989, and today as we celebrate this important anniversary with our Czech brothers and sisters.

Mr. LANTOS. Madam Speaker, we have no additional requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I want to commend the gentleman from Georgia (Mr. KINGSTON) for his outstanding and very eloquent statement.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 195.

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. LANTOS. Madam 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 motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 195.

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

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (V–E) DAY DURING WORLD WAR II

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 233) recognizing the 60th Anniversary of Victory in Europe (V–E) Day During World War II, as amended.

The Clerk read as follows:

H. RES. 233

Whereas on May 7, 1945, at General Dwight Eisenhower's headquarters in Reims, France, a representative of the German High command signed the document of surrender, unconditionally surrendering all air, land and sea forces to the Allies on May 8, ending the war in Europe;

Whereas Western Europe and the United States have traditionally celebrated May 8 as the day of the Allied ''Victory in Europe'' over Germany, or ''V–E Day'' ;

Whereas May 8, 2005, marks the 60th anniversary of V–E Day;

Whereas V–E Day was a day for which millions had worked and fought and prayed and died during that terrible war;

Whereas this day marked the end of six years of misery, suffering, courage, and endurance across the world;

Whereas the United States Armed Forces fought with their Allies to free occupied nations and their victory in Europe represented the triumph of good over unspeakable evil, and the promise of a peaceful future for a Europe ravaged by the bloodiest war in its history;

Whereas V–E Day marked the culmination of the efforts of many different nations in the Allied forces who were united by the common quest for peace and justice and who fought valiantly to liberate occupied countries and to prevent Hitler's onslaught;

Whereas the more than 4,000,000 members of the United States Armed Forces deployed in Europe, the largest United States military force ever committed to any theater of operation, were joined by millions of members of the armed forces of other Allied nations, and together provided the essential strength and made innumerable sacrifices to end the war in Europe;

Whereas almost 200,000 members of the United States Armed Forces gave their lives in battle and hundreds of thousands were wounded in the European theater during World War II;

Whereas European countries have erected many monuments and plaques commemorating their liberation by the United States and its Allies during World War II;

Whereas the 60th anniversary of V–E Day in 2005 will be marked by many commemorative events by citizens of the United States and many other nations; and

Whereas the courage and sacrifice of the members of the United States Armed Forces and of many other nations who served with distinction to save the world from tyranny and aggression should always be remembered: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 60th anniversary of the end of World War II in Europe, joins with a grateful Nation in expressing respect and appreciation to the men and women who served in the European theater during World War II, and remembers and pays tribute to those Americans who made the ultimate sacrifice and gave their life for their country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

H. Res. 233, Madam Speaker, as the Clerk just pointed out, is a resolution that recognizes the 60th anniversary of victory in Europe during World War II.

This resolution, Madam Speaker, reiterates a simple but powerful message that our Nation honors and deeply appreciates the men and women who served in the European Theatre during World War II and that we especially remember and pay tribute to those Americans who made the ultimate sacrifice for our country.

Madam Speaker, 60 years ago, at General Eisenhower's headquarters in Reims, France, a representative of the German high command unconditionally surrendered all land, air, and sea forces to the allies ending the war in Europe.

General Eisenhower, in his order of the day to the troops on May 8, 1945, V–E Day, declared, and I quote him in part: ''The crusade on which we embarked in early summer of 1944 has reached its glorious conclusion. It is my special privilege, in the name of all nations represented in this theatre of war, to commend each of you for the valiant performance of duty. Though these words are feeble,'' General Eisenhower went on to say, ''they come from the bottom of a heart overflowing with pride in our loyal service and admiration for you as warriors. Your accomplishments at sea, in the air and on the ground, and in the field of supply, have astonished the world. Even before the final week of the conflict, you had put 5 million of the enemy permanently out of the war. You have taken in stride military tasks so difficult as to be classified by many doubters as impossible.

''You have confused and defeated and destroyed your savagely fighting foe. On the road to victory you have endured every discomfort and privation and have surmounted every obstacle, ingenuity and desperation could throw in your path. Full victory in Europe has been attained,'' he concluded.

President Truman in his radio address to the Nation that same day declared: ''Much remains to be done. The victory won in the West must now be won in the East. The whole world must be cleansed of the evil from which half the world has been freed.

General Truman went on to say: ''For the triumph of spirit and of arms, which we have won, and for the promise of the peoples everywhere to join us in the love of freedom, it is fitting that we as a Nation give thanks to Almighty God, who has strengthened us and given us the victory.''

He then went on to say that May 13, 1945, would be a day of prayer. And he called upon the people of the United States, whatever their faith, to unite, offering joyful thanks to God for the victory that we have won and to pray, to quote him again: ''That He will support us to the end of our present struggle and guide us into the way of peace.''

How fitting, Madam Speaker, that we continue to commemorate a national day of prayer this Thursday, May 5, as we bring before God our thanks for the many blessings He has bestowed upon this great Nation and petition for help in the ongoing challenges we face.

H. Res. 233, Madam Speaker, recognizes the enormous sacrifice of the young men and women who fought in the European theatre. During World War II, more than 4 million members of the United States Armed Forces fought in Europe. This is the largest military force ever committed by the United States in any theatre of operation.

And almost 200,000 American troops were killed in the European theater. In addition, H. Res. 233 recognizes the sacrifice of the millions of members of the armed forces of allied nations in defeating Nazi Germany, liberating Europe, and putting to an end an unspeakable crime and crimes perpetrated by the Nazi regime.

H. Res. 233 was approved by the European Emerging Threats Subcommittee, and I hope that every Member of the House will support its passage this afternoon.

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

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

I welcome this resolution marking the 60th anniversary of the allied victory in Europe at the end of World War II, which was introduced by the chairman of the Europe Subcommittee, the gentleman from California (Mr. GALLEGLY).

I also want to thank our chairman, my good friend, the gentleman from Illinois (Mr. HYDE), for moving it so quickly through the committee and to the consideration by this House.

In just a few days, Mr. Speaker, the President will mark this important historic anniversary by visiting Holland and Russia for special events commemorating the end of the Second World War in Europe.

I remember well the events that we are commemorating. I was a teenager in Budapest, Hungary. And as a 16-year-old, I witnessed the military occupation of Hungary by Nazi troops in March 1944.

For part of that year, Mr. Speaker, I was in and out of Hungarian labor camps forced to repair a rail bridge on the main railroad line between Budapest and Vienna, across one of the tributaries of the Danube River. We cheered as American aircraft from bases in Italy bombed the bridge, although we knew that as soon as those planes were gone we would be forced rebuild it.

But we cheered because we knew that American participation in the war, and the heroic deeds of the American military, would ultimately bring about the

defeat of the monstrous Nazi war machine. Ultimately, German forces retreated into Austria, the Soviet Army arrived liberating Budapest.

Mr. Speaker, in a more direct and perhaps more personal sense than some of my colleagues here in the House, I have the greatest respect and admiration for the sacrifices of American soldiers and American pilots, many of whom give their lives in this epic battle against the evil forces of Adolph Hitler. In many ways, Mr. Speaker, victory in Europe in May 1945 marked more a beginning than an end.

It marked the end of the Nazi threat to freedom, but marked the beginning of a new United States involvement in Europe. As the Cold War began even before the guns of the Second World War became silent, the United States worked with our European allies to defend freedom from the Soviet Union with the Berlin airlift, the establishment of NATO, and strong American support for European cooperation which finally led to the establishment of the European Union.

As we look back on May 1945, at the exhilaration and camaraderie that we all shared at that time, I regret that some of that unity and cooperation has vanished. I regret that some of the countries that were liberated by the shedding of American blood in Normandy, and hundreds of other battlefields across the continent, are now cynically critical of our actions and obstructive of our efforts.

Our fight against terrorism is no less a struggle for our common freedom and democratic way of live than was the fight against Nazi Germany.

Mr. Speaker, I owe my life to the American military, and to the military forces of the other allied countries who liberated Europe at an enormous cost. I am honored to join in paying tribute to the men and women who served in Europe during World War II and in remembering them on this 60th anniversary of the liberation of Europe.

This was truly the Greatest Generation. And I urge my colleagues to support this resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back, I just want to thank the gentleman from California (Mr. LANTOS) again for his eloquent statement. He truly, he and his wife, Annette, are the personification of liberation. They are survivors of the Holocaust; and he just has been a great champion for human rights.

And so many Members of this body have served in World War II as well, including the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on International Relations, who served in the Pacific theatre and was very active in the liberation, obviously, against Imperial Japan.

But, again, I want to thank the gentleman from California (Mr. LANTOS) for his leadership and his very eloquent statement.

Mr. NADLER. Mr. Speaker, 60 years ago the guns and bombs in Europe fell silent, and President Truman announced victory over Europe to a proud and free world.

I rise today to commemorate the 60th anniversary of this great and very important day, and to recognize the sacrifices and accomplishments of the men and women who so bravely served to defeat hate and aggression.

I join millions of people participating in thousands of events, in New York City, all across the United States, and around the world, in observing and honoring the courage of American service-members, allied soldiers, and home front workers.

During April 1945, allied forces led by the United States overran Nazi Germany from the west while Russian forces advanced from the east. On April 25, American and Russian troops met at the Elbe River. After 6 years of war, suffering, and devastation, Nazi Germany was formally defeated a few days later on May 8, 1945.

It was a bittersweet victory. Over 400,000 American soldiers died in World War II; 350, 000 British soldiers gave their lives; and a staggering 20 million Russian soldiers and civilians perished in the war fighting German aggression on their home soil. The war also brought about the most horrendous systematic murder which humanity has ever known, the Holocaust.

In memory of all the victims of World War II, it is our duty to raise our voices as one and say to the present and future generations that no one has the right to remain indifferent to anti-Semitism, xenophobia and racial or religious intolerance.

This is an occasion to remember and commemorate. We must remember why the war was fought, remember the victims and heroes, and thank those who fought so hard and sacrificed so much.

V–E Day marked the promise of a peaceful future for a Europe ravaged by unspeakable horror and war. Although freedom did not come to every European nation following the defeat of Nazi Germany, today we stand at the threshold of a very hopeful future based on sovereignty, democracy, freedom and cooperation.

Mr. Speaker, I take this opportunity to honor those individuals who gave their lives during the liberation of Europe, to thank the veterans of World War II, and to commemorate the defeat of Nazism and Fascism by freedom-loving people.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 233, 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. LANTOS. 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 motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 233.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o'clock and 31 minutes p.m.

AUTHORIZING SPEAKER TO POSTPONE FURTHER PROCEEDINGS ON MOTION TO TABLE HOUSE RESOLUTION 253

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Chair be authorized to postpone further proceedings on a motion to lay on the table the Conyers resolution to a time designated by the Speaker.

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

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. CONYERS. Mr. Speaker, in accordance with my request of last Thursday, I offer a privileged resolution (H. Res. 253) as to a question of the privileges of the House and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 253

Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the ''Child Interstate Abortion Notification Act,'' on Wednesday, April 13, 2005 and ordered the bill reported on that same day;

Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109–51;

Whereas, during the markup of H.R. 748, Representatives Nadler, Scott, and Jackson-

Lee offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

Whereas, because Representatives Nadler, Scott, and Jackson-Lee called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109–51;

Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109–51 by captioning these five amendments with inflammatory, inaccurate captions implying that these three Members of Congress condoned the criminal behavior of ''sexual predators'';

Whereas, as one example, while an objective, nonargumentative description of one of Representative Nadler's amendments would read, ''exempts a grandparent or adult sibling from the criminal and civil provisions of the bill,'' and is in fact the language the Committee on the Judiciary used to caption this amendment in past reports on this legislation, the caption in House Report 109–51 was instead, ''Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor.'' (Similar problems occured in describing amendments offered by Representatives Scott and Jackson-Lee);

Whereas, when Representative Sensenbrenner, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee on Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109–51;

Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

Whereas the vote captions published in House Report 109–51 appear to be purposefully inaccurate and misleading, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House; and

Whereas this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109–51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109–51 that corrects the record by describing the five amendments with nonargumentative, objective captions.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

Under rule IX, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as the designee of the majority leader, each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

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

Mr. CONYERS. Mr. Speaker, I rise to offer a resolution concerning the privileges of the House.

The deliberate misrepresentation of Members of the House of Representatives' amendments is unprecedented.

And I do this because the Committee on the Judiciary report on H.R. 748 mischaracterized amendments offered by Members in a way that distorted both the effect of the amendments and the intentions of the Members.

I offer this resolution to protect the rights of every Member in this body. None of us wants to see our amendments mischaracterized in a way that undermines our good faith. None of us wants to see our legislative work distorted in a way that diminishes our motives. I am not eager to bring this matter to the floor of the House, but I do so as a last resort to achieve a resolution that is fair and just.

There is little doubt in my mind that the amendment characterizations included in the committee report were distorting and damaging. Taking an amendment written to exclude grandparents and describing it as one protecting sexual predators crosses a line of good faith and comity so essential to the operation of this House.

Descriptions this pejorative are not only inappropriate; they are without precedent. This has never happened before in my memory. If we look at the RECORD, we will see that the three previous committee reports describing these amendments use neutral and objective terms. The same is true of the amendment descriptions prepared by the majority staff on the Committee on Rules as well as the majority staff on the Republican Conference.

I cannot agree with the contention that the obligation should have been on the Members to draft these amendments more narrowly. The amendments were drafted in a careful and straightforward manner as they have been for each of the last four Congresses. The duty should not be on us to exclude categories of persons who have nothing to do with the underlying amendment.

Let me close by stating that the majority will not control this body forever. There will come a time when members of another party are the ones interpreting the rules, writing the committee reports, and explaining the amendments. Whoever controls this body tomorrow or next year, we will all be better off today if we do not rewrite each other's words or disparage each other's intentions.

I support this privileged resolution and urge the rest of my colleagues to do the same.

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

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

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I would like to ask if the distinguished chairman wishes to repeat his tactic of last week of waiting until everybody else has spoken and then mischaracterize what we have said so that we cannot reply to him.

Is that his intent today? Is that why he is reserving his time now so that he can speak after everybody else has spoken?

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

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. That is not my intent, Mr. Speaker.

Mr. NADLER. Mr. Speaker, is it his intent to let anybody on this side speak after he has spoken even if he closes?

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

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, his side has the right to close as the proponents of the resolution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for his answer.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) stated the point of this resolution pretty accurately and I think completely.

I want to deal with some misstatements that have been made or have been reported to have been made in defense of this unconscionable, lying report of the committee. It was said on the floor of the House last week that the question is one of intent versus effect. My amendment was very simple. It said that grandparents and adult siblings of the person getting the abortion should not be subject to the provisions of the bill. It was reported as: ''Mr. NADLER offered an amendment to provide sexual predators an exemption from the provisions of the bill if they were adult siblings or grandparents.''

The fact is in the entire debate over that amendment, in fact, in the entire debate over all of the amendments, all of which were characterized as dealing with sexual predators, in the debate in the committee over those five amendments, no one, no one in the majority, no one in the minority mentioned the words ''sexual predators.'' No one in the committee debate said this amendment might protect sexual predators. It did not occur to anybody. So on that level the report is dishonest, and the chairman or whoever else had anything to do with it owes this body an apology.

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

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would refer the gentleman to the statement made by the gentleman from

Ohio (Mr. CHABOT) that is on the bottom of page 84 which talks about the potential of sexual predators.

Mr. NADLER. Mr. Speaker, reclaiming my time, that is not with respect to my amendment. That was with respect to another amendment. That was with respect to a different amendment.

In respect to my amendment, which was characterized as dealing with sexual predators, nobody mentioned the words ''sexual predators'' or raised that.

It has also been said that the intent may have been not with sexual predators; the intent may have been grandparents and siblings, but could a grandparent or a sibling be a sexual predator? In that eventuality this would protect sexual predators.

Yes, in that eventuality the amendment would protect sexual predators. But, of course, the bill itself said that the parents could sue, the parents could sue the doctor who performs the abortion or the person who transports the minor. But the parent could be a sexual predator. The pregnancy could have been caused by rape or incest. This would give the sexual predator the right to profit from his own predation.

I, in fact, offered a motion to recommit to correct that defect in the bill, but the majority voted it down. Why, I do not know. But they voted it down because apparently they wanted sexual predators, in the unlikely event that the parent was a sexual predator, to be able to sue. There is no other interpretation possible.

But, as I said last week, if someone wanted to say on the floor of the House or in the committee, as no one did in the committee, that one has not anticipated the rare eventuality that a grandparent would be a sexual predator and maybe they should amend the amendment, that would have been a fair comment. Fair comment in a debate. It is not a fair characterization of the amendment.

There is a clear difference between expressing views in a debate and saying that one's amendment could be used by a sexual predator under certain circumstances, which might be a fair comment. It would be fair comment to say those circumstances are so rare that we do not have to worry about them or they are right or whatever. It is different. It is different, it is dishonest, it is a disgusting rape of the rules of this House to characterize the amendment in a one-sentence report that this was an amendment dealing with sexual predators. No, it was not. It would be just as dishonest as if we reported the bill and said this was a bill to allow sexual predators to sue doctors.

□ 1745

The gentleman from Wisconsin (Mr. SENSENBRENNER) and everybody associated with this owes an apology to the House and a correction to the American people.

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

Mr. CONYERS. Mr. Speaker, can we inquire of the distinguished chairman of the Committee on the Judiciary, who has not used any of his time yet, how many speakers he has?

Mr. SENSENBRENNER. Mr. Speaker, we have five speakers.

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

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

Mr. Speaker, last week, the House overwhelmingly passed H.R. 748, the Child Interstate Abortion Notification Act, by a bipartisan vote of 270 to 157. One of the primary purposes of that common sense legislation is to prevent sexual abusers from taking vulnerable young girls across State lines for an abortion without telling the girl's parents.

At the Committee on the Judiciary markup on this bill, some Members offered amendments that would have created blanket exclusions from the criminal prohibitions in the legislation without any exceptions for those who would commit statutory rape or incest. The loopholes those amendments would have created could be exploited by the very sexual predators; that is, those who would exploit vulnerable young girls and commit statutory rape or incest whose conduct the bill is designed to bring to light. Those amendments were accurately described in the committee report. All of the amendments offered would have carved out exceptions that could be exploited by sexual predators who sought to destroy evidence of their crimes by secretly taking a minor without her parent's knowledge to another State to have an abortion.

The amendments offered by the minority would have created those blanket exclusions for certain large classes of people who are not a minor's parents. Those classes of people were ''taxicab drivers, bus drivers, or others in the business of professional transport;'' ''clergy, Godparents, aunts, uncles, or first cousins of a minor;'' and ''grandparents or adult siblings.''

If any of the people described in the amendments offered became involved with a minor in a sexually abusive way, they would have been flatly excluded from the criminal prohibitions of H.R. 748, one of the primary purposes of which is to prevent sexual predators from continuing to abuse minors undetected. That purpose is reviewed extensively in the committee report in an entire section entitled ''CIANA Protects Minor Girls From Sexual Assault.'' The amendments offered at the Committee on the Judiciary markup were directly contrary to a primary purpose of the legislation. If the proponents of this resolution only understood that preventing sexual abusers from continuing to abuse a minor girl without a parent's knowledge is a primary purpose of H.R. 748, they would understand why the descriptions of their amendments are what they are.

If an amendment were offered to a bill that would make it a Federal crime to commit terrorist acts and an offered amendment would exclude conduct by, for example, taxi drivers, then that amendment would allow a taxicab driver to commit terrorist acts without being prosecuted. That would be an accurate description of such an amendment. In the very same way, those who happen to drive taxi cabs or work in the business of professional transportation should not be free to commit statutory rape and transport a minor across State lines to get an abortion without telling one of the girl's parents. And brothers, uncles, or Godparents should not be allowed to commit incest and then transport a young girl across State lines to get an abortion so evidence of their crimes are destroyed without telling one of the girl's parents about the abortion. There is nothing inaccurate with describing amendments that would do just that in just that way.

The incidence of statutory rape in this country is shocking. As a recent presentation given at a U.S. Department of Health and Human Services Conference on the Sexual Exploitation of Teens showed, of minor girls' first sexual experiences, 13 percent constitute statutory rape. Further, the younger a sexually experienced teen is, the more likely they are to experience statutory rape. Of sexually experienced teens age 13 or younger, 65 percent experienced statutory rape. Of those age 14, 53 percent experienced statutory rape. Of those age 15, 41 percent experienced statutory rape. And also, blacks and Hispanics are much more likely to experience statutory rape. Creating blanket exclusions in the bill for large categories of people would create a huge loophole in the legislation that statutory rapists could exploit.

Regarding family incest, one recent Law Review article summarized the research regarding the prevalence of sexual conduct among siblings as follows: ''Brother-sister sexual contact may be five times as common as father-daughter incest.'' A survey of 796 New England college students revealed that 15 percent of females had a sexual experience with a sibling. Further, among those reporting sexual abuse, the incidence of abuse by cousins ranges from 10 percent to 40 percent among various studies; and 4.9 percent of women report an incestuous experience with an uncle before age 18; and 16 percent of rape victims are raped by relatives other than their father.

Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, cousins, and uncles would not protect young girls who are made victims of incest by their adult siblings, cousins, or uncles.

Further, pregnancy as a result of all these crimes is all too common. As one Pennsylvania court has pointed out, ''25 percent of incest victims become pregnant. The ratio is greater among victims of incest than those of rape because incestuous conduct is usually

long-term and progressive, whereas rape is usually a one-time occurrence.''

Another amendment offered at the Committee on the Judiciary markup of H.R. 748 accurately described the amendment as ''creating an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill.'' That statement is true. That amendment would have created an opportunity for a sexual predator to escape conviction if they could make a showing to a Federal court that the judicial bypass provisions of the State law were somehow ineffective or somehow violated confidential information related to a minor's pregnancy.

If a sexual predator made a showing to the court of either of these issues, neither of which would expose the predator's crimes, then that sexual predator would completely evade the requirements of H.R. 748, which are designed to expose sexual predators and prevent future sexual abuse.

The final amendment offered was again accurately described in the committee report as an amendment that would have exempted from prosecution under the bill ''those who aid the criminals who could be prosecuted under the bill.'' That is true as well. That amendment would have excluded from the bill anyone who did not commit an offense in the first degree. The consequences of adopting that amendment would have been to allow anyone who aided or abetted a criminal who ran afoul of the criminal prohibitions of H.R. 748 to instead get off scot-free.

In sum, the effect of the amendments offered as described in the committee report would have been to exempt cab drivers, other professional transporters, and certain relatives who are not parents, from the criminal prohibitions of H.R. 748, and that would have prevented the parents from knowing when those perpetrators of statutory rape or incest were secretly taking their children across State lines for an abortion to destroy evidence of their crimes.

Now, to be clear, all of the descriptions of the amendments in the committee report are descriptions of the amendments and not of the intent of anyone offering the amendments. These brief descriptions do not impugn the integrity or motivation of any Member offering the amendment; they simply describe the consequences, regardless of intention, of the amendments. The description of the amendments in the committee report were all phrased in the conditional; that is, they make it clear that the loopholes created by the amendments as written could be used by sexual abusers of vulnerable minors, and could be exploited by certain people if those people sexually abused vulnerable minors.

The text of the privileged resolution before us is patently false. The resolution states that the chairman of the Committee on the Judiciary ''Explained that it was his purpose and intention to include derogatory and inaccurate captions in House report 109–51.'' I have done nothing of the sort, of course, and that statement is entirely false, as I have explained already. The text of the resolution also claims that ''the Committee on the Judiciary purposefully and deliberately mischaracterized the votes'' at the Committee on the Judiciary markup. That too is false. Indeed, the tallies of the votes cast are accurately set out in simple table form in the committee report for all to see.

Further, the resolution contains no allegation whatsoever that any Rules of the House of Representatives were violated, even in spirit, because such is obviously not the case, even to the authors of the resolution.

Finally, I offered to amend the text of the descriptions of the amendments offered in the sections of the committee report entitled ''vote of the committee,'' provided that those who offered the amendments acknowledged that, due to the way they were drafted, they opened the bill up to the harmful consequences of allowing sexual predators to exploit the loopholes such amendments would create in the bill.

Instead of admitting the obvious, and having the committee report amended to their liking, and moving on, they refused to do that because, for some reason, they felt they could benefit from extending the debate on this issue.

The minority had ample time to include dissenting views in the committee report, and they did so. For example, the minority views state that the Child Interstate Abortion Notification Act is ''overtly hostile to families.'' The minority views in the committee report also describe the legislation as ''antiphysician and antifamily.'' Further, the gentleman from New York (Mr. NADLER), over the years during which this bill has been debated, including this year, has gone so far as to claim that H.R. 748 is akin to the Fugitive Slave Act of 1850, which required the return of slaves to their owners in other States.

As the committee report describes, the gentleman from New York (Mr. NADLER) stated, ''It seems to me what this bill is, is really akin to the Fugitive Slave Act of the 1850s where you are enabling one State in the south, which had slavery, to reach over into another State and say, we want our slave back.'' And that is at page 56 of the committee report. And, at the Committee on the Judiciary markup of H.R. 748 on April 13, 2005, the gentleman from New York (Mr. NADLER) stated, ''This bill is the only situation that I can think of since the Fugitive Slave Act of the 1850s where we have a young person carry the law of one State on his back like a cross to another State, to enforce the law of the first State in the second State where it is not the law.'' That is at page 81.

The statement of the gentleman from New York (Mr. NADLER) directly equates parents with slaveholders. But parental rights, which H.R. 748 protects, are not the rights of the slave owner. They are rights of loving and caring people: parents, who deserve a chance to work with their children through difficult times and express their love to their children in their children's moments of greatest need.

The Fugitive Slave Act was a catalyst for the Civil War, whereas the Child Interstate Abortion Notification Act passed with overwhelming bipartisan support in the 109th Congress by a vote of 270 to 157, including 54 Democrats who voted for the legislation. America's parents should not be considered slave owners and their children slaves. America's parents are caring, loving mothers and fathers who simply want to know when someone else, anyone else is taking their own daughter across State lines for an abortion.

Now, when I hear statements that equate America's parents with slave owners and statements that equate America's children to slaves, I will tell it as it is.

□ 1800

And when an amendment is offered that would allow a sexual predator to exploit a loophole in the bill directly contrary to that bill's purpose, I will also tell it as it is.

Now, with all of these facts, I would suggest we put this issue to rest and be thankful that the House passed, in an overwhelmingly bipartisan fashion, a bill that would protect the fundamental rights of parents and the safety of our minor daughters everywhere.

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

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is amazing to me that the chairman of the committee continues to smear other Members of the House on this floor. The bill says nothing about sexual predators. The words sexual predator or abusers do not appear in the bill, number 1.

Number 2, by the chairman's logic any bill on the floor of the House that gives veterans benefits or gives educational benefits, gives benefits to sexual predators as long as it does not specifically exclude them; and any such bill could be fairly described as a bill to give benefits to sexual predators.

Number 3, I did use that language that the chairman quoted about the Fugitive Slave Act, but I was not comparing parents to slave owners. I was saying that the two bills were similar in that both would use, and that was in the quote, both would use the power of the Federal Government to export the laws of one State into another, and all of these things are opinions. Opinions are fine in the views. They are not fine in the reports of the amendment. That is where the smear is.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), a senior Member in the House.

Mr. OBEY. Mr. Speaker, I very much respect the gentleman from Wisconsin (Mr. SENSENBRENNER); we are friends and have been for 30 years.

I voted for the bill that precipitated this debate. I voted with the gentleman for that bill. But this debate is not about that bill, and it is not about the issue of sexual predators. It is about whether or not we can trust each other to deal with each other with fairness and with accuracy. It is about whether or not the majority will use its power to unilaterally mischaracterize any effort by any Member of the minority.

I served a long time ago, and so did the gentleman from Wisconsin (Mr. SENSENBRENNER), with a fellow by the name of Bill Steiger. He was one of the great Members in the history of this House.

He spent a great deal of time trying to ensure that the CONGRESSIONAL RECORD accurately reflected what each and every Member said and did on this House floor. I think we owe it to his memory and the memory of others who fought the same battle, to remember, as this resolution says, that it is the long and established practice in the House for reports to describe recorded votes with objective, nonargumentative captions.

I agree with this resolution that the committee majority departed from that practice by captioning these five amendments with inflammatory captions. There is enough skill on the part of the majority staff of the Judiciary Committee to describe any amendment offered by any Member in a non-pejorative, non-argumentative way.

It is difficult to avoid the conclusion that the language used was intended to hurt the Member who offered it, not to provide an accurate description; and I do think the committee owes the minority an apology.

Mr. SENSENBRENNER. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 15 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 19 minutes remaining.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the resolution. H.R. 748, the Child Interstate Abortion Notification Act, makes it illegal to transport a minor across State lines for the purposes of getting an abortion. Now, transport is not defined in the bill.

When the Judiciary Committee marked up the bill, I offered an amendment which said simply that we should exempt taxicab drivers and others in the business of professional transport from the transportation provisions of the bill, because as written, it would be a Federal crime for a taxicab driver to take a young woman who gets in a cab and says, take me to the abortion clinic so I can get an abortion.

If the taxicab driver complied with that task, he would be committing a Federal crime. Now, even if he were not prosecuted, there is a civil liability provision in the bill which exposes the cab driver and through the principles of agency, the entire cab company, to civil liability by the parents of the young woman who find out how she got to the clinic.

So let me read my amendment: ''The prohibitions of this section shall not apply with respect to conduct of taxicab drivers, bus drivers or others in the business of professional transport.''

However, the report in the markup filed by the majority described the amendment thusly: ''Mr. SCOTT offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers or others in the business of professional transport.''

Now, I will let the public decide whether or not that is a distortion. I believe that it is. But I would just say that if a prosecutor has evidence that a person is a sexual predator, the last thing they would do would be to go to this provision of the code, which is a misdemeanor, rather than the various felonies that they could prosecute the person for.

The amendment does not immunize a sexual predator from the crimes of being a sexual predator, just the provisions of this transportation provision which is just a misdemeanor.

Now, Mr. Speaker, let me just say, in any event, whatever you think of the bill, this distortion obviously speaks to character; but in my view, the descriptions in the committee report and the distortion of those amendments, particularly the one I just described, say more about the character of the person responsible for describing the amendment that way and the character of those trying to defend the distortion, than it does about my amendment.

I would therefore, Mr. Speaker, hope that we would pass the resolution so that the House will not be on record as condoning such misrepresentations.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman on the Subcommittee on the Constitution.

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

Last Wednesday this House passed H.R. 748, the Child Interstate Abortion Notification Act, CIANA. It was a bipartisan vote. It was 270 to 156; 63 percent of this House voted for this bill. And as was mentioned before, 54 Democrats, almost two-thirds of this House voted for this bill.

Now, enacting CIANA was critical. It is very, very important to better protect young girls from falling prey to abusive boyfriends and older men and ensuring that parents have the opportunity to be involved in their daughters' medical decisions.

CIANA accomplished this, both these purposes, first by making it a criminal offense to transport a minor across State lines in order to obtain an abortion in another State and avoiding a parental notification law in that State.

The second purpose is accomplished by requiring that a parent or legal guardian is notified that an abortion is going to be performed on their daughter. The bill was carefully crafted to prevent those who do not have the minor's best interests, and more than likely they have already committed statutory rape or incest, from being able to destroy critical evidence through an abortion.

Statistics demonstrate that the incident of statutory rape is occurring with increasing frequency. Moreover, the number of incest cases is becoming all too prevalent. The amendments that are at issue here that were offered during the full Judiciary Committee markup would have broadened the categories of individuals who could be exempted from the bill's reach, thus increasing the likelihood that these provisions could be exploited.

For example, the amendments offered to exempt taxicab drivers, as has been mentioned, bus drivers, and others in the business of public transport, clergy, godparents, aunts, uncles, first cousins of the minor, grandparents or adult siblings, it would have given any of those individuals who may be sexually abusing a young girl, in essence, a safe harbor, thus defeating the primary purpose of CIANA.

The characterizations of the amendments, as reflected in the committee report, accurately describe the safe harbor that would be afforded to abusive men through the amendments offered.

Now, was that the intention of the proponents of the amendments? Certainly not. But could it be the result, if the amendments had passed? Yes, it could. The American people overwhelmingly support laws that require parents to be notified before a minor has an abortion.

In March 2005, 75 percent of 1,500 registered voters indicated their support for parental notification laws. The fundamental rights of parents in parental notification laws are supported by Supreme Court precedent. Amendments that alter and allow these laws to be exploited should have been defeated, and they were.

I urge my colleagues to defeat this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I particularly want to thank the distinguished gentleman from

Michigan (Mr. CONYERS) for allowing us to debate today, really, the integrity of the House.

This debate is not about the underlying bill, H.R. 748. That is not what it is about. It simply is about those in power abusing power, taking advantage of the minority, and not telling the truth.

Frankly, the amendments that were offered, there is no language whatsoever that would equate to the description that was in the final report or the report of the particular committee.

In fact, as the resolution reads, although it is the long and established practice on House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from the practice in House Report 109–51 by captioning those five amendments with inflammatory, inaccurate captions, implying that these three Members of Congress were engaging in criminal behavior.

Let me tell you that my constituents said to me, we are glad that you are concerned about grandparents and clergy. That is what the amendment was about. And the inaccuracy subjected the Members, the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER), and myself, to ridicule, and, of course, disparaging remarks in newspaper articles around the Nation.

Now, in the course of debate, we welcome the ability to debate passionately about these issues. We welcome the media's criticism about the accuracy of the work that we do in this body. But what we do not welcome is a direct mischaracterization of these actual words that were being written and put forward in the debate in the Judiciary Committee.

And so I would ask my colleagues to support this resolution, because, again, as you get up time after time to debate the underlying bill, Mr. Speaker, this is not the issue. The issue is, in the report, you mischaracterized three Members of Congress whose language did not say anything about what you represented it to be: Nothing about criminal behavior, simply to protect the rights of grandparents and clergy, simply to protect the rights of those who innocently might be carrying individuals across State lines.

I cannot imagine, in the history of this Congress, why an amendment offered by JACKSON-LEE that had to do with a GAO study turned out to be criminal behavior, or an amendment that had to do with clergy and grandparents turned out to be criminal behavior.

Mr. SENSENBRENNER, I would simply ask, in the sense of comity, collegiality, respect, that this be clarified and you ask your colleagues to support this privileged resolution, because the members of the Judiciary Committee must go back to Room 2141 in Rayburn and sit down and address the laws of this land and the Constitution of the United States of America.

We should not be divided on upholding the laws of this land because of the lack of judiciousness of the writing of a report that could be solved today.

Mr. Speaker, I ask my colleagues to support the privileged resolution to clarify the record and to make this right by the American people and the Members of the House.

Mr. Speaker, I rise in strong support of the resolution introduced by the Gentleman from Michigan, the distinguished Ranking Member of the Committee on the Judiciary, from where the underlying legislation was initially reported. In introducing this resolution, he has attempted to "set the record straight" with respect to House Report 109–51 and the way that it has been patently malreported and maligned the authors of amendments to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

Rule IX, paragraph (1) of the House Rules states that:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.

This resolution was properly and justifiably introduced because, in this case, the privileges of "dignity" and "the integrity of [the House's] proceedings" have been patently violated. To purposefully misreport the good-faith amendments that have been offered by Members of this venerable House debases the nature and trustworthiness of the House Report. After this debacle, Members will have to scan committee reports with a fine-toothed comb—not for substantive value, but for accuracy and veracity of their reporting value. This is the diminution of the dignity of the process. This is the diminution of the integrity of the House.

My distinguished colleagues have joined to introduce this resolution in order to make it clear to the American people that we do not associate ourselves with the misreported portions of House Report 109–51. I plan to offer a similar resolution that speaks specifically to the nature of the misreporting of amendments that I offered during the Committee markup of H.R. 748.

One point that my resolution will make is that House Report 109–51 not only improperly made negative inferences as to the import and intent of my amendments, but it combined two distinct and separately-offered amendments into one.

In terms of the personal privileges violated by the report, the misreporting—and the malreporting of the amendments offered by my colleagues Mr. SCOTT, Mr. NADLER, and me affected our rights, reputation, and conduct. As founder and Chair of the Congressional Children's Caucus, a report that cites an amendment offered by me that would exempt sexual predators from liability is at the very least offensive.

My constituents and the constituents of my colleagues do read House Reports, and the nefarious language that the Chairman avers as representative of his true intentions should be highlighted as contrary to the ideals on which this House, this government, and this nation were established.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to please address their comments to the Chair and not to individual Members.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY.)

□ 1815

Mr. FEENEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am really disappointed that we have descended to this level because I have some great friends that I admire on the other side. The ranking member from Michigan is somebody who has had a distinguished career and I appreciate him. I appreciate the other Members who have spoken tonight and I respect them. I have enormous respect for the gentleman from Wisconsin (Mr. SENSENBRENNER).

We serve on a committee which is not a fluff committee. It often has, as the gentleman from Michigan (Mr. CONYERS) knows, some very controversial issues. And we typically deal with these issues as ladies and gentlemen with the highest respect for one another, even though we often vehemently disagree.

One thing we know is that last week, the United States House of Representatives overwhelmingly, on a bipartisan basis, passed House Resolution 748, the Child Interstate Abortion Notification Act.

One thing we know is that the purpose of this bill was to prevent sexual abusers from taking vulnerable young girls across State lines for the purpose of abortion without telling that young lady's, young woman's mom or dad.

Support for parental notification as we know is widely supported amongst the American public. As a matter of fact, in the State of Florida, which I respect, the people of Florida, amended our Constitution in 2004 and overwhelmingly passed an amendment to our Constitution that provides as follows, "The legislature is authorized to require by general law for notification to a parent or guardian of a minor before termination of the minor's pregnancy."

Now, Mr. Speaker, the Judiciary, during its mark-up which I participated in considered several amendments. I have to say that the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER) who spoke, the gentlewoman from Texas (Ms. JACKSON-LEE) are people that I respect enormously for their passion for their beliefs. They offered amendments. There is nothing in the committee report that disparages any of the intentions of these Members. The committee report does describe the effect of some of the amendments that are offered.

There is a huge difference between accurately describing the effect of an amendment and ascribing ill motives to the people who offered the amendments. These are people of great will, of great determination, of great passion, of great belief but we disagree. And as the chairman said, there is no

exception provided for grandparents who happen to molest a child, for taxicab drivers, for uncles, for nieces in any of the amendments that were offered.

And I did not speak on the amendments. As the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member said, there was not a whole lot of discussion about some of these amendments and that is try. Not because we did not understand the ramifications. We understood the effect. I did not speak at all because if every one of the members of the Committee on the Judiciary spoke for 5 minutes on each amendment as we are entitled, we would never get through our business protecting children who are impregnated by people that molest them.

And so we knew what we were voting on and the job of the committee staff is to describe the effect of the amendment, not the debate. That is what the CONGRESSIONAL RECORD does. That is what our ability when we insert language into the RECORD does. It is not the job of the committee staff.

As the chairman said, my friend from New York (Mr. NADLER) has frequently compared this bill to the Slave Holders Protection Bill in the 1850s. It is a very different story to protect parents and minor children that have been abused, sexually and molested and impregnated than comparing that to the rights of slave holders.

Comparing the rights of parents is something that Americans are for. Protecting the rights of slave holders is something Americans are against. And to compare that I think is very unfair.

I will say that the gentleman from New York (Mr. NADLER) is somebody I respect a great deal, but the effect of his amendment did not shield anybody that might have been an abuser or a molester of these children.

With that, I ask respectfully that the gentleman withdraw this motion. We can get back together and agree when we can. But, by golly, we would ask the gentleman from Michigan (Mr. CONYERS) to withdraw this privileged motion.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds. I want my friend, a member of the Committee on the Judiciary, the gentleman from Florida (Mr. FEENEY) to understand it is not about anything in the debate that took place to which we were objecting. It is about the entitlement of the amendments which were totally misconstrued.

Mr. Speaker, I yield 3 minutes the gentlewoman from California (Ms. ZOE LOFGREN), a member of the committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to defend the integrity of the House this evening. The established practice of the House regarding committee reports is to accurately and objectively describe the proceedings when a bill is considered in committee. These reports are historical products that are used to understand and determine the intent of a bill, opposition to a bill, and to provide any additional information to understand the context of a bill reported by committees of the House.

In committee we argue and we disagree and we offer amendments and we vote. We may vote and disagree in committee, but when the report is issued it is supposed to be objective. This institution must uphold this established practice of describing a committee mark-up in an accurate and objective manner so that history is accurately documented and reported for generations to come. Unfortunately, that is not what happened last week when the Committee on the Judiciary reported H.R. 748 to the House floor with the committee report, House Report 109–51.

Republicans that ruled the Committee on the Judiciary mischaracterized five Democratic amendments in an extremely disparaging and distorting manner. When alerted to the misleading and inaccurate description of the amendment in the committee report, they refused to correct the mischaracterization.

Here is something I can say that would be true about H.R. 748. The bill could permit a father who raped his daughter to profit in a lawsuit against his minister. That is a true thing about that bill. It is an argument against the bill. But no one expects that argument against the bill to substitute for the name of the bill in the committee report.

In prior Congresses, Democratic amendments like these were described in neutral terms. The vote last week was about H.R. 748. The vote this week is about arrogance and abuse of power and ignoring the rules.

The Republicans changed the ethics rules when they were afraid they might not work for them at the beginning of this Congress, and we are all watching the other body looking about changing the rules relative to filibuster because it suits their purpose and now this.

We, including the chairman of the committee, each have a duty to uphold the integrity of this institution. We must not play politics with the records of history. The majority should live by the rules and precedents of the House. The House cannot function if the majority uses its raw power to corrupt the record of the proceedings.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BERMAN), a member of the House Committee on the Judiciary.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me time.

I see the logic of the majority. If they were commenting on the Bill of Rights, the fourth amendment is an amendment designed to quash evidence coming from an unlawful search and seizure that could allow the conviction of sexual predators. The fifth amendment gives sexual predators the right to protect themselves from self-incrimination. The sixth amendment allows wily and cunning lawyers to use cross examination and technical rules to keep sexual predators from getting convicted.

This is how the majority chooses to interpret, in this particular case, the substance and the intent of a series of amendments made to the bill we voted on last week.

I have great respect for the chairman of the committee. He is a fair and honest man, and he has worked hard to defend the jurisdiction of the committee. And what has been done here with this majority report in that context is a tremendous disappointment to me. It essentially left us with no recourse but to bring a motion like this to the floor of the House.

To create the absurd situation and then characterize the result of a particular amendment by that absurd situation does not do any justice or any service to this process, to this institution, or to our committee.

We depend, we in the minority depend on a process that relies on honesty and good faith and the duties and those duties, I truly believe, were breached in the case of this report.

The minority has regarded to file its dissenting views without the benefit of having to have seen the report which they are dissenting. That is inherently an illogical system, but we have gone along with it, but when something like this happens, it raises serious questions about the legitimacy of that particular process.

I think a great wrong has been done to several Members of this body by virtue of the way the majority has characterized this amendment. I think those characterizations should be withdrawn. I think an apology should be made to them, and I urge the passage of this motion.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me time on this important issue.

The stated purpose of the Child Interstate Abortion Notification Act is to protect the health and safety of young girls by allowing parental involvement when their home States have thought it appropriate to require such involvement.

As a general rule, no one has a young girl's best interest at heart more than her parents. Where this rule is not the case, the law allows for judicial bypass of the parental involvement requirements. Therefore, the amendments introduced by the Democrats in the Committee on the Judiciary are unnecessary. Moreover, these amendments are dangerous.

As my distinguished Committee on the Judiciary colleagues have explained, the health and safety of these young girls is not protected by providing a blank exemption for those who may have sexually abused them. That is precisely what these amendments

did. They provided blanket exclusions with open doors for sexual predators to exploit to cover up their crimes.

Far too often, the adults transporting these minors across State lines to circumvent their home State's parental involvement laws are grown men who have sexually preyed upon the girls. We have heard those statistics delivered by the chairman.

To exempt certain classes which characteristics show are highly likely to be sexual predators would gut the intent of this bill, to protect the health and safety of young girls. The descriptions of the amendments in the committee report only describe the potential effects of the amendments if they had been adopted. They do not describe the motives of those offering the amendments as has been stated.

The minority had the opportunity to include dissenting views in the committee report and they did. And those dissenting views do characterize the motives of those who supported this legislation.

It has already been spoken to as the remarks by the gentleman from New York (Mr. NADLER) with regard to the Fugitive Slave Act, and so I would just say this, that I am amazed that this subject was brought up. I am amazed that the minority wants to have a national debate over this subject matter. When I look at these exemptions and exclusions, this open door, cabdrivers, bus drivers, professional transport people, clergy, godparents, grandparents, adult siblings, aunts, uncles, brothers, sisters, not the family cat, not the family dog, but everything else you can imagine including the pizza delivery boy are exemptions from this bill.

If those amendments had all gone on the bill, it would have been gutted in the bill and it would have gone down because I would have voted against it and so would the rest of us in the majority.

I think it is clear the result of the position that is taken here. What is not clear is the motive as to why we would want to have a national debate to talk this over again when we clearly understand that we are trying to protect the rights of parents, not the rights of grandparents, aunts, uncles, brothers, sisters and siblings.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

I tell my dear friend who just left the well, we are not here to debate the bill. We debated the bill in committee. We debated it on the floor. We are talking about the titles in the section that were mislabeled.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, let me begin by quoting from Section 1001, Title 18 of the United States Code that also applies to the legislative branch.

''Anyone knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact; 2, makes any materially false, fictitious or fraudulent statement or representation; or, 3, makes or uses any false writing or document, knowing the same to contain any materially false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years or both.''

□ 1830

The Committee on Rules discovered last week that the Committee on the Judiciary report on the Child Interstate Abortion Notification Act, authored by the majority staff, in conflict obviously to the United States Code, contained amendment summaries that had been rewritten by the staff for the sole purpose of distorting the original intent of the authors. I have to admit I was livid.

I was certain it must have been an oversight because I could not imagine that the Committee on the Judiciary, of all things, or the Committee on the Judiciary chairman, whom I have known for 18 years, would stand by a committee report that would so deeply mischaracterize and falsify the intent of several amendments offered by Democrat members of the committee.

At least five amendments to the bill, designed to protect the rights of family members and innocent bystanders from prosecution, were completely rewritten to make as though it was the original intent of the authors. This is a shocking abuse of power, and it must not stand.

The fact is that the Republican majority must do the right thing here today. They must give us a new committee report containing the proper captions so that it accurately reflects the intentions of the authors. Furthermore, I think the chairman of the committee owes those Members an apology for soiling their reputation in the names of partisan politics.

To falsely rewrite the intent of amendments submitted by another Member, to intentionally distort its description is unacceptable. No Member should go through what our colleagues have had to go through. None of us should have our reputations dragged through the mud.

It is absolutely arrogant of this majority to believe that they can tamper with official congressional documents for political purposes. It is absolutely arrogant, and the American people will not be pleased with it. It is an affront not only to those of us in the House but to the American people and to history, Mr. Speaker; and unless it is amended, I am sure that we will see these again in the form of campaign attack mail pieces, and honorable, hardworking Members of this Congress will be forever branded. No wonder we have a lack of civility in this House.

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

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Michigan (Mr. CONYERS) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. WATT), a member of the committee.

Mr. WATT. Mr. Speaker, I am really saddened today, and I am not sure whether I am more disappointed because of the mischaracterization of the amendments in the committee report or whether I am more saddened by the fact that the members of a committee on which I have served now for 13 years would be here on the floor defending the characterization that was put in the committee's report.

I would just hope that we can get the committee to file an amended report that clears this up and we can put this behind us and go on. This is saddening, and if we cannot get that, I think it would be a really, really sad commentary on this institution and what our committee has sunk to in this Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Speaker, while I am not an attorney, it is my understanding that the perfect defense for a charge of libel is the truth.

We have heard no discussions today about the substance of the descriptions in the committee report, and that is because the descriptions of the effects of the amendments in the committee report were accurate.

Contrast that with the dissenting views the minority attached to the committee report. For example, the minority views state that the Child Interstate Abortion Notification Act is ''overtly hostile to families.'' The minority dissenting views in the committee report also describe the legislation as ''anti-physician and anti-family.''

Now, 270 Members of the House voted for legislation that the minority views stated was ''overtly hostile to families.'' Fifty-four Members of the other side of the aisle, the Democrat Party, voted for that bill. Surely there is no comparison between stating that broadly supported legislation, designed to protect parental rights and the health and safety of young women, is ''overtly hostile to families'' and accurately describing the consequences of poorly drafted amendments to the legislation.

Further, the gentlewoman from New York (Ms. SLAUGHTER) who we heard from earlier in her press release last week referred to a conspiracy to ''falsely rewrite the intent of an amendment.''

First, there was no rewriting. The majority of the committee, in describing offered amendments, do not cut and paste any description of an amendment

into a committee report. The majority describes the amendment offered as it understands it.

Second, the purpose of describing an amendment is not to describe its intent. Its purpose is to describe its meaning and effect. What matters is not what is in the mind of a Member offering an amendment. It is what the text of the amendment offered would mean if it were made a part of the bill. Describing the effects of an amendment as it where is not the same as describing the subjective intent of the person offering the amendment.

A committee report should do the former, not the latter, because what matters at the end of the day are the actual words on the page of a bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, in my 16 years in office, I have seldom seen such a blatant disregard for the truth. What occurred in this body last week during the consideration of the bill should be an embarrassment to every Member of this Congress. To purposely mischaracterize amendments offered during committee consideration of a bill is simply outrageous, and quite frankly, it sets a dangerous precedent.

Many of us have different views and even deep disagreements about the important issues we consider in this institution, but we should be using the power of debate to resolve those differences. Instead, the majority is using parliamentary gimmicks and deliberate mischaracterizations to misrepresent the intentions of other Members of this body.

The official record exists to record the views and actions of the participants of the debate, not to editorialize and inflame the debate. To go so far as to change the descriptions of amendments, to use an official document to mislead the American people about alternatives suggested by the minority is a gross abuse of power by the majority, and it is just not honest. If we allowed this or similar action by either party to go unchecked, if we let this happen now, it will almost certainly happen again.

The Congress can do better. The American people certainly deserve better, and I urge my colleagues on both sides of the aisle to support this important resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for the time.

Mr. Speaker, my comments prepared for now had essentially to do with the point that has been made already here many times. Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, for cousins and uncles would not protect young girls who are made victims of incest by those very adult siblings, cousins or uncles; and it would be a terrible idea to add that to a bill whose primary purpose is to protect the rights of parents and their children.

But I had a chance just to kind of step back here for a moment, Mr. Speaker, and ask myself why the intensity of this debate. I would have to step back and say that respectfully I would submit that maybe it is about the foundational issue here of abortion because if we were not talking about the surgery of abortion, there would be no debate here. No one would say it is not all right to take a young girl across the State line for an appendectomy. That would be an outrageous discussion.

It really is about this whole notion of abortion, and I do not understand the intensity completely, but I believe it has something to do with the conscience in all of us collectively that we are beginning to realize that somehow, as Americans, we are bigger than abortion on demand; that 40 million dead children is enough; and that somehow we need to start asking the real question. The real questions is, does abortion take the life of a child? If it does not, it is a nonissue. If it does, then we are in the midst of the greatest human holocaust in the history of humanity.

I think somehow we collectively in our hearts understand that, and therefore, it creates all this acrimony on the finer points; but the real abuse of power is that this body has the power to protect these little babies, and instead, we are debating the finer points in a committee report, and I am ashamed of that.

I pray that somehow we can get to the point where we can come together and not have to look back. The Fugitive Slave Act was a perfect example. We looked back and said how did we let that happen. That was an acrimonious debate, too. There was a little thing called the Civil War over it.

We do not need to proceed down that line. Somehow may compassion and the simple truth prevail here.

Mr. CONYERS. Mr. Speaker, may I ask the chairman of the committee how many speakers he has remaining.

Mr. SENSENBRENNER. If the gentleman will yield, just me to close.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member, the lead Democrat on the Committee on the Judiciary, for yielding me time, and for his great leadership to protect and defend the Constitution of the United States, the oath of office that we all take.

I, too, want to express my respect for the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the committee. I know that all the members of the Committee on the Judiciary have a difficult task. I commend all of the members of the Committee on the Judiciary for the very important responsibility that they have in protecting the civil liberties of our country. There are so many complicated issues where there are differences of opinion but, hopefully, respect for that diversity of opinion, which is intrinsic to our democracy.

Mr. Speaker, I am very sad that it is necessary to come to the floor to speak on a resolution offered by the gentleman from Michigan (Mr. CONYERS), again the distinguished ranking member on the Committee on the Judiciary.

I think it is important to note why we are here. I understand why our Republican colleagues want to talk about the bill and not talk about this privileged resolution, because this resolution strikes right directly to the heart of our democracy and our right of freedom of speech on this floor and how our words are interpreted.

Questions of privilege, according to the House rules and manual, Mr. Speaker, as I am sure the Speaker well knows, questions of privilege shall be those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. It is that last point, the integrity of our proceedings, which is what is under assault by the Republicans in this action that they took last week. Truth and trust, they are the fundamentals of our work. We must speak truth so that we will be trusted.

I view what the Committee on the Judiciary leadership did on this bill as just another extension of the abuse of power of the Republican majority in the Congress of the United States, both in the House and in the Senate.

In both bodies, and let us just speak to our own, there is an attempt to limit the opportunity for Members to speak on the floor, to have substitutes, alternative amendments, that can come to the floor; and on the occasions when they do allow an amendment, they decide to misrepresent the amendment. Just when we think we have seen it all on the part of curbing debate in this House, the Republicans not only curb the debate; they decide what it is that we said and what it is that we wrote in our amendments that we were putting forth.

The disgusting misrepresentations that were advanced by the Republicans demand an apology by the chairman of the committee and a pledge by the Republican leadership in this House that this will never happen again; that this will never happen again.

□ 1845

We must be mindful of a standard we must uphold, not only for ourselves, but for the American people, to conduct ourselves at all times in a manner which shall reflect credibly on the House of Representatives. In doing so, the House must maintain the integrity of all of its proceedings, as the rules of the House dictate in the House Rules and Manual.

What happened last week to the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from Texas (Ms. JACKSON-LEE) was an outrage. An official report that the majority of the Committee on the Judiciary prepared to the legislation at hand deliberately and purposely mischaracterized their amendments in a manner that was insulting and derogatory.

Again, no wonder the Republicans do not want to talk about what is on the floor right now, which is a privileged resolution addressing the gross abuse of power of the Republicans. We had tried to say at meetings, and the gentleman from Michigan (Mr. CONYERS) tried to get an agreement with the majority that they would change the record and apologize; to admit that there was something wrong with what happened last week, and that would have made a difference in bringing this resolution to the floor. But, no, there was no admission that there was anything wrong with misrepresenting, not telling the truth about what was contained in those amendments.

Administrative functions, such as reporting of amendments and descriptions of these amendments, relate to the integrity, again, of the proceedings of the House and must be fairly described. If there is a controversy, then you go to the maker of the amendment and say, what is it, how would you characterize your amendment, you who are the maker of the amendment? But no, we had placed our trust that the majority would fairly describe something as administrative as an amendment offered by a Member.

In short, this should not even be an issue we need to be reviewing and scrutinizing. If this were to pass without discussion, think of the precedent that it would create; that the majority, on a regular and repeated basis, could use their power and abuse their power to write any characterization of any amendment that anyone made. Its simply wrong.

The behavior exhibited by the Republican majority with the Committee on the Judiciary report flies in the face of the comity and civility and honesty that we should all strive for. It is a further reflection, again, of the abuse of power we have seen here. It is an embarrassment to the House.

I was deeply disappointed to learn that the chairman of the Committee on the Judiciary has refused to apologize on his own accord. Our rules, Mr. Speaker, are our best defense. They are what make the debate and the democracy work. As I said, Mr. Speaker, you even see in this close on this important debate that there is an interest in stopping the conversation. I hope that the Speaker and the Republican leadership will reflect on their obligations to the House, and indeed, to all the Members of both parties, and that they will ask the chairman of the Committee on the Judiciary to apologize for the affront to this House and the blatant abuse of position as the chairman of the Committee on the Judiciary.

This is, in my view, an aberration for the gentleman from Wisconsin (Mr. SENSENBRENNER). As I said, many of us, while we may disagree on issues, have held him in great esteem and respect. He is an articulate spokesperson for his point of view. But his point of view is not necessarily the point of view of everyone in this body, and his point of view should not be the description of the amendments that Members in the minority are presenting to the Congress. The leadership has a responsibility to ensure that this will not happen again.

I want to commend all the Members of the Committee on the Judiciary once again, Republicans and Democrats alike. I think you have a very challenging task. I want to particularly commend the gentleman from Michigan (Mr. CONYERS), and the people who were offended by this, though all of us were, but particularly in terms of the retelling of their amendments, the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, I will conclude by thanking the gentleman from Michigan (Mr. CONYERS) for his courage, because it takes a degree of courage to bring a privileged resolution to this floor when you know there will be a continuation of a misrepresentation of what happened last week. We are doing this not because of this bill, we are doing this because it is our responsibility to have an honest reflection of the proceedings of the House. I urge our colleagues to support the resolution of the gentleman from Michigan (Mr. CONYERS).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, contrary to what the distinguished minority leader said, I offered to file a supplemental committee report. However, in order to do so, I asked that the authors of the amendment admit that the amendment did not specifically exclude the sexual predators from the exemptions they proposed. That offer was refused by the minority side of the aisle.

The committee report does accurately state that sexual predators are not carved out of the exemptions that were proposed. It is not a misrepresentation. It accurately shows that the authors of the amendment did not draft those amendments as narrowly as they should have. And when we vote on legislation, we vote on what is on the plain text of the piece of paper, not on what the author of an amendment intended to do.

I do not like to see this resolution come before us, but what I will say is that we were accurate, and if you do not want this to happen again, draft your amendments properly.

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

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have been called here today to raise a question of the privileges of the House. A very serious matter. A prerogative rarely used by the Members of the House of Representatives. But we have to deal with the mischaracterizations of the titles of the amendments, which is what this debate is about.

It is incredible to me that the case of the other side is so weak that all they can do is continue to talk about the bill itself. We are not here to debate H.R. 748, we are here to talk about the power and the abuses of the majority party that sets the agenda, that writes the reports, and that entitles the amendments submitted to the members of the Committee on the Judiciary. The amendment titles of three members were twisted and distorted and their meaning was rendered so that the entitlement of the amendment was not, indeed, accurate. I believe the majority has failed the Congress but, more importantly, the American people.

Now, what we are doing here right now is hoping to raise this question of the privileges of the House regarding the blatant abuse of power; Republicans' mischaracterizing the description of numerous Democratic amendments, when some of the amendments had been considered in previous Congresses. These are the same amendments that were properly entitled in other Congresses.

So it is with great reluctance that I come before you to ask that we make sure this never happens again; that this deliberate mischaracterization of amendments be stopped here and now; that it does not happen and that the chairman of the Committee on the Judiciary issue a supplemental report and apologize to the House of Representatives. Support the resolution.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) to lay the resolution on the table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling H. Res. 253 will be followed by a 15-minute vote on suspending the rules and adopting H. Res. 228.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 17, as follows:

[Roll No. 151]

YEAS—220

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

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

NAYS—196

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

NOT VOTING—17

Biggert
Brown (OH)
Clay
Culberson
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Fattah
Hoyer
Johnson (CT)
Larson (CT)
Otter
Shays
Simpson
Walsh
Weldon (FL)

□ 1919

Ms. WOOLSEY and Messrs. RUPPERSBERGER, SERRANO, SMITH of Washington and BUTTERFIELD changed their vote from ''yea'' to ''nay.''

Mr. WELLER changed his vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file the conference report to accompany the bill, H.R. 1268.

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

There was no objection.

OBSERVING 30TH ANNIVERSARY OF FALL OF THE REPUBLIC OF VIETNAM TO THE COMMUNIST FORCES OF NORTH VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 228, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. FORTENBERRY) that the House suspend the rules and agree to the resolution, H. Res. 228, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 152]

YEAS—416

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
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
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
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe

Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
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
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
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)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Berry
Brown (OH)
Clay
Culberson
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Fattah
Hoyer
Larson (CT)
Murtha
Otter
Simpson
Sullivan
Walsh
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1937

So (two thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution honoring the contributions of Vietnamese Americans to American society over the past three decades.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Tuesday, May 3, 2005 to vote on rollcall vote Nos. 151 and 152 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 151 on the motion to table H. Res. 253, the Conyers Resolution Raising a Question of the Privileges of the House; "yea" on rollcall vote No. 152 on H. Res. 228—Observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. NADLER. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER pro tempore. The gentleman may give notice.

Mr. NADLER. Mr. Speaker, I give notice of this resolution and that it will be brought up as soon as the rules permit.

The SPEAKER pro tempore. The gentleman must read the form of the resolution and then ask for unanimous consent.

Mr. NADLER. Mr. Speaker, by the form, does the Speaker mean the text?

The SPEAKER pro tempore. The gentleman may ask unanimous consent to dispense with the reading.

Mr. NADLER. Mr. Speaker, I do not ask that unanimous consent.

Will the Clerk read the resolution?

The SPEAKER pro tempore. The gentleman must read the resolution.

Mr. NADLER. ''Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the ''Child Interstate Abortion Notification Act,'' on Wednesday, April 13, 2005, and ordered the bill reported on that same day;

Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109–51;

Whereas, during the markup of H.R. 748, Representatives NADLER, SCOTT, and JACKSON-LEE offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

Whereas, because Representatives NADLER, SCOTT, and JACKSON-LEE called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109–51;

Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109–51 by captioning these five amendments with inflammatory, inaccurate captions;

Whereas, when Representative SENSENBRENNER, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109–51;

Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

Whereas, under the procedures of the Committee on the Judiciary, the minority must submit its dissenting views to the majority without having the opportunity to review the report;

Whereas, the majority has the opportunity to review the minority's dissent before filing its report;

Whereas, earlier versions of H.R. 748 were reported by the Committee on the Judiciary on three separate occasions and in each case, these amendments, or similar amendments, were described in these earlier committee reports with objective, nonargumentative captions;

Whereas, this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary;

Whereas, a report of a committee offers the majority and minority the opportunity to provide their views and interpretations of the legislation, amendments, and issues;

Whereas, the section of a committee report required by clause 3(b) of Rule XIII was purposely misused as an opportunity to comment on, or characterize, the amendments; and

Whereas the vote captions published in House Report 109–51 appear to be purposefully inaccurate and misleading, and reflect negatively on the integrity of the Members offering the amendments, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House:

Now, therefore, be it:

Resolved, That the House of Representatives

(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109–51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109–51 that corrects the record by describing the five

amendments with nonargumentative, objective captions.''

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York (Mr. NADLER) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 366, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–69) on the resolution (H. Res. 254) providing for consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1185, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–70) on the resolution (H. Res. 255) providing for consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REAPPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 United States Code 2702, and the order of the House of January 4, 2005, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Timothy J. Johnson, Minnetonka, Minnesota.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 28, 2005.

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

DEAR MR. SPEAKER: Pursuant to 44 U.S.C. 2702, I hereby appoint Dr. Joseph Cooper of Maryland, to the Advisory Committee on Records of Congress.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, May 3, 2005.

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

DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. 2702, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, IL.

With best wishes, Sincerely.

JEFF TRANDAHL,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings on the three remaining motions to suspend the rules will resume tomorrow.

TRIBUTE TO KATHRYN LEHMAN

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

Ms. PRYCE of Ohio. Mr. Speaker, I rise to honor my departing chief of staff, Kathryn Lehman. Kathryn has faithfully served at the House Republican Conference for the last 2 years. She came well-equipped, having worked for the gentleman from Illinois (Speaker HASTERT) and Speaker Gingrich, the gentleman from Texas (Mr. DELAY), and the gentleman from Wisconsin (Chairman SENSENBRENNER).

Kathryn is truly an American success story. Born and raised in Pittsburgh, she attended Oral Roberts University and then put herself through law school. Kathryn came to the House Committee on the Judiciary and quickly found a home crafting some of the best legislation of the first 100 days of this majority in 1994.

While a rock-solid Republican, Kathryn has enjoyed the friendship and respect of many people across the political spectrum. She has helped bridge the gap between ideological differences for the good of the conference and, therefore, for the good of our country.

She has helped us deal with some of the most challenging issues facing America in the last 15 years: the Republican takeover of the House, the impeachment of a President, the passage of the largest tax cut in history, and the Medicare prescription drug bill.

As Kathryn turns the page and starts the next chapter of her life, I wish her well. I am grateful for the time she has given us, and I look forward to enjoying her friendship for many years to come. With her departure, the House loses one of its most dedicated and finest public servants.

Fare thee well to Kathryn.

NATIONAL TEACHER DAY

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

Mr. BARROW. Mr. Speaker, today on National Teacher Day, I want to encourage all my constituents and my colleagues to take just a minute to thank those teachers who helped us get where we are today, sometimes despite ourselves.

For me those teachers included Ms. Moseley, Ms. Goodwyn, Ms. Rapley, Ms. Hughes, and a host of others. But the teacher I want to single out is Ms. Bertha Musick. She just celebrated her 96th birthday, and she is still going strong.

She was my 11th grade English teacher, and she was tough as nails. Every day it was her job to hammer an understanding and an appreciation of good English into the heads of an 11th grade class full of thick-skulled teenagers.

Ms. Musick meant business. And while she had a reputation for being tough, every one of her students came to realize that her toughness was driven by her devotion. Many of us understood that at the time. All of us came to understand it over time.

□ 1945

I cannot tell my colleagues how many times I have heard her describe how former students, who used to think of her as the enemy, came back to her, sometimes many years later, to thank her for being caring enough to be tough. Not just caring enough about her work, but caring enough about her students; and they were right.

Someone once defined an education as what you remember after you forget 99 percent of what you learned in school. What Ms. Musick taught me, and hundreds of other impressionable youngsters, is the value of not giving in and not giving up.

That is what defined a good teacher in Ms. Musick's day, and that is what defines good teachers today, who are overworked, underpaid, and underappreciated.

So to Ms. Musick, at 99 years strong, I just want to say ''thank you very much.''

THE HOUSE WILL MISS KATHRYN LEHMAN

(Mr. BLUNT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I want to join my colleague and good friend, our conference chairman, the gentlewoman from Ohio (Ms. PRYCE), in recognizing Kathryn Lehman as she leaves her work here after 15 years.

We are dramatically benefited by the people who help us do these jobs, and no one has been more involved in more places over those 15 years than Kathryn has, working, as has already been said, in the Speaker's office, in the Conference office, in the whip's office. During the 4 years that I was the chief deputy whip, it was never quite clear to me whether Kathryn was working for me or I was working for her, but I always knew that we were all working to get our job done.

She is leaving now to go to Holland. We recently lost a great former Member of the Congress, our good friend Tiller Fowler, and Tillie would be pleased, I think, that Kathryn is filling some of the gap that is left there by Tillie's passing.

I am sure that our conference chairman will miss Kathryn. I know that our conference will miss Kathryn on a daily basis. I really do deeply and truly know that we will miss Kathryn's wise counsel, her good judgment and, maybe most of all, her reliable sense of humor. When things are the toughest and the challenges are the greatest, Kathryn always had an understanding of how fortunate we all really were to be involved in that challenging moment, to be making those decisions on the House Floor, to be part of this great process in the greatest country in the world.

Kathryn, we will miss you.

IRAQ IS ANOTHER VIETNAM

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we acknowledge the 30th anniversary of the conflict in Vietnam, it is important to be reminded of the crisis in Iraq: 12,000 wounded soldiers, 1,500 dead, 143 Iraqis and others killed over this past weekend; no stated policy from this administration, and the continuous flow of injured and fallen soldiers coming home to loved ones.

Iraq is another Vietnam. Iraq deserves the attention of this Congress and of this administration. It is time now to address the fact that there were no weapons of mass destruction. Whether or not we are liberators, no one seems to care. This government is in conflict. The Shiite government is refusing to seek Sunnis. The insurgents will continue, the bloodshed will continue, the hostages will continue.

We must, we must have a solution to this terrible tragedy in Iraq. We are not creating freedom; we are creating terrorists.

REAL ECONOMIC GROWTH FOR AMERICA

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

Mrs. BLACKBURN. Mr. Speaker, America is on a really great economic track right now. Since 2000, Congress and this great Nation both have had to contend with a recession, with terrorism, but we have dealt with this by enacting tax relief and working to decrease regulatory burdens on America's workers. What we are seeing is real growth.

Now, the first quarter of this year we have seen a 3.1 percent growth in the GDP. It is good and solid. To put it all in perspective, going back to October and December of 2004, the fourth quarter of last year, look at what we had going on here. Germany, 1.5 percent growth, Italy and Japan both at eight-tenths of one percent growth. During that time, America had 3.9 percent GDP growth. Do we know why? It is because we have fought to lower taxes and reduce burdensome regulation both together, while other nations have kept raising their taxes and imposing more regulation.

What does this show? It tells us that if we want more of something, we tax it less, we regulate it less.

CONGRATULATIONS TO KATHRYN LEHMAN

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to join the House Republican Conference chairman, the whip, and shortly the chief deputy whip and the vice chairman of our conference in congratulating Kathryn Lehman on an outstanding career here in the Congress and to wish her Godspeed as she leaves this great institution and goes out into the wide world to seek other challenges and opportunities.

Kathryn has served the House of Representatives longer than the vast majority of the Members who serve here today. She has an incisive legal mind, and I came to know that many years ago when I was first elected to serve here and had the privilege of being appointed to serve on the House Committee on the Judiciary, where Kathryn was serving as a counsel for the then senior member of the committee, the gentleman from Illinois (Mr. HYDE) and shortly thereafter became chairman of the committee.

Kathryn was the staff director and chief counsel for the Subcommittee on the Constitution. She advised the gentleman from Illinois (Chairman HYDE) and subsequently Speaker Gingrich, with regard to the procedures that the House needed to follow with regard to the very somber process of impeachment of a President of the United States. Since then, she has gone on to serve in our leadership. A number of Members who we can see here today recognize that she has not only the great sense of humor that has been recognized already, but a great ability to step back and see the big picture at a time when many of us get tied up in the heat of the moment. That is something that is a valuable, valuable asset for this Congress and this Republican Conference.

Kathryn, we thank you, and we wish you the very best.

FAREWELL TO KATHRYN LEHMAN

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

Mr. CANTOR. Mr. Speaker, I, too, rise this evening to bid farewell to an individual that I have come to know over the last 4 years since I first started serving in this House. She is not only a friend, she is a neighbor. She is an individual that I look to as a colleague and counsel.

As has been mentioned before, Kathryn Lehman has been a critical asset to this institution over the length of her career here. She has worked for the majority leader when he was majority whip. That is where I came to know her, and it is then that I began to see the incredible addition she was to the leadership team of this House.

She has provided tremendous insight into not only the history of this institution, but also to the intricacies of the legislative process, and her ability to really grasp how to get things done in this town, and certainly in this building.

So it is with much sentiment, I think, that I say goodbye. I know it will not be a permanent goodbye. Kathryn is one who is a true believer, and I could tell that when I first met her, that she has the common sense and conservative values that are really what make this country great.

I guess we could claim her as an adopted Virginian. She lives in the legacy of those great public servants of the 18th century that founded this Nation and that left us such a legacy to contribute to our democracy, to stand up for the principles that we believe in.

So Kathryn, I want to thank you for all of your wise counsel. I will continue to seek that counsel. We will miss you here in the House, but we wish you all the best, and Godspeed.

KATHRYN LEHMAN: A BEHIND-THE-SCENES PROFESSIONAL

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

Mr. KINGSTON. Mr. Speaker, several years ago, I went to a ribbon-cutting on a new road and the road had taken many, many years to build, yet all the politicians who participated in the ribbon-cutting were newly-elected. But in

great political fashion, we all stood up there and took the bows for it. That is the rules of the game.

Another part about that is you do not see the staff up there cutting the ribbon, taking the bows, getting the applause. Kathryn Lehman is one of those staff members who has not been in the forefront of the limelight and yet, should. She has worked for every significant Republican leader in this House of Representatives for the last 10 years or more. Every critical decision of this House, every major piece of legislation was worked on on a team in which she was a staff member, anything from the gentleman from Illinois (Chairman HENRY HYDE) to the Speaker of the House, Newt Gingrich, and, most recently, our conference Chair, the gentlewoman from Ohio (Ms. PRYCE). The legislation that we moved all had the invisible fingerprint of Kathryn Lehman.

I, as vice chairman of the Republican Conference, have had a chance to work with her. I can tell my colleagues she is intelligent, she is well versed, she is in the background, and she is a pro. One thing I will say, though, that is also significant about her, she works hard and, at times, when she has that rare opportunity to play and relax, she plays hard. I remember one occasion with her, getting the chance to see her shoot skeet. We were with some people who were pretty hotshot skeet shooters, and I looked over there and she was shooting a 28 gauge, which means you have to shoot a clay pigeon practically with a BB gun. It is impossible to do. I think out of 25 she hit 24 of them, and maybe I bumped her on that 25th.

But she is kind of a true renaissance person of today, somebody who knows how to enjoy life, get out and relax and mix and mingle with different types of people; yet, when it comes time to work, she is a hard-core, very straightforward professional.

We will miss her, Democrats and Republicans alike. She has been an institutionalist, somebody who has made this place better because of her presence.

Kathryn, we wish you the best. Have fun over across the street or whatever street you are going to be on.

□ 2000

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PRICE of Georgia). 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.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today and pretty much every day for most Americans of this year, they will see 6.2 percent taken out of their paycheck to pay for their Social Security retirement. If they are self-employed, they will see 12.4 percent taken out. That is everyone who earns up to $90,000 every paycheck, day in day out they are paying that tax.

And in paying that tax, they will create a $170 billion surplus to pay for future retirement benefits for themselves. But, now, the President has revealed his true agenda. After talking about privatization for months, something which would, in fact, worsen the financial condition of Social Security, he has now changed the debate to talking about how he is going to reduce the retirement benefits of middle-class Americans.

Now, things are a little bit different from the President. I mean, we will disregard all of his unearned income and all of the things that he has been given and all of those earnings. Let us just talk about his salary, $400,000 as President of the United States. So that means that the President of the United States pays Social Security tax until 3 a.m. on March 24.

Now, that does not seem quite fair. Other working Americans are going to pay that tax all year long. But, let us look at some of Mr. Bush's friends. Tom Freston and Les Moonves of Viacom. They stop paying Social Security tax at 4 a.m. on January 2, because they earn $77,000 a day.

Now, it really is not going to matter or even be noticed by George Bush when they are reduced or Mr. Freston or Mr. Moonves at Viacom, you know, not even their accountants will notice it, but it is certainly going to be noticed by those middle-class Americans.

The President's cuts, which he cast as being fair and progressive, will fall most heavily on middle-income working families in this country. You know, a median, what they call a median earner, $36,000, say a public school teacher, will see, if they retired 40 years from now, a young teacher, they will see a reduction of 16 percent in their Social Security benefits, from $19,000 down to $16,000. I think they are going to notice that; it is going to hurt a lot.

What the President's folk call a high earner, $58,400 a year, well they will see a 25 percent reduction. In fact, the reduction for people who earn $58,000 a year will be equal to or worse than if Congress did nothing about Social Security, because it is not going to be bankrupt like the President says. Social Security will never be bankrupt. Stop saying that.

It will have to, if nothing is done and we have a very bad economy, reduce benefits by, say, 20 percent according to the Republican Congressional Budget Office or 25 percent, so they can pay benefits into the indefinite future, starting 40 or 50 years from now. That is not a crisis. That is not bankruptcy.

But the President would guarantee reductions, at least that big, for many working families to save the program. But that is not all. That is not all the President has in mind. Because, he said, this is based on the Pozen plan, some financial guru out there who he says is a Democrat. Who cares if he is a Democrat or Republican. He is some rich guy, financial guy. And what Mr. Pozen proposed is you not only reduce retirement benefits, you reduce survivor's benefits, and you reduce disability benefits.

That is what the President said he endorses last week during his speech. He is going to reduce middle-income retirees' Social Security benefits 25 percent. And if they should be so unlucky as to become totally disabled, incapable of working, he is going to reduce their disability benefits by 25 percent; or should they have even more misfortune and die, their survivors will get a reduced benefit of 25 percent to, quote, save the program.

The President is not done there, though. He is not only reducing survivors benefits, retirement benefits, disability benefits. He wants to push these people into so-called voluntarily private plans after he has reduced their benefits; and the so-called private plans, the President's privatization has a little something called a claw-back, which is the government is allowing you to divert your Social Security money, but it is considered to be a loan, which will be repaid at the time of your retirement, death, or disability at the rate of 3 percent plus inflation.

Now, if your investments did not do too well, your survivors are going to be writing the government a check; or if you get to retirement and you did not do too well, well, you are going to see your Social Security benefits reduce up to 97 percent under the President's privatization plan.

There are better ways to secure the financial future of Social Security, which I will talk about on another evening.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that I be allowed to take my Special Order at this time.

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

There was no objection.

FAREWELL TO KATHRYN LEHMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, as we have heard from our House Republican leadership team, this week the House will lose one of its most faithful servants to the private sector, when my good friend Kathryn Lehman leaves her post as chief of staff of the House Republican Conference after more than 15 years of service here in the House on Capitol Hill.

After graduating from Catholic University with a law degree, Kathryn came to the Hill in 1989 to serve then-ranking member, the gentleman from Wisconsin (Mr. SENSENBRENNER), as his only staffer on the Judiciary Subcommittee on Civil and Constitutional Rights.

After the gentleman from Illinois (Mr. HYDE) became the subcommittee's ranking member, Kathryn continued her work and learned much from his example in leadership.

When the Republicans took over control of the House in 1994, Kathryn became the subcommittee's chief counsel and helped usher in some of the most important reforms of the first 100 days of our Congress. In 1997, Karen began working for Speaker Gingrich, playing an important part in many of the most memorable events in Congress's history. She also advised Speaker Gingrich on oversight issues involving the committees on Judiciary, Education and the Workforce, House Administration, and Government Reform.

In 1998, she took the helm as policy director for then-majority whip, the gentleman from Texas (Mr. DELAY). There, she made her mark on some of the most impressive legislative accomplishments of the Congress. Kathryn's talents then took her to the Speaker's office, the gentleman from Illinois (Mr. HASTERT).

Obviously, she had a hard time keeping a job at any one time, but she oversaw his coalitions and outreach efforts. In 2002, Kathryn became chief of staff for the House Republican Conference under the leadership of my great friend, the gentlewoman from Ohio (Ms. PRYCE). There she effectively crafted our message and led us to new levels of accomplishment and unity.

Kathryn now leaves the House for Holland & Knight where she will continue to be what she has always been, a bold woman who is not afraid to speak her mind. At Holland & Knight, she will follow in the tradition of her and another great mind, the late Congresswoman Tillie Fowler, my friend from Florida.

And Kathryn's long and impressive career is an example of what we can all achieve if we stick to our principles and never quit until the fight is over. Kathryn has learned much during her tenure, but she has taught others much more.

It is not surprising that Kathryn has so many friends. Through her sheer force of character and great personality, Kathryn has forged friendships with Republican and Democrat Members and staff alike. The gentleman from Michigan (Mr. DINGELL) for example, the dean of the House, is one such friend; and I know that the gentleman from Michigan (Mr. DINGELL) shares in my best wishes for Kathryn's future successes.

Kathryn deserves the thanks of so many Members on an individual level, but also deserves the thanks of the House of Representatives as a body.

Few have done more to protect its integrity and its efficacy, as Kathryn Lehman; and I know that she will be missed. She is more than just a staffer, she is more than just the Chair of so many important positions, she is more specially important, my friend, mi amiga, and always will be.

Mr. HASTERT. Mr. Speaker, I rise today to offer my best wishes and a fond farewell to Kathryn Lehman who is leaving Capitol Hill after 15 years of service. Kathryn has been like few others: effective, universally admired, and respected. And she has always offered blunt advice.

During her Hill career, Kathryn has served two Judiciary Committee Chairmen, one Majority Whip, one Conference Chairman, and two Speakers of the House—including myself.

Kathryn cut her teeth on the House Judiciary Committee working for then-Ranking Member SENSENBRENNER on the Civil and Constitutional Rights Subcommittee and, following that, then-Ranking Member HYDE. Those tough days in the minority prepared Kathryn for the responsibility of her role as Chief Counsel following the Republican victory in 1994. She went on to serve as Special Assistant to Speaker Newt Gingrich, Policy Director for then-Majority Whip TOM DELAY, my Director of Coalitions and Outreach, and finally Chief of Staff for the House Republican Conference.

Kathryn has not only been in the room when some of the most important decisions of this House were made, but she also helped to make them. From habeas corpus reform to tax reform, Kathryn has touched it all. She has impacted more legislation during her career than she'd probably care to admit, and each time she acted with strength and conviction.

Many staffers have a laundry list of legislative achievements and career highlights, but Kathryn is more than the sum of her accomplishments. Her tenure is marked just as surely by the friendships she has made—on both sides of the aisle—than by the laws she helped to craft or the bills she ushered through to passage.

But perhaps Kathryn's most astonishing—and admirable—characteristic is her unwavering idealism. Throughout her time on Capitol Hill, she has never lost her way and has been guided by her beliefs and values. In good times and bad, Kathryn always spoke her mind and kept us all on the right track. I will miss her loyalty, her ability to make you laugh, and her sound judgment.

I wish Kathryn the very best and know that she will continue to be a standard bearer for what is right in Washington.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that our colleagues have 5 legislative days in which to revise and extend their remarks on the subject of Kathryn Lehman's departure and tenure in the House.

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

There was no objection.

REFLECTING ON THE 2–YEAR ANNIVERSARY OF THE PRESIDENT'S ''MISSION ACCOMPLISHED'' SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last Sunday, May 1, marked the 2-year anniversary of President Bush's speech abroad the USS *Lincoln*, the ''mission accomplished'' speech.

So what have we accomplished in the last 2 years? Saddam Hussein's regime has fallen. Yet today we find ourselves mired in an endless occupation.

This past January witnessed a successful election, yet progress on developing a functioning government has been slow at best. The terror and the insurgency remain as strong as ever and seems to be growing at certain points. Explosions killed more than 100 people last week alone.

The economy is stalled, the civil society is unable to come together, and millions of Iraqis remain without regular electrical services and basic services from their government. The brave men and women of the United States Armed Forces continue to fight a very vigorous fight, but the battle has taken its toll. We have lost 1,600 fellow citizens in the last 2 years, 2½ years, and more than 12,000 have been wounded.

The strain has been so great that recruiters cannot meet their enlistment goals. Through the first 5 months of fiscal year 2005, the Army is short of their recruitment goal by 15 percent. The Pentagon now says that they are stretched so thin it would be difficult for the military to meet other obligations should they need to do so.

Mr. Speaker, Operation Iraqi Freedom was a war of choice. And as President Kennedy once said, to govern is to choose. One can only hope that the war in Iraq was the right choice. This week we will appropriate an additional $81 billion, bringing the total cost of the war in dollar sense, to $300 billion: $300 billion, 1,600 American lives, 12,000 citizens wounded.

And yet the insurgency continues and the war goes on. The $300 billion we have added to the structural deficit is on top of a $2 trillion new debt created since President Bush originally took office in 2001.

And what have we done while we have added $300 billion to Iraq? Every President when they have taken the battle and taken the war, has thought about how to build America post that war.

President Lincoln finished the transcontinental railroad, the land grant colleges. Roosevelt not only had the

Great Depression that he dealt with for the Great Society, and rather the New Deal. He also thought after the war of a GI bill.

Universal health care with Harry S Truman. Eisenhower talked of the interstate highway. President Kennedy in the middle of his days of Vietnam thought of putting a man on the Moon. What do we think about at the end of the Iraq war, as we think maybe we will see a point on the horizon? We cut Medicaid by $10 billion. We eliminate vocational training. We eliminate the COPS program that puts 100,000 cops on the American streets.

Every President and every Congress thought about America after the war, thought about what it could do, how do we build that future; not only what we did overseas, but what are we going to do for Americans here at home. We, unlike our predecessors, do not think of a vision in the future. We have thought about how to limit America's horizon and not think forward.

This President made an attempt once to talk about putting a space ship on Mars, but we cancelled that. We have cancelled our review of the stem cells. We are not investing in America's future like we are investing in Iraq's future.

$300 billion in Iraq. Sixteen hundred American lives. Twelve thousand wounded. $10 billion cut from our health care programs. Vocational training programs eliminated. Is this the tradition when Roosevelt thought of the GI bill after World War II, President Kennedy in the early days of Vietnam thought of a man on the Moon? Lincoln, in the days of the Civil War thought of reconstruction, the land grant colleges, and the transatlantic railroad system.

This is not in the tradition of America to think less of our future than the one we are building overseas. We can do better than we are thinking of today. And all of the while that we are not investing in America and we are investing in Iraq, and we have put ourselves in line in Iraq, and everything of America is on the line there, North Korea has crossed the red zone, and now has the ability of nuclear capability.

A senior military strategist testified in the Senate last week that North Korea can mount a nuclear weapon on their missiles. While we have been bogged down in Iraq, Iran is developing their capability. The fact is, if there is one area where the United States should be acting unilaterally, it is North Korea; the one place we should be acting in coalition is Iraq. We got it mixed up.

But it is high time we invest in America and stop thinking less about our future and stop putting our dollars like we have in Iraq, start putting them here in America and follow the tradition that Presidents Lincoln and Kennedy and Johnson and Roosevelt did by thinking about the future for America.

□ 2015

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. MCHENRY).

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

There was no objection.

DANGERS OF METHAMPHETAMINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to spend some time this evening talking about something that I think should concern all of us on both sides of the aisle here, something that sometimes flies under the radar screen in our country, and that is the epidemic of methamphetamine abuse.

Methamphetamines first came into prominence during World War II. It was often given to kamikaze pilots, Japanese military, before they took off, never to return. Some of the German military units going on almost certain deaths missions also used it.

It is the most highly addictive drug that has been discovered. It often causes addiction after one usage; and hardly any other drug that is known to man will do that to you. It releases huge amounts of dopamine, thousands of times the amount of dopamine that a normal pleasurable experience that is not drug-induced might cause a person to experience. It creates euphoria that last between 6 and 8 hours, and an increased sense of well-being and confidence.

Increased energy, many times soccer moms, people who are working two jobs will fall prey to methamphetamine abuse. And of course, it also provides the ability to remain awake for long periods of time, sometimes as much as 6 or 7 days so truck drivers, people in those types of professions, oftentimes begin to use it.

It often results in weight loss and it is relatively inexpensive. So there are many attractive elements to it. But the long term effects are disastrous. Whatever comes up must come down, and you come down really hard off of methamphetamine. It produces anxiety, depression, hallucinations, many times psychoses. Violent behavior is often a side effect.

It usually rots teeth very rapidly. Crank bugs, the feeling that bugs are crawling on your skin and, therefore, people try to pick them out so there are usually huge skin lesions on the arms and legs of those addicted to methamphetamines. Early death and stroke.

It always causes brain damage. Every time you use methamphetamines it destroys brain tissue. It is not long before a person who maybe is a young person who has been on meth for 6 months or a year will have a brain scan almost identical to a 70- or 80-year old Alzheimer's patient because of the brain lesions in the brain.

It is very common in rural areas. It is often manufactured in the country side because of the odor and toxic chemicals that are used. It is made from pseudophedrine, a common cold medicine which all of us have had some experience with. But there are some other additives that are a little less innocuous, lithium batteries, drain cleaner, starter fluid, anhydrous ammonia, and iodine so it is a tremendously toxic mix.

It costs roughly 5 to $6,000 to clean up a meth lab. Some areas in middle America have had as many as 1,500 to 2,000 meth labs a year being cleaned up, so it is a huge expense and it is a real blight on the countryside.

The average meth addiction and addict in my State, Nebraska, will commit roughly 60 crimes a year to support their habit. So if you have a small community with 10 meth addicts, you have got 600 crimes being committed. It has changed the whole tenor of small towns in many areas because of this increased crime.

Many counties in these areas spend 70 to 80 percent of their law enforcement dollars and their manpower on meth prevention and meth treatment. The majority of jail and prison cells are occupied by those who are addicted by meth. And most of the child abuse in these areas, most of the child neglect and most of the deaths that children experience are as a result of parents and others who are addicted to methamphetamine.

So the question is what can Congress do?

First of all, the Byrne grants that we are somewhat familiar with are what fund the meth lab clean-ups. And the Byrne grants absolutely have to be funded so this is critical. Also the COPS program is critical to the interdiction and the disruption of meth traffic.

The gentleman from Missouri (Mr. BLUNT), and also the gentleman from Indiana (Mr. SOUDER), have introduced legislation that regulates the sale of pseudophedrine that is necessary to manufacture methamphetamine, and provide funds for meth lab cleanup, law enforcement and child protection.

So I hope that my colleagues both sides of the aisle will join in this fight. This is a real blight on our country and is creating a devastation throughout our country, but particularly in the rural area.

GUT PUNCH TO THE MIDDLE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to talk tonight for 5 minutes about the President's latest proposal on Social Security, which I refer to as means testing.

I have to say that from the very beginning, when I heard the President's privatization plan and the other statements he has been making about Social Security, I have very much opposed to what he has put forth, but this latest effort at means testing I think is, in many ways, the worst of all, the worst of his proposals.

I just want to review some of the concerns that I have about his privatization plan, about his means testing in a few minutes here tonight. First of all, from the very beginning, I think, the President gave essentially misinformation because he kept talking about how Social Security was essentially going insolvent and yet we know that it is very solid, if you will, for the next 30 or 40 years. In fact, we have heard different figures from maybe 2030 or 2035, may be the date when we would begin to see less money available for Social Security. But until that time, the Social Security trust fund is very solvent and benefits would continue to be paid on a guaranteed basis the way they have for the last 60 or 70 years.

So from the very beginning, he talked about Social Security in an inaccurate way because he talked about insolvency that does not exist for at least another generation or two. Worst of all, he never indicated that any proposal he had put forth would effectively deal with the eventual insolvency of Social Security.

In other words, Democrats historically back in the early 1980s, for example, when there was a threat of insolvency or that money would not be there in the trust fund, basically sat down with Republicans on a bipartisan basis, back in the days when Speaker O'Neill was the Speaker of the House, a Democrat, and President Reagan, a Republican, was President. And they put forward a commission and they came up with a way of dealing the payroll tax, essentially, so that money would be available to keep Social Security solvent and so that benefits would continue to be guaranteed.

But what the President proposed from the beginning was a very risky privatization plan that essentially would not do anything to help with the potential insolvency. In fact, it would make the situation even worse because we knew that he would be taking money out of the trust fund with his privatization plan and putting money in private accounts. And the consequence of that would be that there would be less money in the trust fund and the solvency problem would be aggravated all the more.

At the same time, the people who put their money in these privates accounts, if they made a bad investment, ran the risk of gambling with their Social Security money and not having any money when the time came for them to retire.

The bottom line is we could have gone back, if you adopted this, to the days before Social Security when people were on the street or were in an old age home because they did not have any retirement security. That is what Democrats are afraid of with the President's risky privatization plan.

It gambles with your Social Security. It may essentially leave you broke with nothing, and even beyond that because you are taking money out of the trust fund, the solvency problem is aggravated and the potential looms for severe benefits because if you take the money out and you do not replace it with anything, the only thing you can do ultimately is cut benefits.

Now, what we hear from the President, he was on the road for about 60 days talking about that. At the end of the 60 days period he realized, as did his Republican colleagues, that this was not working. People did not want to hear it. They did not like his risky privatization plan.

So what does he come up with last week in this proposal that he made on nationwide TV? He talks about means testing. What that essentially means is that people, as their income gets higher, would get less and less Social Security benefits. And he made it sound, once again, like this was a great thing because poor people would still get their money and rich people did not need it. But what he fails to point out is reality is who is really being targeted here is the middle class.

It is the middle class person who will have their benefits cut and it is the middle class person who relies the most on that Social Security, much more so than the wealthy person.

I want to point out, I saw an editorial yesterday, Mr. Speaker, by Paul Krugman in The New York Times, and he vividly points this out. He talks about the Center on Budget and Policy Priorities and a Jason Furman, who he asked about what the President had in mind.

What he said is that the average worker now pays about $37,000 and retiring in 2075 would face a cut equal to 10 percent preretirement income. Workers earning 60 percent more than average, the equivalent of $58,000 today would see benefit cuts equal to almost 13 percent of their income before retirement.

But above that level, the cuts would become less and less significant. Workers earning three times the average wage would face cuts equal to only 9 percent of their income before retirement. Someone earning the equivalent of $1 million today would see benefit cuts equal to only 1 percent of preretirement income. So in short, this would be a gut punch to the middle class. It is the middle class that would suffer and is targeted in the President's proposal.

It is a terrible proposal. It is no better than the previous one.

HONORING CRAIG WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to honor a man who spoke on this floor and wandered these historic hallowed hallways over a decade ago.

Craig Washington, a former Democratic Congressman from Texas, made a name for himself in this place of Washington and in the Lone Star State of Texas.

At home in the great State of Texas, he is best known for his courtroom mesmerizing oratory, his remarkable victories as a criminal defense lawyer and his persistent passion for helping out the little guy.

Eleven years ago, he left Congress and headed back to Texas. Now Washington is back in the spotlight again defending one of Texas' high profile clients and doing what he does best, arguing for constitutional rights, helping the downtrodden. Those are the people who need him the most.

He is gracing the front pages of the Houston Chronicle yet again, but if you ask his daughter, Chival, she claims that her dad is just a regular guy and that is one of the reasons she admires him so much.

Craig Washington was born in deep east Texas, a town called Longview. He grew up in Houston and after high school he enrolled in Prairie View A&M University at the age of 16 with the hopes of becoming a dentist. Eight years later he finally graduated with a grade point average too low to complete his plans of dentistry. He was tremendously intelligent but could not be bothered with attending classes.

In 1966 Craig Washington was introduced to the Dean of the Texas Southern University Law School. Washington had charisma and determination even at a young age, and he managed to talk the dean into accepting him into the law school program and then transferring to dentistry. But instead he was hooked on the law and looked on it for the rest of his life.

Four years later, he would graduate with honors and become the assistant dean and assistant professor of law at his alma mater.

Then in 1970, he left the university to enter private law practice, and in 1972, he was elected to the Texas State Legislature. In 1982, he was elected to the Texas States Senate. It was there he made a name for himself as the second African American to serve in the Texas State Senate since reconstruction. It seems, Mr. Speaker, the war between the States died real hard in Texas.

In 1989, his good friend, Congressman Mickey Leland, was killed in a tragic

plane crash representing this body in Ethiopia. Washington was determined to continue the work that Leland started and he ran for Leland's seat and was sworn in as Leland's replacement in Congress in 1990.

His years in Congress were spent on national issues and advocating for those who had no voice. Some in Texas did not agree with the way he voted and carried himself, but inside this beltway he was seen as a star on the rise. He was a maverick. He wooed his colleagues on many issues and upset more than one organization when he voted against big issues like NAFTA and even NASA.

One particular evening on this House floor he argued against amending our Constitution to protect the flag. He said, ''I prefer a man who will burn the flag and then wrap himself in the Constitution to a man who will burn the Constitution and then wrap himself in the flag.''

That is typical Craig Washington. Although Craig Washington and I disagree on many political issues, I admire him because he never made a decision based on politics.

Eleven years ago, Washington left this Congress to return to his roots, Texas.

□ 2030

He has a home in Bastrop, Texas, a small German town near Austin, and today Washington devotes most of his time to fighting for those who have no advocate in our courts.

When I was a prosecutor, we tried cases against each other, and I found his word and handshake were his bond, as it is today. When I became a judge, I had the opportunity to see him represent people in the most serious of accusations. In court, he spoke with the oratory of Daniel Webster and often uses his words with such power, he could put the jury in a hypnotic trance.

Like Spartacus of the ancients, Mr. Washington goes into the pit of the courtroom arena armed with the sword of righteous indignation, the shield of the Constitution, and the breastplate of impeccable honor to fight for those broken of spirit. When Craig Washington does his final summation, I am convinced the angels from above get a seat in the rafters of the courtroom just to listen to his voice, a voice from heaven advocating persistently and passionately for the poor and persecuted.

Craig Washington may be quiet, but he is a hell fire and brimstone lawyer from East Texas that argues a case with such intelligence, intensity, and logic that juries are forever mesmerized. He has the courtroom demeanor and dignity the law deserves and a hallowed respect for the Constitution that is waning today among many lawyers and even some Supreme Court Justices who see the Constitution as an inconvenience to result-oriented agendas.

Politically, Craig Washington, I think, is a populist and an honorable gentleman from the Old South from an era when honor was important. He serves his clients with distinction and compassion and tremendous energy. He is a tremendous criminal defense lawyer as well as a right-thinking American, and I stand today on this floor where he stood 11 years ago to salute Mr. Washington. I am proud to call him my friend; and if I ever leave Congress, I hope to return to the courtroom to join him in trial, to do battle together against the forces of evil, tyranny, and injustice.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, this week marks Cover the Uninsured Week, running from Sunday May 1 through Sunday May 8. I rise today in support of the goals of Cover the Uninsured Week.

Cover the Uninsured Week will mobilize thousands of business owners, union members, educators, students, patients, hospital staff, physicians, nurses, faith leaders, and many others to call attention to the health care crisis in our country.

In hundreds of our communities across the country, events will highlight the fact that too many Americans are living without health care coverage.

Today, 45 million Americans live without health care coverage, including 8 million children.

As a Californian, I am troubled to learn that California leads the Nation in the number of uninsured people, with 6.5 million people who do not have any form of health care insurance. That is about 18 percent of our population; and additionally, one out of every 5 of our uninsured population in California is a child under the age of 18 years.

Uninsured numbers are even worse for the Latino community, which is disproportionately affected by the lack of health care coverage. As a Latina, I am saddened to see that Latinos have the highest uninsured rate of any racial group; and here in this figure, I would like to point out that back in the year 2003, as my colleagues can see, Hispanics represent 34.3 percent of those individuals that are uninsured. When we look at the different racial and ethnic groups, Latinos are the highest numbers that are uninsured.

The latest census figures indicate that 13 million Latinos are uninsured. That is more than one-third of our total Latino population in the country. This is despite the fact that Latinos constitute the second largest ethnic minority group in the country and have the largest labor force representation. Latinos hold the majority of low-wage jobs in the U.S., these positions mostly do not offer health care benefits.

I want to make a special note of the fact that nearly 80 percent of those without health insurance are employed. Listen, they are employed, but they have no health care coverage. So we have to stop the myth that the uninsured problem is only about people that are unemployed.

In fact, this is a picture here depicting a family in our district that shows people who are working. They are working, but unavailable to them is health care insurance; and in a country that prides itself on equality, it is evident that our health care system is broken when people suffer from a lack of access to health insurance and quality of care.

More disconcerting, Latino children, the most vulnerable group in our society, are 21 percent more likely to be uninsured than non-Latino children. In fact, almost one in three Latino children receives health care through Medicaid or what we know as the State Children's Health Insurance Program, the S-CHIP program. While plenty of Americans live without health insurance, programs like Medicaid and the S-CHIP program are often the only means of providing families like this with health care coverage.

Medicaid is vital for many Latinos, with 9 million Latinos receiving health care through Medicaid alone. Unfortunately, it is sad to say that President Bush's fiscal year 2006 budget proposal would cut funding for Medicaid by $45 billion, a drastic cut in funding that is a valuable service for health insurance for those who cannot afford it.

We should not play with the lives of families like this and the future of our children by denying them access to critical health care services. Affordable and accessible health care not only decreases the expenses due to last minute emergency care; it allows for a healthier workforce and improves the overall quality of care for all.

Last week, I had the opportunity as Chair of the Congressional Hispanic Task Force on Health, and I was joined by other Members of our Democratic leadership, to highlight our commitment to eliminate racial and ethnic disparities in health care. Our health care system is not meeting the needs of all people. For racial and ethnic minorities and even for Asian Pacific Islanders, for all of our communities, we are sorely underserved by the services that should be adequately provided to all of us.

Democrats are committed to working towards expanding health care insurance coverage for all, and I am committed to addressing the health care needs of all of our communities. The uninsured problem affects every single one of us. Whether it is expanding our Federal safety net, programs like Medicaid, or working to eliminate racial and ethnic health care disparities or providing incentives for our small businesses to offer health care insurance, it is time that we take action now.

I urge my colleagues to make a Federal commitment to help provide coverage for the 45 million Americans across the country who deserve a guaranteed health insurance system because one in three Americans without health insurance is one too many, and these are the families that are out there looking for leadership in the House of Representatives.

PRESIDENTIAL VOTE FOR RESIDENTS OF PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. FORTUÑO) is recognized for 5 minutes.

Mr. FORTUÑO. Mr. Speaker, tomorrow the United States Court of Appeals for the First Circuit will hear the case of Gregorio Igartua-de la Rosa, et al., vs. United States of America. This landmark case deals with the right of U.S. citizens who reside in Puerto Rico to vote for the President and Vice President of the United States.

The right to vote for those who govern us is a hallmark of the democratic principles on which our Nation was founded. Universal and equal suffrage is not only a core value of this Nation's political system, but has been recognized by the international community as a fundamental civil right. Despite this broad consensus in favor of the right to vote, U.S. citizens who reside in Puerto Rico have for 88 years been denied the right to vote for the U.S. Government officials who make and administer the Federal laws to which they are subject.

Take special heed of the fact that this discriminatory and undemocratic state of affairs does not just apply to Puerto Ricans, who are U.S. citizens by virtue of having been born in a U.S. territory, but to any U.S. citizen who becomes a resident of Puerto Rico.

To clearly illustrate this point, if President George Herbert Bush, our 41st President, had chosen to retire in Puerto Rico instead of Texas, he would not have been able to vote for his son, our current President, George W. Bush. If any of my colleagues who are listening to me today and who are my colleagues in the 109th Congress elected to move to Puerto Rico after they retire from Congress, they would not be able to vote for the President of the United States.

This separate and less-than-equal class of U.S. citizenship for residents of Puerto Rico has placed the 4 million U.S. citizens who are residents of Puerto Rico in an indefinite denial of equal national citizenship, particularly at a time of national sacrifice in the cause of global democracy and freedom, where Puerto Ricans have contributed equally, many even making the ultimate sacrifice.

It is not my intention to dictate what the Court of Appeals for the First Circuit will decide. As a lawyer, I have always been respectful of the separation between the legislative and judicial branches of government, but I trust that the court will do us justice.

I invite all of my fellow Members of this 109th Congress to monitor the court's decision because, in so doing, they will be exposed to the fact that the central problem facing the citizens of Puerto Rico is that they have been denied their most basic rights of self-determination, not by court decisions, but by congressional inaction.

In 1899, the United States first entered into a treaty which provided that the civil rights and political status of the residents of Puerto Rico shall be determined by the Congress. A full century has passed, but Congress still has not implemented any political resolution procedure that will enable residents of Puerto Rico to determine their form of self-government under a non-colonial, non-territorial alternative.

As most of my colleagues know, I am a firm believer in statehood for Puerto Rico, but I fully respect the right of my countrymen to freely choose the status choice of their preference, be it as a State of the Union, an independent Republic, or as a Republic associated with the United States.

The important element has to be that all viable alternatives be non-colonial and non-territorial in nature. Until this process of free self-determination is completed, Congress will not have fully discharged its responsibility.

HONORING CRAIG WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I am going to rise tonight to talk about a pressing problem of health care, but before I do, I want to associate my remarks with the gentleman from Texas (Mr. POE), my colleague and neighbor, on Craig Washington.

Congressman Washington replaced Mickey Leland, if anybody could replace Mickey Leland, in this House; and I served as a State house member and State senator with Craig. I can only say and echo what the gentleman from Texas (Mr. POE) said, who I know saw him across from his bench many times, as he was both a brilliant lawyer and statesman, but also one of the most intelligent people I have known.

Again, I want to associate myself with those remarks and thank the gentleman from Texas (Mr. POE) for doing that for Craig.

COVER THE UNINSURED WEEK

Mr. GENE GREEN of Texas. Mr. Speaker, I rise tonight to talk about one of the most pressing problems facing the health care system in our country, the growing number of uninsured. Every year since 2000, an additional million Americans have joined the ranks of the uninsured.

The Robert Wood Johnson Foundation recently reported that the number of individuals without any health insurance in our country rose to 45 million this year. This is a problem that we literally cannot afford not to address.

In my hometown of Houston, we are proud to have the world-famed, world-class Texas Medical Center. Some of the most innovative and life-saving research and treatment developments are being discovered in our own backyard. The problem is that too many of our neighbors cannot access these live-saving treatments because they lack health insurance.

My State of Texas ranks number one in uninsured adults, with 31 percent of adult Texans living without health insurance. The statistics for the Houston area are just as troubling with more than 31 percent of our Harris County residents living without health insurance.

When a third of the State and county's population is without health insurance, I think it is safe to say this problem has reached crisis proportions. The increase in the number of uninsured is due, in part, to the changing nature of health care in our country.

Gone are the days when we could count on our employers to provide comprehensive health insurance for us and our families. With health insurance costs reaching $10,000 per year, low-wage workers cannot fend for themselves.

With full-time minimum-wage workers bringing home roughly that much each year, they cannot spend the bulk of their earnings on health insurance, and many small businesses are finding that they simply cannot afford to purchase health insurance for their employees.

As a sideline, not only small businesses, but some of our larger businesses, whether it be General Motors or Shell Oil, talk about the disparities and how much they pay in industrialized countries like Europe and Japan for health insurance, and Canada, as compared to how much more they pay in our country.

It is no little surprise that today 80 percent of the uninsured in this country are gainfully employed. Unfortunately, my State of Texas also ranks number one in the percentage of uninsured working adults, with 27 percent of working Texans currently without health insurance.

□ 2045

This is a problem for all Americans as the uninsured often use emergency rooms as their primary source of medical care. In fact, a study of emergency room use in Harris County found that 57 percent of the diagnoses made in safety net hospital emergency rooms could have been treated in a physician's office or clinic. This increases health care costs for all Americans.

The uninsured are less likely to seek preventive health care and only get care once their problems reach emergency proportions. In fact, nearly 50 percent of uninsured adults have postponed seeking health care because they

cannot afford it. Only 15 percent of those individuals with health insurance have postponed care for this reason.

It is no surprise that the uninsured and underinsured are generally more expensive to treat because they fall through the cracks in our health care system. Unfortunately, the policies that this Congress has supported only serve to widen those cracks.

Despite being faced with record levels of uninsured individuals, this Congress has put Medicaid cuts at the top of the budget agenda. Medicaid is the health insurer of last resort in this country, and subjecting this critical program to budget cuts will only serve to further increase the number of Americans without health insurance.

Where does Congress think these folks will go once they are dropped from the Medicaid rolls? The answer is simple: They will join the ranks of the uninsured, and in doing so, they will be three times more likely to postpone health care, three times more likely to forego filling a prescription, and three times as likely to be hounded by collection agents for payments on medical care they do seek out. This is not the way to ensure that our citizens are healthy, productive members of our society.

The Federal Government needs to renew its commitment to the most vulnerable members of our society. Faced with record levels of uninsured, we should be adding people to the Medicaid and SCHIP rolls, not dropping them. We should expand the SCHIP program to include parents of these CHIP children. That policy option alone would provide health insurance to 67 percent of CHIP parents in Texas.

We should restore funding for the HCAP program, which in my community, has helped enroll an additional 250,000 individuals in Medicaid and CHIP, while also directing the uninsured away from ERs and toward an appropriate health care home. These are programs that work.

What does not work is picking a budget number out of thin air and forcing Members to chop away at a program until it fits that number. It is shameful that Congress is balancing the budget on the backs of low-income families. If we are going to get this country's health care system out of the ditch, we must stop digging that ditch.

HEALTH RISKS ASSOCIATED WITH INHALED COMPOUNDED DRUGS USED IN NEBULIZERS

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, today, Americans with asthma, emphysema, and other respiratory diseases are being exposed, without their knowledge or consent, to serious and unnecessary health risks associated with inhaled compounded drugs used in their nebulizers.

Mr. Speaker, to my left are FDA-approved generic and brand medications proven to be safe, effective, and manufactured in a sterile manner. I would ask Members to notice that critical information, such as lot number, expiration date, manufacturer, drug name, and dose are embossed on the plastic vial.

These, Mr. Speaker, on this next board, are not FDA-approved medications. They were compounded or mixed in a pharmacy under conditions that may or may not be sterile. They are not clinically proven to be safe or effective. Notice there is no lot number, no expiration date, no manufacturer or sterility notice. Absence of this critical information in labeling and advertisements to patients and prescribers is, at best, misleading.

In addition, notice here the glue-affixed paper labels. The FDA, Mr. Speaker, does not approve of these types of paper labels because they are known to leach carcinogenic ink and glue chemicals into the medication in the vials the patient inhales into their lungs.

Mr. Speaker, physicians write their prescriptions for FDA-approved brand names and generic medications. Patients think that what the doctor prescribes is what they are going to receive. But through a sleight of hand, some compounding pharmacists are having the prescriptions switched to these types of unapproved and unproven drugs.

What happens is that the patient gets a phone call or sees a TV ad or something on the Web saying that this seemingly benign and reputable company will deliver their nebulizer drugs right to their door if they just sign a form. By signing, they essentially agree to a substitution of the medication from what the doctor prescribed to whatever substance the compounding pharmacist is whipping up in his back room or factory.

Oftentimes, the original prescribing physician does not even know the substitution or switch has occurred. Patients and physicians do not know until something goes tragically wrong, and wrong in this case can be a worsening symptom, or even death.

You might ask how this is happening, Mr. Speaker. Well, a new industry has emerged in recent years: Mass pharmacy manufacturing under the guise of traditional pharmacy compounding. Relying on lax State standards and arguing that Federal standards do not apply, these companies manufacture and distribute millions of doses of compounded nebulizer medications each year. Mass pharmacy manufacturing is not to be confused with traditional pharmacy compounding, a public health service when a patient has a medical condition for which no proven commercially available medication exists.

Normally, the patient, prescriber and compounding pharmacist discuss the risks and benefits together and monitor the patient carefully throughout the illness. In many cases, however, this is not happening. Medical experts agree that the risk of using these unproven drugs, mass manufactured outside the parameters of FDA regulation, are unacceptable, especially when FDA-approved medications are available.

These drugs, Mr. Speaker, are not FDA-approved. They are not established generic equivalents of FDA-approved brand name medications. They are not proven to be safe or effective and do not meet FDA standards for sterility. The origin and quality of raw ingredients are not disclosed.

The absence of disclosure and drug labeling in advertisements is indeed misleading, and I am concerned. So are patient and clinician organizations, led by the Allergy and Asthma Network/Mothers of Asthmatics. It is time for Congress to get to the bottom of this issue and find out why these products are allowed to be sold with misleading labeling and without FDA approval. And, further, why in many cases Medicare and Medicaid are reimbursing for these unproven and unapproved mass manufactured products.

PROPOSED INDIAN GAMBLING CASINO IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA IN OREGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, tonight I rise to express my deepest concern about a proposed Indian gambling casino in the Columbia River Gorge National Scenic Area in Oregon.

On April 6, 2005, Oregon Governor, Ted Kulongoski and the Confederated Tribes of the Warm Springs signed a Tribal-State compact. The compact would allow a off-reservation Indian gambling casino in the Columbia River Gorge National Scenic Area. The Columbia River Gorge is the crown jewel of Oregon's many natural wonders, a spectacular and unique sea-level cut through the Cascade Mountain Range. It is 80 miles long and up to 4,000 feet deep. The Columbia River flows between the Gorge's north walls in Washington State and its south walls in Oregon. It is a natural wonder and a National Scenic Area.

The proposed 500,000 square foot gambling casino would dramatically alter the Columbia River Gorge and have a significant negative effect on the environment by increasing traffic, congestion, and air pollution. Specifically, the proposed casino would draw an estimated 3 million visitors per year for non-Gorge related reasons, resulting in perhaps a million additional vehicle trips per year. This increased traffic would exacerbate existing air pollution problems in the Columbia River Gorge. State and Federal agencies have already determined that air quality in

the Columbia River Gorge is significantly degraded and that visibility is impaired 95 percent of the time in this National Scenic Area.

Also, according to Federal sources, this area suffers acid rain as severe as what falls in industrial cities such as Washington, D.C., Baltimore, Pittsburgh, and New York City. It is crucial that this proposal be thoroughly vetted to take into account the environmental impact on the Columbia River Gorge National Scenic Area, its habitat, and the surrounding communities. I note that there are six endangered or threatened species in the Gorge, and over 40 sensitive species in the Columbia River Gorge.

Placing a casino in the Columbia River Gorge has been presented as a choice between Hood River and Cascade Locks, two communities on the Oregon side of the Columbia River Gorge. I emphatically reject this Hobson's choice. The Hood River casino site is a red herring, neither physically buildable nor legally available for tribal gambling purposes. The argument that unless a casino is permitted in Cascade Locks, it would inevitably be built in Hood River is a smoke screen used to hide other appropriate non-Columbia River Gorge sites.

Also, allowing this casino in the heart of the Columbia River Gorge, on land far removed from the Tribe's existing reservation, would set a precedent encouraging other Oregon tribes to demand off-reservation casinos closer to the lucrative Portland market. Allowing for an off-reservation casino in this situation also could set an adverse precedent at the national level.

Until now, Oregon's policy, set by former Governor John Kitzhaber, has been to limit each tribe to one casino on reservation land held in trust. The Kitzhaber policy has been stable over the years and has prevented an arms race to get closer to the lucrative Portland metro market. Breaking the Kitzhaber policy would inevitably lead to more off-reservation casinos throughout Oregon and potentially also in neighboring States. Indeed, once this is allowed, there is no logical stopping point. All tribes would have their interests affected adversely both by an arms race to the Portland metro area and by a potential general public backlash against all Indian gaming.

This is more than a mere compact to govern gambling. The compact is a blueprint for the development of a specific large-scale commercial casino complex within one of Oregon's most scenic and ecologically sensitive areas. This compact should be disapproved so that we can protect the Columbia River Gorge National Scenic Area, limit off-reservation Indian casino proliferation, protect the long-term interests of all federally recognized tribes in Oregon, and act in the best interests of the surrounding communities, ranging from Hood River to Corbett to Portland to Beaverton.

The earliest Oregon pioneers, Indian and white alike, came down the Columbia River Gorge to find an Eden of the west. They traveled through the Gorge, a marvel then and a marvel today, to seek new hope. We betray their hopes and dreams if we despoil the crown jewel of Oregon's natural heritage in order to maximize short-term gambling projects.

ON CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Bloomberg News reported today, and I read the quote, ''CAFTA,'' the expansion of NAFTA to all of Latin America, ''will fail in Congress.'' And Peter Morici, a University of Maryland professor and former chief economist for the International Trade Commission, comments: ''CAFTA is in trouble because of frustration with Bush administration inaction on the trade deficit and the Chinese yuan,'' which means that we are not dealing with the difficulties of the exchange rate between not just China and the United States but several other nations.

One and a half years ago, a 7-member Congressional delegation traveled to Mexico to examine the modern template for all of these trade agreements that is called NAFTA, the North American, I like to call it ''failed'' Trade Agreement, and the impact it has had on working families and farmers on both sides of that border.

□ 2100

The delegation included the gentleman from Illinois (Mr. COSTELLO), the gentleman from Arizona (Mr. GRIJALVA), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Ohio (Mr. STRICKLAND), and myself. Our delegation produced a final report entitled ''NAFTA at Ten: Journey to Mexico.'' It is included on the Web site, www.kaptur.house.gov.

Mr. Speaker, at the end of my Special Order, I include for the RECORD a summary of recommendations that our delegation made to fix NAFTA. In that vein, during our trip we met other parliamentarians, including the Honorable Victor Suarez Carrera of Mexico, during that journey. Representative Victor Suarez Carrera is currently serving as a federal representative for the 16th District of Mexico City in the Mexican Chamber of Deputies, so he would be our counterpart.

He made an eloquent speech saying, I plead with you, Congress of the United States, we the people of Mexico want good trade, not just free trade. He expressed a deep desire to visit our country to tell the American people how NAFTA was not just negatively impacting the people of our country but also the people of Mexico.

And so as this Congress considers an expansion of NAFTA to Central America, the CAFTA agreement, to Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and the Dominican Republic, we are honored to welcome Deputy Suarez to the United States. He will be arriving tomorrow with his delegation of Mexican parliamentarians. They will be here Wednesday and Thursday and participate in extensive talks here in Congress on U.S.-Canadian and Mexico Interparliamentary cooperation on NAFTA and CAFTA. They will also travel to other places in the United States.

I want to put up a chart to show the difficulty from the United States standpoint. Every single year since NAFTA was signed, rather than the job creation we were promised, the United States has exacted larger and larger trade deficits with both Mexico and Canada. Those numbers were supposed to be exactly the reverse.

In Mexico, wages have been lowered. And Mr. Suarez comes from an area called Scala in Mexico, the southeastern region of Mexico, and we were literally in these fields with him talking to the farmers who have been displaced from their land in the nation of Mexico. It was so tragic to hear their stories. The American people need to hear the stories from the people of Mexico. It is not just our workers and farmers that are being hurt; they are being hurt as well.

Mr. Suarez is currently president of the Committee for the Center for Studies of Sustainable Rural Development and Food Sovereignty within the Chamber of Deputies. It is important to note he has been a leader and promoter of a movement in Mexico called The Countryside Cannot Take It Any More. He is also active in international peasant movements and in an inner-American network called Agriculture and Democracy.

The objectives of our trinational meeting among parliamentarians are to create an intercontinental space for reflection, exchange of ideas and collaboration related to alternative forms of economic integration and trinational development that helps people better their lives rather than reduce their livelihoods and looks ahead to what happens next after NAFTA as we stop CAFTA in its tracks.

Our effort is to foster dialogue and exchange between legislators and civil society organizations to further develop ideas for alternatives to the current framework surrounding the flawed free-trade model and to find better ways to achieve trinational development.

Another goal is to identify some of the more critical impacts of the 11 years of NAFTA, focusing on an analysis of both national level and sector-specific effects. And finally, we seek consensus among our parliaments on possible future actions that could be taken trinationally among legislators and between organizations and civil society to directly address some of the critical impacts of NAFTA and look

ahead to negotiation of a NAFTA-plus agreement.

One of the border towns that we visited, and I put up this particular picture, was of women and men living in these tiny shacks who have been displaced from the countryside.

Mr. Speaker, we welcome Mr. Suarez Carrera with his colleagues and look forward to the launching of a continental effort to speak out on behalf of farmers and working people of the Americas.

NAFTA AT TEN: JOURNEY TO MEXICO

[From the Report of the U.S. Congressional Delegation, Nov. 14, 2003]

EXECUTIVE SUMMARY: NAFTA AND THE FUTURE OF GLOBAL TRADE

The North American Free Trade Agreement (NAFTA) is now ten years old. At its heart, it embodies the new heroic struggle of working men and women to gain a foothold in the rough and tumble global economy dominated by multinational corporate giants. Unfortunately, it pits local workers and farmers against global investors. It pits Neustro Maiz, a peasant tortilla co-op in southern Mexico, against ADM, the US grain trade giant. It pits Norma McFadden of Sandusky, Ohio, who lost her middle class job with benefits at Dixon Ticonderoga, against Ana Luisa Cruz of Cuidad Juarez, who earns $7 a day with no benefits. For NAFTA to be credible as a model for future trade agreements, it must be amended. People should be more important than goods. A human face to trade must be negotiated. Without it, the global divide between poverty and wealth will exacerbate. More popular unrest will result from unfair trade, and the social compact so necessary for global cooperation will be shattered.

NAFTA is important because it serves as the major template for a new global economic order integrating rich and poor nations through trade and investment. Mexico, Canada and the U.S. were to integrate their economies and, as a result, be better positioned to compete globally. It was touted as the neo-liberal model that would lift the economic condition of all people. All ships, no matter how small, were to be brought forward. But NAFTA worked exactly in the reverse. Affected workers in all three nations saw their wages and working conditions lowered. As capital moved across borders with no social policies in place, NAFTA has triggered an international race to the bottom as even Mexico has lost 218,000 jobs to China, a lower wage environment with a notorious record of human rights abuses.

Capital and wealth have become more concentrated in all three nations. The middle class in the U.S. is experiencing a growing squeeze on benefits and job quality. In Mexico, an endless supply of ''starvation wage'' workers was unleashed. Now the Bush Administration is trying to spread the same model to Central America using Central American Free Trade Agreement (CAFTA), and throughout the rest of the Western Hemisphere with the Free Trade Area of the Americas (FTAA). If these agreements are passed, it is clear that only the same can be expected, that is, expanding job washout, underemployment, and trade deficits in the U.S. without improved living standards in the poor countries with whom it trades.

A reformed trade model among trading nations is needed that yields rising standards of living for workers and farmers. This must be based on transparent and enforceable rules of law concerning labor, environment and business. Continental sustainable wage and labor standards should be adopted. Trade accords must also incorporate industrial and agricultural adjustment provisions, and currency alignment. An infrastructure investment plan should be negotiated as a core provision of any trade agreement. Complementary systems for education and safe, reliable medical care for all citizens, including the over 9 million immigrants traveling as itinerant labor to the U.S. every year, must be addressed as central concerns of integrated economies.

RECOMMENDATIONS

Policy reforms are essential to amend NAFTA and other trade agreements that have yielded such huge U.S. trade deficits, job washout, and lowered standards of living.

A CONTINENTAL ASSESSMENT OF NAFTA SHOULD BE LAUNCHED TO ADDRESS ITS SHORTCOMINGS

An intracontinental parliamentary Working Group on Trade and Working Life in America, comprised of U.S., Mexican, and Canadian members, should be established with the goal of amending NAFTA to address its shortcomings. Such a working group should analyze the results of NAFTA and its impact on workers, farmers, and communities. The Working Group should defIne a sustainable wage standard for workers in each country and a continental labor registration system along with enforceable labor and environmental standards. It would identify the massive continental labor displacements that are occurring, often with no social safety net in place. It would explore options to deal with divergence in education and health as well as currency fluctuations and impact of trade on infrastructure, investment, and migration. It would harmonize inequitable tax systems and augment credit systems for the safe and non-usurious continental transfer of remittances by mobile workers. It would also propose funds in the form of adjustment assistance to cushion continental economic integration. The organization would include as a key component an intracontinental Agricultural Working Committee to address the hardships faced by farmers and farm labor in all three countries.

TRADE AGREEMENTS SHOULD YIELD TRADE BALANCES

If NAFTA were working in the interest of the U.S., there would be a trade surplus with Canada and Mexico, as the U.S. exported more than it imported. Exactly the reverse is true. In 2003 the NAFTA trade gap equaled 100 billion—$42 billion with Mexico and $85 billion with Canada. This represents a serious drag on U.S. gross domestic product and a loss of wealth. Indeed the U.S.-NAFTA trade balance with low-wage Mexico as well as Canada has turned decidedly more negative, and worsened each year, contrary to NAFTA's stated aims. When a trade agreement yields major and growing deficits for more than three years, it ought to be renegotiated.

DEVELOP AN ALTERNATE TRADE BLOCK PARADIGM

Trade agreements must be structured to achieve rising standards of living for a broad middle class not just the capital class. The current NAFTA model fails to address the root causes of market dysfunction and growing U.S. trade deficits i.e., the managed market and regulated trade approaches being employed by its European and Asian competitors. With NAFTA, the U.S. chose a low wage strategy to meet this real competition from trading counterparts that were gaining global edge. The U.S. must counter the managed market and regulated trade approaches of its major competitors.

HARMONIZE QUALITY OF LIFE UP, NOT DOWN

Rather than allowing transnational companies to set the rules of engagement, democratic nations first should forge international trade agreements with the world's developed democracies and then invite in developing nations to participate in this ''free world'' Global Trade Organization. Such an effort holds the potential to transition these nations upward to the same democratic, legal, and environmental systems of the free world. Instead, the trade relationships that have been forged link the economic systems of first world democratic nations to Third World, undemocratic, non-transparent systems. Social concerns like education, environment, infrastructure, labor conditions, and health have been ignored. The downward ''race to the bottom'' push of NAFTA continues to be felt in the U.S. as well as Mexico and Canada.

TRADE ACCORDS SHOULD PRODUCE LIVING WAGE JOBS, LESS POVERTY AND AN IMPROVED ENVIRONMENT

If NAFTA were working, more good U.S. jobs would be created, outnumbering job losses. In Mexico, workers would experience a rising standard of living. Exactly the opposite is true. Conservative estimates indicate the U.S. has lost 880,000 jobs due to NAFTA. These jobs are largely in U.S. companies that merely relocate to Mexico paying ''hunger wages.'' Wages in Mexico have been cut by a third. If NAFTA were working in the interest of Mexicans, there would be a reduction in poverty, a growing middle class, and environmental improvement. Instead there is a rollback in wages, deplorable working conditions, and growing economic concentration of wealth in a few hands, forcing huge social dislocation.

As U.S. jobs are sucked into Mexico, not only do more people vanish from the middle class but also U.S. schools lose property taxes. In a state like Ohio that has lost nearly 200,000 jobs to Mexico, the economic decline is visible. Ohio's income growth is declining. In 1999, according to Ohio Department of Development statistics, citizens in Ohio lost $30.7 billion in total income compared to the past year. The state itself lost $15 billion. As a result, college tuition has increased with average student undergraduate debt rising to record levels of $18,900. Nursing homes are understaffed with low paid workers, and the ranks of uninsured Ohioans has risen to 1.3 million. The State is raising taxes on everything from sales, to gas and to property to try to fill the gap of a fleeing private sector. Quality of life is sliding backwards. NAFTA-related environmental enforcement remains largely nonexistent. If NAFTA were working, environmental improvement in Mexico would be upgrading; it is sliding backward.

TRANSITION U.S./CANADIAN DISPLACED WORKERS TO COMPARABLE EMPLOYMENT AND MEXICO'S WORKERS AND PEASANTS TO LAND HOLDING AND LIVING WAGE STANDARD

NAFTA—displaced workers in the U.S. largely have been abandoned in their efforts to reposition to new employment. Unemployment benefits expire, training is inadequate, and health benefits expire or are unaffordable. Experienced workers rarely find jobs with comparable payor benefits. Mexico's vast underclass, underpaid, and exploited, lacks a living wage, affordable elementary education, basic health care, and systems to gain property ownership and affordable credit even for basic purchases. In order to move forward with any future trade agreements, NAFTA must acknowledge its human toll and respond accordingly. NAFTA provisions have led to the displacement of thousands of small business, industrial and agricultural workers throughout the U.S., Mexico and Canada. Little provision has been made to assist these workers, farmers, and communities with any transitional adjustment assistance. In Mexico, this has

caused masses of people to stream toward the border and the maquiladora zones in search for jobs.

The North American Development Bank, which was established to help local communities build their human and physical infrastructures, has been an abject failure. It should promote economic investment in those regions of Mexico and the United States where jobs have been hollowed out due to NAFTA, or infrastructure is needed. Bank assets could be enhanced by financial contributions that flow from trade-related transactions.

CREATE NEW CONTINENTAL LAW ENFORCEMENT BODY TO COMBAT GROWING CRIME ALONG U.S.-MEXICO BORDER REGION RELATED TO BORDER WORKERS, DRUGS, AND UNSOLVED MURDERS OF HUNDREDS OF MEXICAN WOMEN

The United States Departments of Labor and Homeland Security should be tasked not only with stopping the trafficking of bonded laborers but devising a continental labor identification card. Along with mass migration, the border has seen an explosion in the illicit drug trade. Law enforcement officers on both sides of the border must battle smuggling in narcotics and persons. A continental working group should be directed to recommend a new solution for combating crimes that result from the illegal drug and bonded worker trade that spans the border.

NAFTA AT TEN (1993–2003)

Congress narrowly passed the North American Free Trade Agreement (NAFTA) in November 1993, after an emotional and protracted political struggle that engaged the entire nation. (Final Vote: 234–200—Republican: 132 ayes; 43 noes. Democrats: 102 ayes; 156 noes. Independent: 1 no)

Wall Street confronted Main Street. The full weight of the legislative battle was best reflected in House deliberations (http://thomas.loc.gov). Never had a trade fight garnered this type of attention from the general public. Multinational corporations, many displaying their products on the White House lawn and using offices in the U.S. Capitol itself, lobbied hard to change the laws and relationships that govern wages and working conditions for the majority of America's workers.

The workers and people of U.S., Canada, and Mexico all would be affected in major ways. Their livelihoods, communities, and the standard of living on the continent were at stake. Congress became the only venue in which their concerns were given some voice.

The evaluation of America's ten-year experience with this agreement is crucial. In 2004, debates loom over expansion of NAFTA into other poor and middle-income countries in Latin America through the Central American Free Trade Agreement (CAFTA) and the Free Trade Area of the Americas (FTAA).

Is the ''NAFTA trade model'' worthy of expansion? Or does it need to be fixed?

NAFTA was a precedent-setting economic agreement. At the time of its passage ''free trade'' was relatively a new concept. It had been employed in rare circumstances, only recently in U.S. history, just since 1985, when the U.S. signed a ''Free Trade'' agreement with Israel to eliminate all duties on trade between the two countries over a six year period. Certain non-tariff barriers remained for agricultural products. But Israel was a small country with a middle class population of six million. Its integration with the U.S. market of over 250 million consumers at the time was accomplished with minimal disruption. Unfortunately, NAFTA's flawed, untested architecture has served as the ''model'' for successive trade agreements negotiated by the U.S. with developing nations which have huge impoverished populations, such as China. As a result, the U.S. has amassed trade deficits with most nations in the world and, a loss of U.S. jobs and growing stress on middle class living standards.

The NAFTA ''agreement'' should actually have been negotiated as a ''treaty'' due to its wide-ranging impact—socially, economically, environmentally, and politically. Yet, its authors cagily used the legislative vehicle of an ''agreement'' to stifle debate since Congress cannot amend trade agreements. A ''treaty'' would have allowed much closer scrutiny allowing time for amendment and full debate. A treaty would have been a more appropriate approach in view of the collateral damage NAFTA has caused especially to poor and working people across our continent. NAFTA is very imperfect legal basis on which to forge the terms of engagement for the people of the American continent.

REFORMING THE TRADING BLOCK PARADIGM

One of NAFTA's central aims was to stimulate a North American trading bloc that could compete with anticipated competition from a unified European Union. As well, Japanese-Asian integration had been already eating into global market share the U.S. had dominated, particularly automotive production. But rather than addressing root causes of market dysfunction and growing U.S. trade deficits—the managed market and regulated trade approaches being employed by European and Asian competitors to gain global edge—with NAFTA, the U.S. chose a low wage strategy. This has had real consequences.

Mexico's workers have been dispossessed by a global economic system that preys on their weakness rather than securing for them the rights and opportunities won by first world workers over the last two centuries. There has been no improvement in economic conditions for the vast majority of workers of Mexico since NAFTA. Moreover, U.S. workers continue to lose middle class jobs. A similar plight afflicts the European Union as it struggles to integrate the corruption-ridden, emerging states of the former Soviet Union. In Asia, Japan—the second largest market in the world—remains a closed and a formidable economic powerhouse having surpassed the U.S. in 1985 as the world's premier auto producer. Its protected internal market and bold manipulation of Chinese, Korean, and other Asian labor-intensive operations has allowed it to gain growing market strength. It secures its internal production, exploits cheap labor elsewhere, and exports those goods to first world markets or invests in them.

NAFTA aimed at continental ''free trade'', i.e., tariff elimination, between U.S., Mexico and Canada. Yet by the early 1990's, most tariffs already had been reduced between the three nations, with an effective overall tariff rate of about two percent. Indeed, NAFTA concerned something else. Its unstated aim was to provide a government sanctioned insurance scheme for rising investments by transnational corporations in low wage nations starting with Mexico, which was close to the U.S. market, and where subsistence labor was plentiful. NAFTA accelerated the shipping out of U.S. jobs. For unlike tiny Israel, the populations of Mexico and Canada totaled over 125 million persons: Mexico's largely poor population equals over 100 million and its workers fearful about organizing trade unions to gain living wages. The low wage pull was irresistible.

By the early 1990's, the U.S. was already falling behind Europe and Asia as its global trade deficit in goods rose with each passing year. With NAFTA's passage, the export of U.S. jobs to Mexico exploded. Mexico started to import vast quantities of Chinese products that then backdoored their way into the U.S. The U.S. job market began to shift millions of jobs to third world environments as reflected in rising global trade deficits. Outsourcing of production and services, even of American icon products like Amana, Brach's, Hoover, and the PT Cruiser, became commonplace and accelerated.

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

(Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida 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 Georgia (Mr. BARROW) is recognized for 5 minutes.

(Mr. BARROW addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

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

There was no objection.

Mr. HONDA. Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander community and to commemorate Asian Pacific American Heritage Month.

As Chair of the Congressional Asian Pacific American Caucus, CAPAC, I feel privileged to be here tonight to speak of the history and accomplishments of the Asian American and Pacific Islander, AAPI, community.

Additionally, I will be highlighting those issues affecting our community that are also priorities for CAPAC.

Mr. Speaker, I would like to take a moment to acknowledge and remember extraordinary community activists, advocates, leaders, and long-time friends of the AAPI community that we have lost this year, such as Fred Korematsu, Dr. John B. Tsu, K. Patrick Okura, Iris Chang, and my colleague and friend, Congressman Bob Matsui.

Thanks to the late Representative Frank Horton from New York and my good friend, Secretary Norman Mineta, along with Senators DANIEL INOUYE and Spark Matsunaga, May is designated as Asian Pacific American Heritage Month to celebrate and honor the contributions of the Asian and Pacific Islander community.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843, to the United States; and the completion of the transcontinental railroad on May 10, 1869.

In 1992, Congress passed the law that officially designated May of each year as Asian Pacific American Heritage Month.

The first AAPI settlement in this country dates to 1763, when Filipinos escaped imprisonment aboard Spanish galleons and established a community near New Orleans. Today, that AAPI community is one of the fastest growing populations in the country, with over 12 million AAPIs living in the U.S. and representing 4.5 percent of the total U.S. population.

My home State of California has both the largest AAPI population, 4.6 million folks, and the largest numerical increase of AAPIs since April of 2000.

Mr. Speaker, this year's theme for Asian Pacific American Heritage Month is ''Liberty and Freedom For All.''

As we honor the AAPI community's contributions to this great Nation, I would also like to note the very social injustices the AAPI community still face. For example, the New York Times today reported a recent study commissioned by the National Asian Pacific American Legal Consortium, a Washington-based civil rights organization.

The study showed that AAPIs portray only 2.7 percent of the regular characters on prime time national network television. Our community is still misrepresented in all areas of society, especially in the media and on prime time television even though we make up 5 percent of the total population.

Although we are often misperceived as monolithic, our community is extremely diverse in our languages, ethnicities, and culture. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities and subgroups such as the Southeast Asian Americans who are refugees who fled their home countries during the late 1970s and the early 1980s.

As a country, we need to better adjust the needs of the AAPI community when we discuss immigration, health, and education issues.

Mr. Speaker, I yield to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, as the congressional representative from Guam, it is my honor to join my colleagues in commemorating Asian Pacific American Heritage Month. I want to thank our chairman, the gentleman from California (Mr. HONDA), the chairman of the Congressional Asian Pacific American Caucus, for his outstanding leadership and for organizing this Special Order to recognize the contributions of Asians and Pacific Islander Americans to our Nation.

Today as we celebrate ''Liberty and Freedom For All,'' and as thousands of American servicemen and -women continue to fight the global war on terrorism in Iraq and Afghanistan, we are reminded of the sacrifices made to ensure our freedom. We reflect on the thousands of Asian and Pacific Islanders who are serving this country with honor and distinction in very dangerous circumstances.

Mr. Speaker, I especially want to honor those who have given their lives to protect our freedom, including Guam's Army Specialist Christopher Wesley, Lieutenant Michael Vega, Sergeant Eddie Chan, Corporal Jaygee Meluat, and Specialist Jonathan Santoes, all servicemen from Guam who were killed in Iraq.

I mention these heroes as a reminder that Americans in the territories stand shoulder to shoulder with their citizens when our Nation calls, and that we willing share the burdens and the sacrifices to preserve our freedom.

We remember prominent Asian and Pacific Islander Americans who dedicated their lives to public service, doing their part to promote justice, not just for Asian and Pacific Islander Americans, but for all Americans. Tonight I would like to make special mention of two of our colleagues, the late Congressman Robert Matsui of California who was a staunch advocate for the cause of the disadvantaged, the elderly, and young Americans; and the late Congresswoman Patsy Mink of Hawaii, who was a champion of women's rights and for the poor. Each has left a legacy that lives on in those whose lives they have touched and improved.

Asian Pacific American Heritage Month is an opportunity to educate our fellow citizens about the history and culture of Asian Pacific Island Americans. Their contribution to America is not just the diverse cultures that they have introduced to this land; it is also their stories of incredible journeys to freedom.

Historically, Asians and Pacific Islanders have known war and strife. They have survived and thrived to the benefit of America. They have a powerful story to tell, and they have a love for this Nation that many of us today take for granted.

This year, the people of Guam will commemorate the 61st anniversary of our islands's liberation by the United States Armed Forces during World War II. As the only American territory with a civilian population occupied by the enemy during World War II, Guamanians risked their lives due to their loyalty to America, and endured great hardship and brutality. During this dark period in Guam's history, our people experienced beheadings, executions, massacres, beatings, torture, rape, forced labor, forced marches, and internment in concentration camps. I want to recognize the survivors of the occupation of Guam for their courage, their sacrifice and steadfast loyalty to our great Nation.

Mr. Speaker, 2 years ago, a Federal commission was tasked by Congress to examine whether the people of Guam received equal treatment in the handling of war claims as compared to their fellow citizens.

□ 2115

The Guam War Claims Review Commission reported in June 2004 that there was indeed a lack of parity and

that Congress should enact legislation to remedy this injustice. The report stated, ''The Review Commission affirms that there is a moral obligation on the part of our national government to pay compensation for war damages, in order to ensure that to the extent possible, that no single individual or group of individuals bears more than a just part of the overall burden of war.''

With the support of the Congressional Asian Pacific American Caucus, I have introduced legislation, H.R. 1595, the Guam World War II Loyalty Recognition Act, with 75 sponsors, to implement the recommendations of the Review Commission. I urge my colleagues to help us bring closure to this issue for the people of Guam. Let us finally grant recognition to some of the finest patriots America has ever produced, and let us commend the people of Guam for their sacrifices for our Nation during the wartime occupation of our island.

As we commend Asian Pacific American Heritage Month, let us honor the contributions of all Asian and Pacific Islander Americans. Let us celebrate the cultural diversity, the patriotism, and the Asian and Pacific Islander communities that make America so great.

Mr. HONDA. Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am honored tonight to have this opportunity to pay tribute to Asian and Pacific Islander Americans during this month when we honor their great heritage.

Asian and Pacific Islander Americans constitute one of the fastest growing minority communities in the United States, and I am proud to say that they are a significant part of my constituency in southern California while they represent over 13 million Asian and Pacific Islander Americans who live in this United States. It is estimated by the year 2050, they will comprise about 33.4 million, or 8 percent of our total population.

Asian and Pacific Islander Americans have made tremendous contributions to our society. They are government leaders, scientists, lawyers, athletes, business men and women, artists, soldiers, advocates for civil rights and champions for the underrepresented. As we celebrate this glorious month, let us remember some of the notable Asian and Pacific Islander Americans who have served our Nation with honor and distinction:

Kalpana Chawla, who became the first Indian-American woman astronaut, who, while pursuing her dreams, perished in the Columbia shuttle disaster;

Fred Korematsu, a Japanese American who, for decades, fought tirelessly for civil rights;

Yuan T. Lee, a Taiwanese American who shared the Nobel peace prize in 1986 for his work in chemistry;

And, of course, my dear friend, the Honorable Patsy Mink, the first Asian-American woman and first woman to grace this august body. She has left an indelible mark that gave her the honor of distinguished;

Haing Ngor, the first Cambodian American to win an academy award for his role in the film ''The Killing Fields.''

And let us acknowledge the great Members of Congress who make up this august body who are Asian American and Pacific Islanders:

The Honorable MIKE HONDA, who is the caucus chair of our caucus;

The Honorable DAVID WU;

The Honorable BOBBY SCOTT;

And, newly, the Honorable DORIS MATSUI.

And let us not forget and pay tribute to our dear friend and colleague, the late Congressman Robert Matsui who recently passed away. He was an extraordinary man, Mr. Speaker, who overcame challenges and obstacles and became a great Member of this body. He will be remembered as a national champion of all Americans, particularly our seniors and Social Security.

Despite hardships and discrimination, Asian and Pacific Islander Americans have maintained an abiding and unwavering belief in the promise of our country and they have moved forward to make remarkable contributions to our Nation. I am proud to stand with them tonight as a member of the Asian Pacific Islander Caucus.

This time of tribute is also a time of celebration and reflection upon where we have been and where we are going as a Nation, ever mindful that liberty and freedom for all must be our collective national goal.

Finally, tomorrow I will be introducing a resolution honoring the victims of the Cambodian genocide. I am proud that the largest Cambodian population in the United States resides in my district. Their culture and contribution, along with all Asian and Pacific Americans, have enriched our community and this American landscape. We are a better country because of their contributions.

Mr. HONDA. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I rise today as a proud member of the Congressional Asian Pacific American Caucus so ably led by the gentleman from California (Mr. HONDA) to join my colleagues in commemorating our Asian Pacific American community at the outset of APA Heritage Month.

And I do so with deep respect, great pride, humble appreciation and eager anticipation. Respect, for the great challenges generations of Asians and Pacific Americans have faced in our country and overcome and still face and will overcome. Pride, for the profound role my own Hawaii, has played in the nurturance and maturation of our APA communities throughout our country. Appreciation, for the rich tapestry APAs have woven in the fabric of our national identity. And anticipation, for what certainly lies ahead for our APA communities in writing the next great chapters in the ongoing narrative of this great country.

Mr. Speaker, nowhere in our country is the story of Americans of Asian and Pacific Island descent better illustrated than my own Hawaii, where well over 50 percent of our population is Asian and Pacific American, where our Asian and Pacific American community has achieved the pinnacle of success in all facets of local, statewide, national and international life, and where a majority of all marriages and a majority of all children share more now than one ethnicity, more likely than not an ethnicity of the Asian and Pacific Americans.

And the story of APAs in Hawaii is a rich and compelling story which acts as a microcosm of the story of our very country. Of course, it started millennia ago when the ancestors of our indigenous peoples, the native Hawaiians, came to Hawaii from their ancestral homelands to the south, joining other indigenous peoples in the U.S. mainland and Alaska in the original settlement of our country. And it continued in the last 200 years with the great migrations from Japan and China. And in the last 100-plus years, with still further great migrations from Korea and the Philippines. And then in the last half century from the Pacific islands such as Samoa, Tonga, Fiji and Guam. And amazingly it continues since to this day, in the last quarter century, from Vietnam and Cambodia and Laos and the other nations of Micronesia, Melanesia and Polynesia. And throughout, of course, many, many other immigrants from other Asian and Pacific countries, India and Pakistan and Sri Lanka and Bangladesh, Thailand and Indonesia and Malaysia and much more.

So when we pause to honor the rich and diverse heritage of our APA communities, we honor the capital of the APA world, my Hawaii, a beacon to the world of what can be.

Yet what is throughout our country is not where it can and should be, for there remain challenges aplenty. There is always the specter of racism and discrimination. Yes, less than there was, less overt, less on the surface than it has been, but insidious enough and there enough to flare up with very little warning, a specter against which constant vigilance is required.

And there are still unique challenges in economic and social advancement for the APA community and unique conditions to be addressed in health care and education and other areas. And there are still goals of fundamental fairness to be accomplished with many of our APA communities, most notably, in my case, Federal recognition for our native Hawaiians.

But while we must remember tonight these challenges and what we must do, we also remember all that is good and great in our APA community. Let me give you just one great example, because we remember tonight that hard

on us is the centennial of sustained immigration from the Philippines to our country, the 1906 exodus from the mother country to the sugar plantations of Hawaii, an exodus that accelerated in 1946 and on and now has yielded fully 2.4 million citizens of our country of Philippine descent.

Yes, it will be a great year for the Filipino community of celebration, with barrio fiestas and song and dance and remembrances of the pioneers and those who succeeded on their broad shoulders. But in many ways, what we celebrate tonight is the recognition that for the Filipino-American community, the celebration of their centennial will be a celebration in miniature of the Asian and Pacific American experience in our country, for the story of our APA community is the story of our America, from its earliest beginnings to its latest arrivals, a story still unfolding as, for example, is happening right on the floor of this U.S. House of Representatives, with my congressional page appointment, Awapuhi Dancil of Makawa, Maui, a junior at Kamehameha Schools and undoubtedly, no doubt about it, a leader in the making for the APA community and for our country in the future.

And so this is a story worth telling over and over again as we do here again tonight.

Mahalo and aloha.

Mr. HONDA. Mahalo.

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

Ms. WATSON. Mr. Speaker, I rise today to commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Americans and Pacific Islanders in U.S. history. I want to thank the gentleman from California (Mr. HONDA), Chair of the Congressional Asian Pacific American Caucus for organizing this special order. I thank the gentleman very much.

Mr. Speaker, I represent one of the most diverse congressional districts in our Nation, with African Americans, Hispanic Americans and Anglo Americans, each making up about 30 percent of my Los Angeles-based district. Los Angeles' Korea Town, also in my congressional district, is home to 80,000 Asian Americans, who make up roughly 13 percent of my constituency. My congressional district includes Sony Studios, Capital Records, American Film Institute and Raleigh Studios. It is the home of our Nation's and a great deal of the world's entertainment industry. Today, I want to address the need for adequate and accurate representation of Asian Americans in film and television.

Many of my colleagues speaking today have already mentioned the fact that there are over 13 million Asian and Pacific Islanders living in the United States and that by the year 2050, there will be an estimated 33.4 million self-identified Asian Americans in the United States. However, while the Asian American and Pacific Islander communities continue to grow, our Nation's entertainment sector continues to fall behind in recognizing their presence through film and television and their influence in shaping the course of our Nation.

Just last week, the National Asian Pacific American Legal Consortium released a report called ''Lights, Camera, and Little Action,'' detailing the shortage of Asian-American characters on prime time network television. The report finds that while Asian Americans and Pacific Islanders make up 5 percent of the United States population, they represent only 2.7 percent of regular characters on prime time television. The report also finds that virtually no Asian actors are cast in situation comedies, and the characters they play in dramas tend to have less depth and development than most regulars, with minimal on-screen time and few romantic roles.

For example, programs such as ''King of Queens,'' set in a New York City borough, features no regular Asian characters despite the fact that almost one in five residents of the city are Asian Americans. The show ''Charmed'' on the network WB also includes no Asian actors, despite being set in San Francisco where a third of the population is Asian American. Such whitewashing of prime time television not only fails to reflect reality, it also denies viewers the opportunity to learn about other cultures and the chance to further cross-cultural understanding and communication.

□ 2130

And, finally, I think an equally disturbing trend is the study's finding that when AAPIs are depicted on a television show, they are placed in roles that reinforce stereotypes. Let me give the Members an example. While the 2000 U.S. census showed that half of AAPI adults do not have college degrees, all of the Asian American characters on prime time television have professional jobs that often require advanced degrees. These are admittedly very positive portrayals, and many ethnic groups have railed against their negative portrayals in the media as gang members, pimps, drug dealers, and prostitutes. Nonetheless, any ethnic stereotyping by media, even positive stereotyping, tends to eliminate the larger public's understanding of the real conditions of the ethnic group.

Mr. Speaker, the contributions of Asian Pacific Americans to the growth and success of this Nation cannot be overstated. The history of their struggle and triumph in the United States must be captured and remembered. One of the most effective means of commemoration is through the accurate portrayal of AAPI characters in film and television that illuminates their hopes, dreams, and struggles. The AAPI communities have played instrumental roles in advancing the freedom and equality of all Americans; yet we do not see their achievements adequately documented and reflected by the media.

Mr. Speaker, in commemorating this year's Asian Pacific American Heritage Month, I call on the entertainment industry to further improve their depiction of the AAPI communities and urge everyone to remain vigilant about the roles the media play in capturing the shared heritage of Asian and Pacific Islander communities in our Nation.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from California (Ms. WATSON) for her presentation, and I will reiterate her admonition to the media in terms of being able to depict Asian American communities.

Mr. Speaker, I would like to speak on a couple of points before I yield to the gentleman from Oregon. On the issue of immigration, Mr. Speaker, our Nation was founded by immigrants who valued freedom and liberty and who sought to be free from persecution from a tyrant government. Families fled from their home countries to seek refuge in this great Nation because they too believed in liberty, justice, and freedom for all.

AAPI families who seek to be reunited with their families overseas have not seen their dreams come true because of our broken immigration system. Over 1.5 million Asians are caught in the family immigration backlog and immediate family members from overseas wait as long as 10 years to reunite with their families in the U.S.; and if they are a young teenager, by the time they reach 18, they get switched to another line. Mothers and fathers wait to reunite with their children; but due to the long years of waiting, their children may have already reached the age of 18 and their families will have to start the process over again.

As we honor the 40th anniversary of the Immigration Nationality Act of 1965 and the 30th anniversary of the Refugee Act of 1975, we need to remember that our country was founded and created to protect our freedom and civil liberties.

As Chair of CAPAC, we have worked closely with the Congressional Hispanic Caucus to speak out against the REAL ID Act. For the AAPI community, the REAL ID will make it harder for those seeking asylum to prove their case. This will prevent legitimate asylum seekers from obtaining relief in the United States. The REAL ID Act requires asylum applicants to prove that the central motive for their persecution was race, religion, nationality, membership in a particular social group, or political opinion. The REAL ID Act ignores the fact that those who flee brutal human rights abuses often escape from situations that preclude gathering of documentation to present ''corroborating evidence.'' Applicants may be denied based on any inconsistencies or inaccuracies in their stories. An escapee from the Darfur region cannot go back and track evidence of their persecution without facing a life threatening situation.

Therefore, I believe we need comprehensive immigration reform to fix

our broken immigration system, not a national ID that continues the problem.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from California for his leadership in organizing this Special Order tonight and for his leadership in chairing the Congressional Asian Pacific American Caucus.

Mr. Speaker, it is with great honor and pleasure that I join with my fellow members of the Asian Pacific American Caucus in celebration of Asian Pacific American Heritage Month. This month marks the 27th time America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

Our country was founded as a Nation of immigrants. America has reached its greatness in part by the accumulation of ideas from those with varied heritage and backgrounds. In particular, Asian Pacific Americans have made profound contributions to American life, including the arts, education, science, technology, politics, and athletics. Asian Pacific Americans were here to help build the transcontinental railroad, to serve in the Civil War, and most recently to develop the latest in Internet technology. Asian Pacific Americans have played an active and crucial role in the development of this country from knitting it together, as I mentioned, with the transcontinental railroad, to bringing us closer to the rest of the world through the technologies of the Worldwide Web.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our Nation. Asian Pacific American civic participation and engagement will help define our collective future. By working together, we can bridge and build upon our great Nation's diverse communities and move forward with determination and unity.

I encourage Congress and the American people to spend part of May absorbing the legacy, culture, and achievements of the Asian Pacific American community.

Mr. HONDA. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I would like to touch on a couple more subjects, if I may.

As Americans, we need to ensure that our children receive a quality education by providing adequate teacher training, funds for after-school and extracurricular activities, and ensuring that college is affordable for every student that desires to receive a higher education.

According to the U.S. census, 50 percent of Asians age 25 or over have a bachelor's degree or higher level of education. However, I would like to emphasize that when we disaggregate the data for AAPI subgroups, we find that the ''model minority'' stereotype is, in fact, a myth.

Only 9.1 percent of Cambodian Americans, 7.4 percent Hmong Americans, 7.6 percent Lao Americans, and 19.5 percent Vietnamese Americans and 16 percent of native Hawaiians and Pacific Islanders who are 25 years and older have a bachelor's degree.

These numbers show that we must do a better job of disaggregating data and information about our communities to assess the needs of those hard-working Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we need Congress to pass the Asian American and Pacific Islander Serving Institutions bill, which the gentleman from Oregon (Mr. WU) will be introducing later this month. This legislation will provide Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI and at least 50 percent of its degree-seeking students receive financial assistance.

As a caucus, we will work to increase the availability of loan assistance, scholarships, and programs to allow AAPI students to attend a higher education institution; to ensure full funding for teachers and bilingual education programs under the No Child Left Behind Act; to support English language learners; and to support full funding of minority outreach programs for access to higher education such as the TRIO programs to expand services to serve AAPI students.

In health, Mr. Speaker, a common misperception of AAPIs is that as a group we face fewer health problems than other racial and ethnic groups. In fact, AAPIs as a group and specific populations within this group do experience disparities in health and health care. For example, AAPIs have the highest hepatitis B rates of any racial group in the U.S.

Last week, I, along with the gentleman from Pennsylvania (Mr. MURPHY), introduced a resolution to support the goals and ideals of National Hepatitis B Awareness Week.

AAPIs are also five times more likely to develop cervical and liver cancer than any other ethnic and racial group. According to the Census Bureau, 18 percent of AAPIs went without insurance for the entire year in 2000. This means that the uninsured are not only more likely to go without care for serious medical conditions; they are also more likely to go without routine care, less likely to have a regular source of care, less likely to use preventative services, and have fewer visits per year.

At the same time, without appropriate language translation services or properly translated materials, limited English-proficient immigrants cannot receive adequate care, as well as State and Federal benefits for which they may be eligible. In the AAPI community, 76 percent of Hmong Americans, 61 percent of Vietnamese Americans, 52 percent of Korean Americans, and 39 percent of Tongans speak limited English. Therefore, eliminating health care disparities in the AAPI community must include data collection, linguistically appropriate and culturally competent services, and access to health insurance.

CAPAC has been working with both the Congressional Hispanic and Black Caucuses on the Healthcare Equality and Accountability Act to eliminate ethnic and racial health disparities for all of our community. I will be introducing the Healthcare Equality and Accountability Act, which will address expanding the health care safety net, diversifying the health care workforce, combating diseases that disproportionately affect racial and ethnic minorities, emphasizing prevention and behavioral health; and promoting the collection and dissemination of data and enhance medical research, provide interpreters and translation services in the delivery of health care.

Mr. Speaker, in California a Hmong man was going to the hospital to have his right leg amputated in surgery. And the doctor, in order to confirm whether he had the right leg pointed out, spoke to the gentleman before surgery and asked him if this is the correct leg, and the gentleman did not understand. He just nodded. When he came to from anesthesia after the surgery, he found that his good leg was amputated. And because of lack of translations and lack of linguistic services, this man became more disabled than he should have been.

Mr. Speaker, I now yield to the gentleman from Washington (Mr. INSLEE), a great friend and advocate.

Mr. INSLEE. Mr. Speaker, I have enjoyed listening to this story of the tapestry of the Asian American Pacific Islander community in America; and that tapestry, of course, consists of quite a number of threads. I would like to add one thread to this great story of this important part of the American tapestry.

And that story began on March 30, 1942, on Bainbridge Island, Washington, actually the island where I live. On that day, a young 2½-year-old named Frank became one of the first Americans of Japanese descent to be rounded up by our military and forced to leave his home. We have a picture here. Actually, it is a pretty historic picture. These were the first Japanese Americans to be interned during World War II. They left the dock on Bainbridge Island en masse, surrounded back up here, though we do not see them in the picture, of soldiers with bayonets; and they were marched down into a boat and taken to Seattle and eventually to Manzanar.

□ 2145

Obviously, at that time, after the Japanese bombing of Pearl Harbor, our Nation was really living under a cloud of uncertainty when, along with Frank, 226 other men and women, families left

the dock at Bainbridge Island, and they were the first imprisoned at Manzanar. Eventually, 120,000 Americans of Japanese descent were stripped of their very basic rights and freedoms guaranteed to every American under the Constitution, and most spent the duration of the war in these camps.

It took a long time for Americans to come to grips with this, come to grips with these injustices as part of our history. But it is important to remember them lest we forget and allow fear and anxiety that is understandable ever to push us over the edge again to darkness that occurred to those people in those years.

Frank is now known as Dr. Kitamoto, a great dentist on Bainbridge Island. Frank is a grown man. He carries the story of this internment with a very quiet strength and courage. And he knows that while we regret those decisions that were made 63 years ago, he does not cast blame. Instead, Dr. Kitamoto has transferred his personal experience into a living history to try to share the wisdom that comes with such a searing experience. He shares his story so that others can learn from this mistake so that we are reminded not to let that happen again.

Frank has a 45-minute slide presentation that he presents to schools throughout the State of Washington, and California, Oklahoma, Connecticut and Idaho, wherever he is invited, and he makes the trip on his own dime. Frank wants to make sure this story is told and told by someone who knows the story.

For over 20 years he has lead the Bainbridge Island Japanese American community as President, and he has worked to create a memorial, a remembrance to this event in our community's history. The Bainbridge Island community put a lot of effort into selecting a name for this memorial and, with care and deliberation, selected a Japanese phrase, ''Nidoto Nai Yoni'' or ''let it not happen again.''

I am proud that the history of Dr. Kitamoto has become part of the American story, and I was proud to sponsor legislation that will hopefully make the ''Nidoto Nai Yoni'' memorial at Pritchard Park an officially recognized part of our national heritage. That bill passed this Chamber last year, we are in the planning phases now, to make this a national memorial. Most of this dock is not here now, but we have just a beautiful memorial planned so that this story can remain part of our national tapestry.

It is my honor to join efforts with Dr. Kitamoto and sit beside him at the dedication ceremony for the memorial. It is my honor now to remember and share this story of a group of Americans whose quiet strength and sacrifice and courage and patriotism of the many sons who served in World War II while their families were in these camps. Their story really is an inspiration for everyone everywhere, and I want to thank the gentleman from California (Mr. HONDA) for convening this important discussion.

Mr. HONDA. Mr. Speaker, I would like to thank the gentleman from Washington for his great work and also for making sure that the lessons of internment is not only academic, but also personal, and for dedicating sites that will be a hands-on experience for generations to come.

Mr. Speaker, I would like to continue on Social Security and, as we continue this debate on Social Security, I want to emphasize the fact that privatizing Social Security will impact the Asian-Americans and Pacific Islanders just as it will impact all Americans. We need to protect and secure Social Security for the AAPI community, because Social Security provides retirement security to AAPI families. More than 785,000 AAPIs receive Social Security benefits, and the average monthly benefit for AAPIs is $716.

Social Security needs a solid source of funding, not a plan that makes the problem worse by draining trillions of dollars away from Social Security. Social Security is a generational promise to honor our parents and Americans who have paid into Social Security for years, and we need to fight to protect and secure the promise of benefits.

On a personal note, my mother, who is 88, has worked all her life. She has worked in the fields, she has worked with my father as a sharecropper in strawberries and, later, she was a domestic worker, taking care of other people's homes and cleaning their homes. All of this work has dignity to it. It provided sufficient revenues to put food on our table. However, she did not have a pension plan. She did not have other plans that would sustain her in her retirement years. She is one of those 90 percent of widows who depend upon Social Security for 90 percent of their income on a monthly basis. It is for those women, for children who have survived family tragedies and became orphans, for those who are disabled, that we submit that Social Security should not be deformed, but perhaps reformed and have a sense of solvency into the future.

Mr. Speaker, I would also like to extend my gratitude to the patriotic men and women serving our country in the military, including 60,813 AAPIs serving on active duty in the U.S. armed services, as well as the 28,066 in the Reserves and the National Guard. I also commend and thank the 351,000 AAPI veterans who fought for this country.

I would like to highlight and honor the Filipino veterans who have not been compensated and recognized for their service, which I believe is a national disservice to these brave veterans. As a country, it is our duty to ensure that these veterans have equal access to all of the benefits and treatment that other veterans receive. We believe that our troops should be taken care of when we send them into battle and that they should be given the respect when they return home.

With regard to the Filipino veterans, I stand with my colleagues, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. FILNER) to support their bipartisan legislation, H.R. 302, to restore full benefits to those veterans who fought for our Nation in World War II when they were asked and recruited to become our allies in fighting the Japanese military during World War II. However, this effort has been stalled and frustrated over the years. It is not an issue of who is in the administration, it is an issue of the State Department. I would also ask my colleagues in Congress on both sides of the aisle to take note of this bill that is being sponsored by the gentlemen from California (Mr. CUNNINGHAM) and (Mr. FILNER), to study it and understand that a promise made should not be a promise broken as it was in 1946, but a promise kept. We have an opportunity in this session to keep that promise, and to make good our word to those veterans who fought alongside of our veterans and soldiers in World War II.

Mr. Speaker, I would like to discuss a few firsts in our community. I am proud of our community's accomplishments, and I would like to recognize many of the AAPI firsts in the areas of art, film, sports, sciences, academia, and politics.

In 1846, Yung Wing, the first Chinese American graduated from Yale University and the first AAPI to graduate from a U.S. college.

In 1863, William Ah Hang, who was a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1944, An Wang, a Chinese American who invented the magnetic core memory, which revolutionized computing and served as the standard method for memory retrieval and storage.

In 1946, Wing F. Ong, a Chinese American from Arizona, became the first AAPI to be elected to a statewide office.

In 1948, Victoria Manalo Draves, a Filipino American diver, the first woman to win Olympic Gold Medals in both the ten-meter platform and three-meter springboard events.

In 1956, Dalip Singh Saud, the first Indian American to be elected to Congress. That only became possible after the anti-Asian law that prohibited Asians to become U.S. citizens to become naturalized; after that law was rescinded, Asian Americans were able to participate in the government and the democracy of this country who were not born in this country.

In 1965, Patsy Takemoto Mink, the first Japanese American woman and woman of color elected to Congress who championed Title IX.

In 1985, Haing Ngor, a Cambodian American, became the first AAPI to win an academy award for his role in ''The Killing Fields'' movie.

In 1985, Ellison Onizuka, a Japanese American, became the first Asian

American Pacific Islander astronaut in space.

I would like to close, Mr. Speaker, by saying that the Asian American Pacific Island community continues to fight for our civil rights as Americans. Even after the internment of the Japanese Americans during World War II, we, as a community, did not grow embittered or cowed by discrimination; instead, we progressed and moved forward. I am proud to be a member of the AAPI community, because we continue to serve as positive contributors to our many communities by investing, investing in education, in business, and cultural opportunities for all Americans.

In closing, this Asian Pacific American Heritage Month, we take pride in our history, our accomplishments, and the promise of our future as we continue to pave the way for a better tomorrow to form a more perfect union in the name of liberty and freedom for all.

Ms. PELOSI. Mr. Speaker, I rise today to recognize the month of May as Asian Pacific American Heritage Month and to pay tribute to the contributions of the Asian American and Pacific Islander community, including immigrants, refugees, and natives.

As the Representative of California's 8th District, it is my privilege to represent a strong Asian American and Pacific Islander community that is a vital part of San Francisco's world-renowned diversity.

As the Democratic Leader in Congress, I am proud to join my colleagues in honoring more than 13 million Asian Americans and Pacific Islanders (AAPIs), representing a diverse community of backgrounds, cultures, and experiences, who make their homes in the United States. Their unique contributions enhance the moral fabric and character of our great country.

As we celebrate the significant progress made by Asian Americans and Pacific Islanders, it is right for us to honor the memory of great leaders of the AAPI community who have recently passed away—including Fred Korematsu, who dared to challenge the U.S. government over the Japanese internment camps, John Tsu, former chair for the White House Initiative on AAPIs and longtime community activist, Patrick Okura, a great civil rights leader and Japanese American internee, and Magdaleno Duenas, a Filipino veteran and community leader.

Mr. Speaker, let us remember our former colleague and my dear friend Congressman Robert Matsui, who despite imprisonment in an internment camp during World War II, never lost faith in our country. He went on to become a national champion for all of America's seniors, and the first Asian-American to serve in the leadership of the House of Representatives.

Their legacies are part of the ongoing struggle of all Asian American and Pacific Islanders, who, in spite of having to overcome great hardship and discrimination, maintain an abiding and unbreakable belief in the promise of our country, and move forward to make remarkable contributions to our country.

In memory of these great figures in the history of our Nation, it is only fitting that this year's theme for Asian Pacific American Heritage Month is 'Liberty and Freedom for All.' Each of these individuals leaves us with a legacy that still burns to be fulfilled. For despite the great progress that we have made, we still have a long way to go to ensuring equality and expanding opportunities so that all Americans have a chance to achieve their full potential. Their work will continue on in all of us.

This year we also commemorate the 40th anniversary of the Immigration Act of 1965, and the 30th Anniversary of the Refugee Assistance Act of 1975. These laws demonstrate our national commitment to serving as a beacon of hope for all those in search of the opportunity and freedom that are the promises of America. In the three decades since the signing of the Refugee Assistance Act, the United States has provided shelter to millions of refugees escaping persecution, tyranny, and often, unspeakable tragedies. Each time we look into the face of diversity, we see great heroism and personal dignity.

Mr. Speaker, as we celebrate Asian Pacific American Heritage month, let us rededicate ourselves to answer their enduring call to service, and fight for justice in our country.

Mr. HOYER. Mr. Speaker, I rise in celebration of Asian Pacific American Heritage Month. It is during this month that we commemorate the significant contributions that the Asian American and Pacific Islander (AAPI) community has made to our country.

I would like to join my colleagues on the Congressional Asian Pacific American Caucus, of which I am a member, and which is chaired by my colleague, Mr. HONDA of California. This bipartisan and bicameral caucus has been active in raising awareness about the concerns and issues that face the Asian American and Pacific Islander community today.

There are more than 12 million Asian American and Pacific Islanders in the United States, including about 275,000 in my home state of Maryland. Asian Pacific Americans also have the most diverse background of any minority population, tracing their roots to almost fifty different countries and ethnic groups.

Today, Asian Pacific Americans play an important role in every aspect of American life—as authors and artists, as business leaders, as political leaders, as military leaders, as scientists and innovators, as athletes, and in virtually every other aspect of American society.

In addition to recognizing the important role that Asian Pacific Americans play in our country, this month's celebration is also a time to remember significant historical contributions that Asian Pacific Americans have made in our Nation's history. From the building of our transcontinental railroads to fighting on behalf of our Nation, Asian Pacific Americans have contributed greatly to the American tapestry.

This year's theme for Asian Pacific American Heritage Month is ''Liberty and Freedom for All.'' This spirit was embodied in Representative Robert Matsui, who passed away in December, and to whom I wish to pay tribute. The House of Representatives and the country as a whole suffered a great loss with the passing of Bob Matsui, a dedicated leader who served with distinction for 13 terms in the House and was chairman of the Democratic Congressional Campaign Committee.

During his career, Bob Matsui was an active member of the Asian Pacific American community, working to achieve redress for Japanese Americans who were placed in internment camps after the bombing of Pearl Harbor. Congressman Matsui himself was placed in the Tule Lake internment camp along with his family in 1942. He was later instrumental in securing the passage of the Japanese-American Redress Act as well as in ensuring a monument to Japanese-American patriotism during World War II.

Representative Matsui's experience demonstrates the determination and perseverance that characterized Asian Pacific Americans during their time here in the United States, oftentimes overcoming discrimination, language and cultural barriers.

I am pleased Americans have so much to benefit from as a result of our diverse society. We continue to learn from each other and share each other's traditions, history, and culture.

That is why it gives me great pleasure today to recognize the significant advances and contributions made by the Asian Pacific American Community to our country during Asian Pacific Heritage month.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in recognition of Asian Pacific Heritage Week.

I am especially proud to do so because I am privileged to represent some of the most important Asian Pacific American communities in Los Angeles, California, including Chinatown, Little Tokyo, Filipinotown, and a portion of the Korean-American community. These historic California communities are constant reminders of the vibrancy and vitality of Asian Pacific Islanders and their significant contributions to our nation.

Secretary of Transportation, former Representative Norman Y. Mineta from California, was one of the first to work towards establishing a time of national recognition of the accomplishments of Asian Pacific Islander Americans. In June of 1977, he and his colleague, Representative Frank Horton of New York, introduced the first House resolution that called upon the President to proclaim the first 10 days of May as Asian Pacific American Heritage Week. In 1979, President Jimmy Carter signed a joint resolution declaring May 4–10 as National Asian Pacific American Heritage Week. And in 1990, President George H. W. Bush expanded the celebration to the entire month of May. The month of May was chosen for this special commemoration since it corresponds with the arrival of the first Japanese immigrants to the United States in May of 1843.

''Asian Pacific American'' is a political appellation that encompasses the many ethnic groups that exist in the API community. The term helps give expression to this historically, culturally, linguistically, and ethnically diverse group while at the same time recognizing common experiences in American history.

Mr. Speaker, let me take a few minutes to highlight a few of the important events in the lives of my Asian Pacific American constituents. In Little Tokyo, one event was the celebration of the 25th anniversary of the Little Tokyo Service Center, in which I had the honor to participate. For 25 years, the Little Tokyo Service Center, a nonprofit charitable organization serving Asian and Pacific Islanders throughout Los Angeles County, has been an important resource for the residents of this diverse community. Currently, Little Tokyo Service Center sponsors over a dozen community and social service programs, with over

40 paid staff and hundreds of volunteers who provide competent and compassionate services in seven different languages. The services provided by Little Tokyo Service Center include individual and family counseling, support groups, transportation and translation services, an emergency caregiver program, crisis hotlines, and consumer education.

Little Tokyo Service Center is also the sponsor of several major community development projects in the Los Angeles area, including the construction and management of Casa Heiwa, a 100-unit affordable housing project for individuals and families; the rehabilitation of one of our city's historical landmarks into the Union Center for the Arts; and the development of Pacific Bridge, a housing complex for adults with developmental challenges.

Another noteworthy event took place last year when I was honored to recognize the 100th anniversary of The Rafu Shimpo. The success of this bilingual English-Japanese newspaper, founded in Los Angeles and published, distributed, and read avidly in my congressional district, is another milestone in the rich history of the Japanese-American community.

The history of The Rafu Shimpo is an important part of both American and Japanese American history and heritage. In April 1903, three young men, Rippo Iijima, Masaharu Yamaguchi, and Seijiro Shibuya produced in Los Angeles the first mimeographed news bulletin for the Japanese-speaking community. In 1914, under the new management of Henry Toyosaku (H.T.) Komai, the newspaper began to grow. In 1926, an English language section was added with the help of a 20-year-old UCLA education major, Louise Suski. By 1932, the English section became a daily feature.

On April 4, 1942, The Rafu Shimpo ceased publication as Americans of Japanese descent were forcibly and shamefully removed to desert internment camps. At the end of the war in 1945, while other Japanese Americans were released, H.T. Komai continued to be detained in Santa Fe, New Mexico. Nevertheless, the Komai family's dedication to publishing The Rafu Shimpo persevered. H.T.'s son, Akira Komai, with a $1,500 loan from three staff members, rebuilt the newspaper.

The newspaper grew rapidly from a circulation of 500 in 1946, to 20,000 over the next 30 years. Today, H.T.'s grandson, Michael Komai, serves as the third generation publisher, a position he has held since 1983. The award-winning daily has over 45,000 readers and prevails as the premier news source for the Los Angeles area Japanese American community.

Two years ago, I was also honored to recognize the 100th anniversary of Fugetsu-Do, a family-run bakery in my congressional district. Starting in 1903, Seiichi Kito and his family, later including Roy Kito, began working in a small shop to produce batches of mochi, maju, and other Japanese sweets. In 1942, when the Kito family was forced to relocate to the Heart Mountain, Wyoming internment camp, the family business was closed. At the end of the war, the Kito family returned to Los Angeles and reopened the doors of Fugetsu-Do. Today, Brian Kito, the grandson of Seiichi Kito and the son of Roy Kito, continues the legacy of Fugetsu-Do and continues to serve the Little Tokyo community.

And, of course, there is the wonderful celebration of Japanese culture and tradition during Nisei Week, culminating with the annual parade.

I am also very proud to represent many members of the Korean-American community and to work with this important constituency that greatly contributes to the Los Angeles area and our nation as a whole.

In 1903, Korean immigrants began arriving in the U.S. in 3 distinct waves. The first wave was recruited for back-breaking work on the sugar plantations of Hawaii. The second wave of Koreans arrived after World War II and again after the Korean War. In the 1960's, more Korean immigrants came to the U.S. seeking increased educational opportunities. Many in this last group were medical professionals who came to fill the shortage of health care workers in our inner cities. These immigrants have helped revitalize declining neighborhoods and have been an economic stimulus through small business entrepreneurship. Korean Americans have also made their influence felt in international trade, the fashion industry, and other community businesses such as restaurants. Still others make significant contributions in professions ranging from the arts to medicine and the sciences. Last year I was proud to help honor the 100th anniversary of Korean-American immigration to the United States with a statement on the floor of the House of Representatives and to participate in their annual Harvest Moon Festival parade in Los Angeles.

And, of course, I am privileged to represent Los Angeles's Chinatown, perhaps the Asian Pacific American group with the oldest and best known story in American history.

Immigrants from China first came to southern California in the late 1850's to help build wagon roads and lay railroad tracks across the west. Initially barred from owning property, many Chinese eventually settled near Olvera Street in rented homes and storefronts used for hand laundries, herb shops and markets in downtown Los Angeles. In the 1930's, this neighborhood of approximately 3000 Chinese was uprooted to make way for the construction of Union Station on Alameda Street.

Chinese families and merchants banded together as the Los Angeles Chinatown Corporation to create a ''new Chinatown'' on Broadway. Since second-generation Chinese could own property, American-born Peter Soo Hoo led the group in purchasing a railroad storage yard they turned into a traditional Chinese-looking, tile-fringed pedestrian plaza. This ''New Chinatown'' became one of America's first shopping malls and was an immediate success. Restaurants and shops abounded, and at night the neighborhood came to life with colorful lights, music and street entertainers.

In the 1970's, waves of new Chinese immigrants led an ethnic population shift eastward to the San Gabriel Valley. The original Chinatown, however, retains its historical significance and vitality. To help stimulate its renewal and make this historic area accessible to more southern Californians, the Los Angeles delegation is working to bring the Gold Line through Chinatown.

Among the many other exciting things happening in Chinatown is the Chinese American Museum. In December of 2003, I was pleased to join the Chinese community to celebrate the Grand Opening of the museum, located at Olvera Street, the birthplace of Los Angeles. The Chinese American Museum is in the Garnier Building, which was erected in the 1890's for the exclusive use of the Chinese community. During those early years, the Garnier building housed schools, temples, churches and businesses. And, of course, the annual Chinese New Year parade and dragon dance culminates a week of celebration of Chinese culture and history.

And finally, in 2003, with other Members of Congress, I was pleased to attend a recognition ceremony in honor of Asian American and Pacific Islander veterans and current service members who are defending our country in the armed services. Among those being honored were members of the legendary 442nd Infantry Army Regiment, which sustained a higher rate of casualties during World War II than any other unit.

This ceremony was one more reminder of the enormous contributions and sacrifices made to this country by the members of our Asian Pacific American communities.

It is truly an honor to join my colleagues during Asian Pacific Heritage Month to recognize the many heroic and positive contributions of the API community to our American society.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, I am proud to join our nation in celebrating Asian Pacific American Heritage Month. This is a time to recognize the enormous contributions of Asian Pacific Americans to our society. The United States is a country of immigrants, known for its diversity. Asian Pacific Americans have increased that diversity, adding their unique experiences to our culture. I am proud that my home state of California has a larger population of Asian-Americans than anyplace else in the country.

It is important to renew our commitment to serving the specific needs of this community. Congress must not only reflect and acknowledge the past, but also look forward to meeting the future needs of a growing population. We need to work together to make the American dream a reality. Improving access to educational opportunities, enacting comprehensive immigration reform, and reducing health disparities should be priority initiatives. The theme of this year's Asian Pacific American Heritage Month is ''Liberty and Freedom for All''. This month serves as a reminder that we should all strive to make this theme a reality for every American.

We should also acknowledge the contributions of Asian Pacific Americans. My district in particular has benefited from their service and leadership. There are several prominent Asian Pacific Americans who dedicate themselves to improving our communities in southern California. They are a source of strength and inspiration to all of us. I would like to recognize someone who has provided invaluable service.

Laura Lee, of Cerritos, is committed to improving her community by helping those around her. She was elected to the Cerritos City Council in March 2003. However, this barely acknowledges the extent of her public service. She has made Cerritos her home since 1979, and in that time, has built an extensive list of accomplishments. Laura has provided her service and expertise to the American Red Cross, the ABC School District Legislative/Policy Advisory Committee, the Su Casa Domestic Abuse Network, and the Southern California Chinese Woman's League.

Additionally, she is very active professionally as a real estate broker. She has used this experience to take on leadership roles with the California Association of Realtors, the Rancho Southeast Association of Realtors, and the Cerritos College Real Estate Department. Laura Lee has contributed greatly to the growth or our economy, the diversity of our culture, and the quality of our education. She is someone we can all look to as a role model.

This month is a wonderful opportunity to celebrate the Asian Pacific American community. They are a valuable asset to our diverse culture that should be recognized.

Ms. SOLIS. Mr. Speaker, I rise today to join the Nation in celebrating Asian Pacific Islander American Heritage Month. The month of May is a time to celebrate the achievements of Asian American men and women who have made remarkable contributions to our country.

As a member of the Congressional Asian Pacific Islander American Caucus, I am proud to pay tribute to the 120,000 individuals of Asian descent I represent in California's 32nd Congressional District. Rosemead, Monterey Park and other cities throughout my district have experienced first hand the economic and cultural contributions of the Asian and Pacific Islander communities.

Since the earliest days of this country, people from all cultures have immigrated to our Nation seeking the promise of freedom, opportunity, and the American dream. As an integral part of our society, Asian and Pacific Islander Americans are leaders in public service, government, science, law, education, athletics, and the arts. As business entrepreneurs, Asian and Pacific Islander are helping to strengthen our economy and our communities through their hard work and ingenuity. As patriots, Asian and Pacific Islander Americans continue to risk their lives defending liberty. We are grateful for the service and sacrifice of our men and women in uniform and for their families who love and support them.

The commitment of Asian and Pacific Islanders to family, community and hard work has helped to shape our Nation for many generations. This year the country suffered a great loss at the death of Congressman Robert Matsui, who exemplified these qualities. A fellow Californian, Congressman Matsui served his district and the Nation 26 years in Congress with great distinction and honor. Formerly a Japanese-American prisoner during World War II, Congressman Matsui was a great advocate and champion of the Asian American and Pacific Islander community. His work effort, faith, and determination were a constant source of inspiration for me.

I join with all Americans in celebrating the Asian and Pacific Islander American culture, and I encourage every citizen to recognize the many contributions of Asian and Pacific Islander Americans to the diversity of the Nation.

Mr. ABERCROMBIE. Mr. Speaker, I rise today with my colleagues of the Congressional Asian Pacific American Caucus (CAPAC) to recognize May as Asian Pacific American Heritage Month. As a member of the caucus' executive committee and the chairman of its Immigration Task Force, I want to honor the many achievements and contributions of the more than thirteen million Americans of Asian and Pacific Islander descent in our country.

Back in 1978, my friends and colleagues, Senator DANIEL K. INOUYE, former Senator Spark Matsunaga, former Representative Frank Horton and former Representative Norm Mineta helped establish the first 10 days of May as Asian Pacific American Heritage Week. Subsequent efforts were made to extend the week-long celebration to a month-long event. In the 102nd Congress, I was an original cosponsor of legislation signed into law that designated May of each year as Asian Pacific American Heritage Month.

I am blessed to serve the First Congressional District of Hawaii which is comprised primarily of Asian Pacific Americans (APA). It's an inspiring and empowering sight for other APAs from around the country to see. I know I say this every year, but I feel that it needs to be repeated. There is a special strength and resilience embodied in Hawaii's unique cultural mix: we have chosen to be defined by our diversity rather than divided by our differences. That resolve to work together with Aloha can serve as an example to the rest of the country.

While we can look at APA Heritage Month as a time to recognize and celebrate many individual accomplishments, we must also take action. My colleagues and I are committed to improving the lives of all APAs by working on issues of importance to our community, such as fighting to eliminate racial and ethnic health disparities, defending civil liberties, protecting Social Security, and ensuring educational opportunities for our children. These are the principles that reflect this year's theme, ''Liberty and Freedom for All.''

This year's theme represents the past and ongoing contributions of APAs, such as Congresswoman Patsy T. Mink who dedicated her life to economic and social justice, Congressman Robert Matsui, who's internment experience during World War II helped shape his belief that every American is entitled to basic civil rights despite their ethnicity, and Japanese American soldiers who fought during World War II, such as Senator DANIEL K. INOUYE.

Throughout our nation's history, APAs have made and continue to make major contributions in areas such as business, civil liberties, culture and arts, education, medicine, technology and politics. By the year 2050, there will be an estimated 33.4 million U.S. residents who will identify themselves as Asian alone, which will comprise 8 percent of the total population. This is a projected 213 percent increase of APAs between 2000 and 2050. These statistics reflect the growing significance of the APA community, its growing role in the development of public policy, and its cultural contributions that helps us to celebrate our diversities. I extend my heartfelt aloha to the APA community and look forward to celebrating APA Heritage Month.

Ms. LEE. Mr. Speaker, I rise today to celebrate Asian Pacific American Heritage Month, which commemorates the significant contributions of Asian Pacific Americans throughout our country's history. America draws its strength from its tremendous diversity. The contributions to our country—to the American culture and experience—by Asian Pacific Americans are numerous, and we are a much better country as a result.

I thank the gentleman for yielding and for his leadership in the Asian Pacific American Caucus and our Tri-Caucus, the Asian Pacific American Caucus, the Hispanic Caucus, and the Congressional Black Caucus. It is a privilege to be part of the Tri-Caucus.

Today, I want to recognize the contributions of Asian Pacific Americans in my district, the Ninth Congressional District of California, the East Bay of Northern California, and commend them for their dedicated service and vision in making life better for those in our community and our Nation. Asian Pacific Americans have long played a crucial role in the life and history of the East Bay. The region's identity has been profoundly shaped by its place in the Pacific Rim.

However, today Asian Americans face a wide variety of challenges, including access to educational opportunities and community resources. I specifically want to highlight the work being done in my own district by the East Bay Asian Youth Center (EBAYC) and the East Bay Asian Local Development Corporation (EBALDC), in their efforts to empower the Asian American community and improve their standard of living.

The East Bay Asian Youth Center inspires Asian American youth and families by providing leadership and educational opportunities. Everyday EBAYC (ee-BAY-cee) demonstrates that cultural diversity is a powerful agent for progress. They run a youth sports program, have founded a health center, and coordinate a video productions program that was awarded Honorable Mention at the Oakland International Film Festival. EBAYC also facilitates partnerships to provide health, social, security improvements, and after-school services at schools. Moreover, EBAYC engages families through the creation of Parent Action Committees (PACs). Over 500 Asian, Latino, and African-American parents are involved in these PACs in schools where no parent organization had previously existed. These PACs have been enormously effective, fomenting positive change in local schools. For example, one PAC was able to decrease truancy by 40 percent at a middle school that was known for its major gang-related and racial violence.

I also want to mention the East Bay Asian Local Development Corporation. EBALDC (ee-BALD-cee) has created a national model to promote affordable housing. Since its inception, it has created over 700 units of affordable apartments for low income families and seniors. It is one of the Bay Area's—and the Nation's—most respected community developers. EBALDC has developed nearly 200,000 square feet of retail, office and childcare space, two of which I want to highlight: (1) the Asian Resource Center, a facility that provides key community services to the APA community in Oakland Chinatown and, (2) Preservation Park, a beautifully restored Victorian neighborhood block that is home to a countless number of non-profit organizations and small businesses. In addition, EBALDC spearheads an Individual Development Account (IDA) savings program, by which more than 10 percent of the IDA participants have used their savings to buy their first homes. Given that the Bay Area's real estate market makes it one of the least affordable cities in the Nation, it has made a huge impact within our community, EBALDC helps individuals discover and develop the resources to realize their dreams—of owning affordable homes and starting new businesses.

Immigrants face many obstacles today, and organizations like EBALDC and EBALYC help their clients to conquer their problems. These are just a few specific examples of the impact

that APAs have had in my district. I want to salute the achievements of these two organizations tonight.

I believe that it is also very important to celebrate the accomplishments of a hero for many of us, someone who has tirelessly devoted her life to make our Nation better, Lillian Galedo. Ms. Galedo is the Executive Director for Filipinos for Affirmative Action (FAA). This year she will be celebrating her "Silver Anniversary" with the organization, having served 25 years with FAA.

During her tenure, Ms. Galedo has spearheaded several initiatives to advocate on behalf of the Filipino American community, especially in the East Bay. Today, Filipinos continue to be among the top three groups immigrating to the U.S., constituting one of the largest Asian populations in California. FAA runs several youth programs, offers services to new immigrants and engages in several community campaigns, working for the rights of immigrants, Filipino-American airport screeners and WWII veterans. FAA is truly an exemplary grassroots organization, and Ms. Galedo has been at the forefront of encouraging civic participation and fighting for the civil rights of the community. Ms. Galedo is a woman warrior—passionate and articulate—and an inspiration for many Asian Americans.

I also want to recognize the contributions of those who have left us, but who have left an indelible mark in our Nation's history.

Tonight I honor the memory and the legacy of a very good friend, my dear colleague Congressman Robert Matsui. He made such a great impact in this body, and tonight as we celebrate APA Heritage Month, I want to remind everyone of Bob's great legacy. Bob's passing is a bitter blow to all of us. But his life and the things he achieved for all of us will live forever as a testament to a life well-lived. I also want to recognize his wife, DORIS, who has done an incredible job in the past few months, in carrying on his legacy and reflecting the view and the future that Bob would have for the country.

I also want to highlight the achievements of Fred Korematsu, a courageous champion of the civil rights movement and a role model for Asian Americans. During his life, Mr. Korematsu touched the lives of countless people, shedding light on a past injustice that was forgotten and ignored. Mr. Korematsu was a central figure within the controversy of Japanese internment during World War II, during which he was arrested for demanding no more than what every American is entitled to—his basic human rights. Mr. Korematsu defied the order to go to the Japanese-American internment camps because he believed it wasn't right. His case changed legal history and resulted in an apology by the U.S. for its wrongdoings, as well as reparations to 120,000 living Japanese-Americans.

Mr. Speaker, as a Nation, we must embrace the cultures that have worked to advance the needs of all Americans and have helped to define what it means to be American. So as a proud member of the Congressional Asian Pacific American Caucus, I am privileged to join the gentleman from California tonight to make sure that our entire country understands why we are celebrating APA Heritage Month. Let us make sure that we represent Asian Pacific Americans every month, each and every day as we develop our policies and our legislation that ensure liberty and justice for all.

ACCOMPLISHMENTS OF THE 109TH CONGRESS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this special order.

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

There was no objection.

Mr. CONAWAY. Mr. Speaker, I rise tonight to take what will be a brief look back at the first 100 or so days of activity in this House of Representatives. While each new session of Congress holds great promise, it is the actions that that Congress takes that determines whether or not that Congress has been successful. Our success has been as a result, in my mind, of the leadership of the gentleman from Texas (Mr. TOM DELAY), the majority leader, whose responsibility it is to shepherd legislation through this body.

In a community and a town where exaggeration and hyperbole, overreaching and puffery has been elevated to a state of art, you have to be very careful to not indulge in those tendencies, although some in this Chamber have on occasion, rare occasions, I suspect, done that. But if you are looking at facts, if you are talking about things that have been accomplished, then you are less likely to be accused of puffing and of exaggeration.

So during this next 60 minutes, my colleagues and I who have joined me tonight will spend this hour talking about things that we have accomplished, the things that we have done, the good we have done, how it will impact America and Americans, if the bulk of this legislation does, in fact, reach the President's desk. So to start us off tonight, I have asked my good colleague and fellow freshman, the gentlewoman from North Carolina (Ms. FOXX), to share with us what is on her mind. So I yield to the gentlewoman.

Ms. FOXX. Mr. Speaker, I appreciate the gentleman yielding to me. It is a real honor to be a Member of this freshman class. Folks keep telling us we are a good group, and we know that from ourselves.

I rise this evening to support our majority leader, the gentleman from Texas (Mr. DELAY). Congressman DELAY has done a remarkable job in providing strong leadership and guiding the Congress to make many positive changes for our country. It is a shame that Democratic party leaders are playing partisan games in order to distract the American people from what is important, all of the progress that is being made in this session of Congress. But rest assured, they will not distract my colleagues and me from getting the job done. It is time for the Democratic leaders to put partisan politics aside and work together on the issues that really matter to the American people.

Mr. Speaker, I am proud to report that the first 100 days of the 109th Congress have been a tremendous success. We have been working hard in a bipartisan fashion to make many positive changes for America.

Mr. Speaker, I get up lots of mornings 5 o'clock, 6 o'clock and leave home, and I am always astonished at how many people there are on the highways of western North Carolina going out to do their jobs, and I think those people expect us to do the same thing, I say to the gentleman. That is what they want us to be doing, and that is what we are doing.

□ 2200

I am proud of that. In the past 4 months, we have fought to reduce taxes and the burdensome rules and regulations that plague hard-working Americans. When those people get up every morning and go to work, they do not want to be burdened with taxes and rules and regulations.

And just last week, the House passed a budget resolution conference report that will implement $106 billion in tax cuts over the next 5 years. Our fiscally responsible budget funds our top priorities, such as national security and defense, while stimulating our economy and creating jobs.

It also reins in spending and reduces the Federal deficit. You know, with the loss of sense of history and civics, many people have forgotten that the number one role of Federal Government is to provide for the defense of our Nation. If we do not provide for the defense of our Nation, nobody else can or will, no other level of government can. So that has got to be our top priority.

We have also acted to repeal permanently the death tax, which is an unfair burden on thousands of American families, small businesses, and family farms. The death tax has caused many of these small businesses and farms to go out of business. I am happy that we have acted to bury this unreasonable burden.

We have strengthened our national security by passing the REAL ID Act. This bill will require rigorous proof of identity and strong security requirements for all applicants for driver's licenses and State-issued identity cards. The vast majority of the States have recognized the privilege that a driver's license brings.

However, 10 States, and regrettably including my home State of North Carolina, issue valid driver's licenses and identification cards without requiring proof of legal status. And according to the 9/11 Commission report, these travel documents are just as important as weapons are to terrorists. I

am pleased that the REAL ID Act will help solve this problem.

We have passed an $81.4 billion wartime supplemental bill that provides the funds necessary to continue fighting the war on terror, while providing our men and women in uniform with vital equipment and training. I am proud we are supporting our troops who are performing magnificently under difficult conditions.

Just last week, a young man who was injured in Iraq came to see me. He lost both of his legs above the knees. He has the most wonderful spirit and most wonderful attitude about this country, and about keeping the faith that this country has given him. And it is an inspiration to me to meet people like him.

I am proud that we are supporting him and others. They are helping to spread freedom and democracy throughout the Middle East and the rest of the world. Without their sacrifice, Americans would not be able to continue to enjoy the freedom we cherish. We have hosted Ukrainian President Victor Yushchenko who has become a leading symbol for the promotion of democracy in his part of the world. How wonderful it is that the values of freedom are being adopted across the world.

We fought to support the Boy Scouts of America, by encouraging the Department of Defense to stand up to the liberal extremists and continue to permit the Scouts to use their facilities. The Boy Scouts is an outstanding organization that teaches young boys time-honored values such as loyalty, preparedness, citizenship, and character. We must do everything we can to support them.

We voted for a responsible transportation bill that will improve our roads, increase driver safety, and create many new jobs. We have passed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which will encourage personal responsibility and ensure that bankruptcy in America is available for all who truly need it and not abused by those looking to game the system.

We have all been affected by high gas prices. To forge a long-term solution, we have passed a comprehensive energy bill that will lower energy prices, strengthen the economy, generate hundreds of thousands of new jobs, and encourage greater energy conservation and efficiency. This bill will also reduce our dependency on foreign oil and encourage investment in alternative energy sources.

These are just a few of the many positive changes that we have made. We have seen changes in vocational education. We are going to be dealing with more of that in the next few days. But rest assured we are going to continue to work very hard, and we have a lot left to do.

I look forward to working with my colleagues in a bipartisan way to make more positive changes in the next quarter of the 109th Congress.

Mr. CONAWAY. I want to thank the gentlewoman for her comments tonight. She has done an excellent job of reviewing many of the terrific accomplishments that this 109th Congress has done so far.

Accomplishments are gauged by the legislation that is passed and sent to the Senate, or that comes from the Senate and is passed and sent on to the President of the United States. Much of that success ought to be bipartisan.

This may sound a bit heretical to some of my Republican colleagues, but we Republicans do not necessarily have all of the good answers, all the right answers; and by the same token, the Democrats do not have all of the right answers as well. So what we ought to be about crafting are those solutions and those answers to the problems that face Americans that do have bipartisan support.

And later on this evening, I will run throw a litany of the legislation that has been passed through this body, which from 41 to 122 Democrats have joined their Republican colleagues in the passage of this legislation, clear evidence that the work coming out of this body can be bipartisan and that we can have a meeting of the minds among folks with different philosophies.

I have also been joined tonight by the gentleman from Georgia (Mr. GINGREY). I find a great pleasure to yield to him as much time as he may consume to continue this discussion.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding the time, the gentleman from Texas (Mr. CONAWAY), and of course before him the gentlewoman from North Carolina (Ms. FOXX).

The gentleman mentioned the spirit of bipartisanship. In that vein, let me just commend our colleagues on the other side of the aisle, the gentleman from California (Mr. HONDA) and the gentleman from Oregon (Mr. WU), who in the previous hour talked about the contribution of Asian Americans and Pacific Islanders, people like themselves who have contributed so much to this country. And I commend them for that. I found it to be a very interesting and compelling hour.

And we, Mr. Speaker, can be bipartisan and need to be. We need to take every opportunity. There are so many issues, as my colleague from Texas just mentioned, that, I mean, things like health care and public education. These should not be partisan issues. Social Security modernization and saving that program for our children and grandchildren. It does not make sense that that will get involved in partisan bickering, but it does.

But I think we need to understand and make sure that, as our colleagues know, that we can still make progress despite the fact that we have to run every 2 years and everybody is always kind of thinking about the next election and who is in control. Well, that is what a lot of this partisanship is about. But the way, Mr. Speaker and my fellow colleagues, that we make progress despite that tension is with great leadership, with great leadership.

And I can think of none greater than the Speaker of this House, the gentleman from Illinois (Mr. HASTERT), and our great majority leader, the gentleman from Texas (Mr. DELAY) who is a colleague from Texas of my friend, Representative CONAWAY.

We have done so much, as he pointed out, the gentlewoman from North Carolina (Ms. FOXX) also, in discussing the progress that we have made in these first 100 days of this 109th Congress. It is truly amazing. And I think a lot of these things have already been mentioned, that we have accomplished, despite the fact that our leader, the gentleman from Texas (Mr. DELAY), has struggled because of unrelenting attacks from the other side, mainly for political reasons, quite frankly.

It is a situation where if you go after the leader, if you are able to shoot the leader, then the rest of the troops might cower down a little bit. Thank God that has not happened. We have a very strong caucus on our side of the aisle. And, you know, we may have a Member or two that gets a little squishy and nervous, and that is regrettable.

But I think the important thing is that the vast majority of us are very supportive, we are team players. When the going gets tough, as they know in Texas and as they know in my great home State of Georgia, the tough get going. That is what we have seen from our leader.

There is a country song, if you want to play in Texas you got to have a fiddle in the band. The gentleman from Texas (Mr. DELAY) has a fiddle in the band; and not just in Texas but in this great country of ours, he is the straw that stirs the drink.

And the courage that he has shown, the leadership, that is the reason why in these first 100 days of the 109th Congress that we have been able to accomplish so much. As has already been mentioned by the gentleman from Texas (Mr. CONAWAY) and the gentlewoman from North Carolina (Ms. FOXX), we have passed the emergency supplemental, $81 billion, to support our troops in Iraq as they continue this battle to democratize the Middle East.

And we are succeeding. We had great bipartisan support on that bill. Just last week, we passed the House budget resolution, which for the first time in, I think, over 10 or 12 years, we actually cut discretionary spending by a full percentage point; and we limited the growth of mandatory spending.

It has been mentioned, of course, the permanent elimination of the death tax, which just passed this Chamber a couple of weeks ago. Class action reform, bankruptcy reform, the energy bill just last week, and all of these really remarkable pieces of legislation.

There was an article, I think, Mr. Speaker, in the Hill or Roll Call this week talking about the 20 most important pieces of legislation that have

come through this Congress in the last 40 or 50 years. I think they are going to need to revise that list, because quite honestly in these first 100 days we are beginning to do some historic things, and hopefully the other body will follow suit.

But it is because of the leadership of people like the gentleman from Illinois (Mr. HASTERT), the Speaker of this great House; and our majority leader. And I really commend him. He is a strong Christian man who has committed his life to family values. You know, Mr. Speaker, he was attacked relentlessly, and this quote may not be exact, but in regard to the Terri Schiavo case, and not just that case but a lot of decisions that are made, particularly coming from Federal Courts in the 9th Circuit out on the left coast, when they wanted to take God out of the pledge of allegiance, and make sure that the 10 Commandments are never shown in any public places, and that you cannot celebrate Christmas any more, it has to be winter holidays. And our leader said, the time will come for the men responsible for this to answer for their behavior. Now, a lot of people, Mr. Speaker, want to say, well, Mr. DELAY is threatening our Federal judiciary. I do not think so. I do not think that is at all what he meant.

TOM DELAY is a well-known born-again Christian. When he made that comment, I assumed he was referring to God, that that is who men and women of the Federal judiciary will have to answer to when they forget from whence we came. And I commend him for that. It was no threat, no personal threat on the part of our leader.

So to have an opportunity, Mr. Speaker, to be here tonight, to join with my colleagues, with the gentleman from Texas (Mr. CONAWAY) who is managing the time tonight, I commend him for that. And I just want to tell you how much confidence I have in leader TOM DELAY. He is someone that has the courage of his convictions, and they are not going to bring him down.

They, those on the other side who want to get overly partisan and forget about what the people in this country really want, they want bipartisanship, they want good laws passed, they want tax relief, they want regulatory relief, they want good health care and good public education, and they want a balanced budget.

And these are the kind of things that we are working toward under the leadership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY).

Mr. CONAWAY. I appreciate and thank the gentleman from Georgia (Mr. GINGREY) for coming over tonight and spending his time with us to point out to us, Mr. Speaker, that some of the great things that we have, in fact, accomplished during this first 100 days, as I mentioned, if it is a fact, it is not over-reaching, it is not puffing, it is not exaggerating. And these are facts that we lay on the record, facts that most often have wide Democratic support for the initiatives that have been brought forward on the Republican side.

For that I am thankful for my colleagues on the other side of the aisle who have looked at the issues, looked at what is best for America, looked at the solutions that are being presented and voted their conscience as opposed to being obstructionist or just simply taking the party line on issues that are of importance to our great country.

□ 2215

Mr. Speaker, I have also been joined tonight by another colleague, the gentleman from Georgia (Mr. KINGSTON) and I yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY) and I would like to make a few remarks on Social Security. Before doing so I wanted to thank the gentleman from Georgia (Mr. GINGREY), the doctor, I should say, for the good work he is doing on health care reform, making health care more affordable and accessible to the American people and working through the private sector rather than going through a Canadian or English style of government-sponsored health care. We do have a great health care system but also one that needs improvement.

Mr. Speaker, I want to thank Members of Congress who are working on immigration reform. We have 8 million illegal aliens in the United States of America. That is about the size of the State of Georgia which is about 8 million people. A big issue.

I am very pleased that the gentleman from Wisconsin's (Mr. SENSENBRENNER) language will be in the supplemental appropriations bill which we will vote on on Thursday. It is a major victory for those of us who are pushing for immigration reform.

Mr. Speaker, I will speak on Social Security reform as well. The last time Social Security was taken up by this Congress was in 1983. At that time, the Members of Congress thought that they had fixed Social Security for another 75 years, but unfortunately that is not the case.

In less than a decade, Social Security will begin to spend out more money than it brings in. Insolvency is not the only issue, although it is a major one. We know that in the year 2018, when the baby boomers start to retire, more money will go out than is coming in. And we know by 2041, if we do not cut benefits by 27 percent, Social Security will be bankrupt. The math is simple to follow.

In 1937, when Social Security was started, we had 60 workers for every one retiree. And by 1950, it was 16 workers to every retiree, and today it is 3.3 to 1. And during that period-of-time life span, life expectancy has increased. In 1937 folks lived to be 59 year old. Today they live to be 77 years old. The math is even easy for a Democrat to follow, Mr. Speaker. You can see why we are having solvency problems.

There is also an issue of generational fairness. As my friends know, if you retired in the year 1980, you got all your money out of Social Security in 12.8 years. But if you retire in 2003, it will take you 17 years to get your money out. Most Americans do not mind. They do not need to have every dime accounted for, every penny accounted for, but generally people expect to get at least the money they put into the system out of it. But that is not going to be the case for today's 20- and 30-year-olds who, in addition to having to live longer, past the retirement to get their money back, they are also going to have this great benefit cut. So we have a great challenge. And to the Republican party, the choice is simple.

We need to do it together. We need Democrats and Republicans to come to the House Chamber with the best of their ideas, put them on the table and let us cobble out something that does not focus on the next election, but on the next generation. Something that is fair at the kitchen table where mom and dad and the kids and the grandparents can sit down and agree on it. Because if we can get the agreement square on the kitchen table, it will not be any problem to get it passed in the House Chamber.

Last week under the gentleman from Texas' (Mr. CONAWAY) leadership a number of House Republicans and Democrats sat down together with Bill Novelli, the chairman and CEO of the AARP which is the largest older Americans advocacy group in the United States of America. We sat down, Democrats and Republicans, together with the AARP, to talk about core principles, talk about what could be a solution and what could not. And we knew at the time we were not going to walk out of the room with hands held and all kinds of bipartisan unity. We knew that this was just the first step.

I have got to say that I have a lot of appreciation for those Members who showed up from the Democrat side. But unfortunately, the Democrat leader, the gentlewoman from California (Ms. PELOSI) decided that this meeting for some reason was off limits, for some reason it is a bad thing for Democrats to sit down with Republicans. And yet publicly she calls for bipartisanship, but here in the House Chamber when the gentleman from Texas (Mr. CONAWAY) tried to get this meeting together, of the five original Members only two actually came. The other three were intimidated by Democrat leadership. Do not come because we can talk publicly about bipartisanship but behind lines, behind the scene we really do not want this.

It is further revealed this week, the gentlewoman from California (Ms. PELOSI), the Democrat leader was on the ABC ''This Week'' show with George Stephanopoulus, actually one of her fellow Democrats, a former Clinton advisor. And yet in this role he was

being an interviewer, and he asked the gentlewoman from California (Ms. PELOSI) why the Democrats have not put forth their plan. And he asked her a number of times and she would not say. And finally he got so tired of it he said, Why should the American people trust the Democrats if they do not have a specific plan of their own on Social Security? To which the Democrat leader said, ''The American people should trust the Democrats because we originated Social Security.''

I guess the Democrats have gone from the Franklin Roosevelt New Deal to the Pelosi No Deal. Because if we need to go back to 1937 to be the last time we could trust a Democrat, then maybe Ronald Reagan was right. The party left him, he did not leave the party. And I guess that is true with many of us. Because I know in the great State of Texas and in the State of Georgia, they were majority Democrat States until recent years, when the Democrat party refused to come to the table with mainstream ideas and to put politics aside and say, let us sit down and come up with some solutions.

I strongly believe that there are a lot of good Democrats across this country. There are a lot of good Democrats in this House Chamber. I am sad to see so many following lockstep with the radical fringe leadership of their party.

I am sad to see that they are intimidated to the extent they do not even offer a plan. But I would also call on them and their Democrat constituents back home to say, you know what, I am 23 years old; and I know I am faced with a benefit cut; and I know the President has offered me an opportunity to voluntarily enroll in a personal savings account in which I will have a lot more money than I will if I pay 40 years into Social Security. I am interested. At 23 years old I have got a lot at stake.

And I might say, I do not know if I like what the President has offered, and I am hearing a lot of bad things about it from the Democrats, but what is it that they are offering to me as a 23-year-old new worker into this system?

And I look and I search the papers and I turn the pages and I look at the bloggers and I look on the Internet and I check my emails, and I find out the only things the Democrats are offering is that there is no problem with Social Security. Tell that to the 23-year-old new worker because they are not buying it.

Mr. GINGREY. Mr. Speaker, I found it very interesting that the Pelosi No Deal, my colleague, the gentleman from Georgia (Mr. GINGREY) mentioned and I watched a little press conference that they had over the weekend or yesterday in regard to what the President had to say at his press conference Thursday night talking about progressive indexing. And the gentleman from Maryland (Mr. HOYER) the minority whip at that press conference said, ''Other than individual personal account options, there are at least a dozen other things that we can do to save Social Security.''

I would challenge him to name four. Name two. Give us one rather than this ''no deal'' that my colleague from Georgia was talking about because they do not want to talk about any of these dozen other approaches to solving the solvency problem of Social Security. Because some of those could be raising payroll taxes, cutting benefits, raising the age at full retirement. I could go on, but I think that is the reason, and I think my colleague from Georgia would agree, that they basically have a no deal and a hokey pokey plan, if you will, to save Social Security.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for pointing it out. But again, I want to emphasize, we have a lot of solutions that Members of Congress are promoting. And they are doing this on their own. They have not officially trolling out in the name of the Republican public. The gentleman from Arizona (Mr. KOLBE) being one, the gentleman from Texas (Mr. SAM JOHNSON) being one, the gentleman from Wisconsin (Mr. RYAN), the gentleman from Florida (Mr. SHAW). They are coming up with solutions.

But to my knowledge, there is not one Democrat who has offered a Social Security plan since I have been a Member of Congress over 10 years, except for Mr. Charlie Stenholm, who is now on the President's bipartisan commission to save Social Security, and Patrick Moynihan, who many years ago as a liberal Democrat from New York, a Senator, said that we have got to act to protect and preserve Social Security because it is going bankrupt.

It is time to do something. Even President Clinton said that. And yet the current membership of the Democrat Senate and House are afraid to offer one plan. And doggone it, if you want to raise taxes, and that is one thing the Democrats are good at, put the plan on the table. It is okay. Let us look at it. A bad plan is better than no plan.

But if you want to be the party that used to proudly say we are the party of the new deal, to now be the party shamelessly of the no deal, then continue on the current leadership path because that is what we are getting from the Democrats.

Mr. CONAWAY. Mr. Speaker, I, too, am concerned about Social Security. Probably the single heaviest lift, as that phrase is used in these Chambers, that we have ahead of us. It will look like a walk in the park when we begin to consider Medicaid and Medicare and overall health care spending and costs in this Chamber. So we need to get it done now.

As we address the issue of Social Security we have got more options today than we will as each year passes. If we do not act, if we continue to keep our heads in the sand, which if you think about the posture that you are in with your head in the sand it is not particularly flattering. If we continue that posture, we have add a $600 billion increase to the unfunded liabilities that are Social Security for each year that we fail to act, for each year that we do not consider those 23-years-old as they enter the workforce.

Our oldest son is 32 years old, and he will be retiring about the point in time where benefits look like they are going to cut under current conditions, about 27 percent. And that is not something I am particularly excited about.

I am also not excited about the opportunity of taking our six wonderful grandchildren, of which we are very proud, I am not particularly interested in taking those six down to my local banker, convincing him to draw up a major huge loan packet, in which I will get the proceeds and I will make those six little critters sign on that note and they have to pay it off.

That is a plan that is not particularly attractive to this grandfather. I do not imagine it is particularly attractive to any grandfather in this body that would consider that. But that is what we are doing as we continue to delay and delay and delay and not address the bad math problem we have with Social Security.

Mr. KINGSTON. Mr. Speaker, one of the things that I think is so important of the Republican model of sitting down at the kitchen table with you as a grandparent, with your children and with your grandchildren to work out something that is fair. That is the approach we need across America. That is the approach that we need in the United States Congress.

But the thing that is important to remember as we look at this, in 1937, the tax on Social Security was 1 percent employer, one percent employee. A 1 percent 1 percent match. In 1960 it was 3 percent and 3 percent. In 1978, 5 percent and 5 percent. Today it is 6.2 and 6.2 percent. We have raised the taxes on Social Security twenty different times since 1937.

Now, there are those on the other side, there is no bill, but they do talk a little bit around the edges, well, they just need to increase taxes.

If you increase taxes 1 percent for you, and you are under 65, I do not know how old the gentleman is. The gentleman is in great shape. I do not know the gentleman had six grandchildren. Let us say he is 45 years old. Let us say he is 50 years old. That means his taxes might go from 6.2 to 7.2 percent. One percent. But think about a 23-year-old entering the workplace, how much that 1 percent means year after year in paying into it.

□ 2230

Okay. Let us just say that is tough, that might just be the way some people think they do not have any sympathy, but one of the things that we have to understand is that if you are an employer and you have 1,000 employees, every time it gets more expensive to

hire an employee, you are going to look for ways to reduce your workforce.

So, if we decide, well, this is the only way out of here is to increase taxes on the workers, which is matched by the employer, then it is going to be a job killer. I do not know how many jobs would be reduced, but we do know from standard economics that the more expensive it gets to hire somebody, the least likely an employer is to hire somebody. They are going to look for ways to reduce the workforce, not to increase it.

One of the things this Republican party has worked very hard on is creating more jobs, and so it is counterintuitive to us to increase taxes on employers and employees.

Mr. CONAWAY. Well, I spent 30-plus years as a CPA working for a variety of clients and situations, and it has been my experience with those clients that, as Congress has reduced taxes, as tax bills have gone down, that most employers use that money to invest in new employees and invest in new equipment, in new process, to expand their businesses, and as the gentleman pointed out, when taxes go up, somebody loses a job.

I would also like to point out one other thing while we are talking about Social Security and, that is, current beneficiaries and near-term beneficiaries.

Every chance I have gotten, every chance I hear of anyone talking about a plan, it includes a clear, unequivocal statement that if you are on Social Security benefits, if you are a near-term beneficiary, those benefits will continue; you will continue to get your checks. So whatever it is, whatever solutions we come up with, I will be able to look at my mom and dad, who are current beneficiaries, and tell them that on the 3rd of every month, that direct deposit is going to hit the bank, just like it did last month and the month before that. You will not, Mom and Dad, be able to outlive your Social Security benefits because, in my mind, Social Security is a contract with ourselves.

We are not going to breach Social Security. It is a public policy issue that I think has served this country well for 75 years. It is a great concept to have a floor, a level of lifetime annuity that you know will be there for the rest of your life. We have got that for the current generation of beneficiaries. I think it is a good idea that we ought to have it for my grandchildren, that they also would have a plan in place, funded over their work life, that would allow them to have a lifetime annuity, that would provide them and their families, at a modest level, of course, because Social Security was never intended to be a robust retirement. It was always intended to be a safety net, a bare minimum, a modest lifestyle that you would lead, but nevertheless, one that would allow you to exist in your retirement age.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman yielding.

I was talking a little bit earlier, Mr. Speaker, about this press conference that the gentlewoman from California (Ms. PELOSI), the minority leader, and others had today or maybe it was the end of last week. It included, of course, the minority whip, and they kept talking about the President, President Bush ought to be ashamed of himself for raiding the Social Security trust fund. Now, that is so disingenuous. The mendacity of that is appalling.

The $1.7 trillion in the trust fund is gone and we all know, and I think the American people, Mr. Speaker, know, as we have tried to explain, the President explained, that money has been spent on other governmental functions. I am not saying that it was inappropriately spent. You spend a little bit more money on the veterans and on defense of this country. If you spend a little bit of money on agriculture, our farmers, education or K–12 and higher ed, these are legitimate costs of government. But this has been going on for 70 years, the trust fund has been raided, and during at least 50 of those 70 years, who has been in control of this Congress? I think we all know that, the Democrats.

Then, for the gentlewoman from California (Ms. PELOSI), the minority leader, and the gentleman from Maryland, the minority whip, to suggest that this President has been raiding the trust fund is appalling. They know better. They know absolutely better that we have had deficit spending since 2001 and 9/11 and the dot.com bubble burst and having to stand up the Department of Homeland Security and go and fight the terrorists, not on our shores, and to prevent them from coming again and striking us here on our home land. Yeah, we have had some deficit spending. These are emergency times. We are in a shooting war, but this President has in no way, shape or form raided the trust fund.

I think the Democrats ought to apologize for their leader, to give that kind of press conference knowing that that is not truth.

Mr. KINGSTON. Mr. Speaker, I want to speak to that point, though, because I do think it is something on a bipartisan basis we could probably come up with something.

I have been working on a lock box bill which was originally the idea of the gentleman from California (Mr. HERGER), a Republican Congressman, and we passed it off the floor of this House, but what a lock box really would do is take that Social Security surplus and keep Congress from spending it. The reason why it is spent now is because the surplus goes out, buys Treasury bills, pays about 4.1 percent on the average right now to the Social Security trust fund, but the revenues that come in from it, do go into general revenue, and then Congress does spend it on veterans and education and health care and so forth.

But I think it is a concept we could work on together on a bipartisan basis to come up with a lock box to discontinue that bipartisan practice which has been the practice for decades and decades.

Yet, to date, I do not have any Democrats who want to work with me on this bill, and again, I am asking the Democrats, just come down here and let us talk, let us engage. That is what they are paid to do, come up with ideas. It is not good enough to come in here and vote in and have a little whining press conference and saying we do not like this or that.

If you look at the Democratic agenda for the year, they have established two major issues. One is we do not want to do anything on Social Security, period. They have gone from New Deal to the no deal, and this is their position; they are not going to offer, they are not going to help on Social Security.

Their second issue was we hate the gentleman from Texas (Mr. DELAY). It is not we want to punish somebody who may have an ethics issue. It is, we hate the gentleman from Texas (Mr. DELAY). It is the politics of hatred and personal attack, and beyond that, you say to yourself, okay, all right, let us move on.

Transportation: Republicans, here; Democrats, silence in the chamber.

We go on to energy. Republicans, here; Democrats, silence in the chamber.

We go to health care, and the gentleman is chairman of the Health Care Task Force. Health care: Republicans, here; Democrats, nothing.

It goes on down the line, with Iraq and terrorism and issue after issue. Tort reform. None of the leadership have voted for civil liability reform. They have not cosponsored it. On bankruptcy reform, they have not been there. Class action reform, they have not been there. Two things on their agenda and they are both negative noes.

Mr. CONAWAY. Mr. Speaker, I thank both the gentlemen from the great State of Georgia for joining me tonight.

We have been joined in the chamber by another freshman colleague of mine from North Carolina (Mr. MCHENRY) and I would be pleased to yield to him.

Mr. MCHENRY. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY) and I certainly appreciate my good friend from Texas yielding me a moment to speak about this.

It has been significant, the achievements this Republican Congress, in fact this Republican President, have had in the first 100 days of this new Congress.

It is rather significant that with narrow margins, very small margins here in the House, small margins in the Senate and with a Republican President, we have been able to pass wonderful proposals into law, and just by having a narrow margin here in the U.S. House of Representatives, with Republican

control, we have reached out to the Democrats.

Those reasonable Democrats on the other side have said we will join you, we think there is too much lawsuit abuse and we should rein in these class action lawsuits. They have said, We need to have a comprehensive energy policy for the United States, and it is a wonderful thing that so many good Democrats on the other side have joined us.

What we are beginning to see is they have complaints in the Democrat leadership. The gentlewoman from California (Ms. PELOSI) and the gentleman from Maryland (Mr. HOYER) certainly are leading the Democrats with their policy proposals. I say policy proposals, but it is really process proposals. They cannot beat us when it comes to policy, and so they have to sit on the sidelines and complain about the procedures, complain about the process.

The reason why they are complaining about these things is, quite frankly, they do not have any real substantive proposals. All they can do is sit on the sidelines and complain and complain and complain.

What the Democrat leaders are seeing is that their rank-and-file Democrats see that the Republicans actually have ideas. We have proposals in order to move America forward, and it is substantial that we have had so many Democrats join with us on these bills that we have passed here in the U.S. House of Representatives.

It is a wonderful thing to see Democrats leaving their leadership behind and saying, you know what, we see you do not have any ideas, so we are going to join the party that has ideas, that is moving America forward, and we are going to vote with them.

So I encourage those on the other side of the aisle to come join us, join with the wonderful proposals that we are offering America.

It is wonderful that the gentleman from Texas (Mr. CONAWAY) has had this hour to discuss our first 100 days, the enormous impact that this Congress has had on America in a short amount of time. It is a wonderful thing, as a fellow freshman lawmaker, to join the gentleman from Texas (Mr. CONAWAY) in talking about our successes because, as a freshman lawmaker, we have tried very hard these first 100 days to have a significant impact not only on America but for our constituents back at home and, in my case, the people of the 10th District of North Carolina, Western North Carolina; for the gentleman from Texas (Mr. CONAWAY), the people of West Texas.

We have worked very hard on policies that help our constituents and lift votes at home, lift all votes at home, while at the same time doing what is right for the people of America and, in fact, proposals that make the world a more secure place.

So I thank the gentleman from Texas (Mr. CONAWAY) for hosting this hour. I certainly appreciate him yielding me time to be here.

In fact, I just spent a few moments with one of my former colleagues in the North Carolina State House, Tim Moore, a good friend of mine when I was in the State House, and we were talking about the things that Congress has actually done to move things forward, to move a conservative agenda forward and do what is right for America. It is wonderful that I was able to come here and participate in this wonderful opportunity that we have had. I say it is wonderful for me to be able to participate. It is wonderful that the gentleman hosted this hour, and I am thankful that he opened this time for me.

Mr. CONAWAY. Mr. Speaker, I thank my friend from North Carolina. He also is cutting a wide swath through the activities around here, and he has done a good job for the folks of Western North Carolina.

I would like to amplify a theme that he has talked about, and that is the strong bipartisan support we have had on six major pieces of legislation. As I walk through these and explain kind of what the legislation did, I will also point out the number of Democrats who joined the Republicans in passage of these bills.

One of the early pieces of legislation was the class action lawsuit reform, the Class Action Fairness Act, in which 50 Democrats joined their Republican colleagues in passing this bill that addresses some very serious problems facing our courts with respect to the large interstate class action cases that are being heard. This legislation moves those cases into Federal courts and allows for the defendants in those cases to have a fair chance of having their rights not abused in forum shopping in State courts.

We also passed the REAL ID Border Security Act. There again 42 Democrats joined the Republican colleagues in passage of this very important first step. As my colleague, the gentleman from Georgia (Mr. KINGSTON) mentioned about immigration reform, which is something that this body ought to be taking up in serious ways, but this is a great first step in that instance by requiring that States, if they want their citizens to use their driver's license to get on to airplanes and get into Federal facilities, that they will have to have certain standards by which they issue those driver's licenses to their citizens and to others in their State.

□ 2245

It also closes some loopholes in the asylum laws as well as strengthening our deportation laws.

We have an interesting, odd fact; that if a person were on a terrorist watch list and attempted to get into this country, we have every right to not let them in. We can simply refuse to let them in. But if we come across this same person already in this country who had these terrorist ties and connections, those are not grounds for deportation. So this REAL ID Act will address that inconsistency.

We also go about finishing an important physical border problem that we have in Southern California and about a 3-mile stretch of a long-needed fence and barrier between Mexico and Southern California.

We have also passed and sent to the Senate the death tax repeal. This is something all good Republicans, of course, have campaigned on every time they have run for office and run for election. This is an important repeal of, in my mind, a bad public policy. We tax every single thing we do in life: We tax our incomes, we tax our sales, we tax purchases, we have excise taxes on everything. We ought to be able to get out of this life tax free. Taxing death seems to me on its face a bad public policy, and this Congress in 2001 and 2003 began the process of repealing the death tax over a 10-year period so that in 2010 it goes away fully.

The bad news is that in 2011 it comes back in, fully, with a 55 percent partner in the Federal Government. The repeal of the death tax will make that repeal in 2011 permanent so that families can be about passing on their inheritances to their families and children and their heirs and their charities in ways they choose and that they are not forced to do this in ways that has Uncle Sam as a 55 percent partner in that deal.

Did I mention that 42 Democrats joined the Republicans in passing that bill and sending it to the Senate?

We also passed a bankruptcy abuse bill in this Congress, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which closed many of the loopholes being taken advantage of by folks who really should not have been taking advantage of them. The bankruptcy laws, for those truly bankrupt, are there and in place, but it provides for a review of their cases to make sure that if they can, in fact, pay something back to their creditors, that they are required to do that. We had 73 Democrats join us in the passage of that bill.

Mr. GINGREY. If the gentleman will yield for just a second, and I appreciate the gentleman yielding, because when he mentioned the Bankruptcy Reform Act and the fact that declaring bankruptcy was never meant to be part of someone's financial planning, it made me think of the gentleman's comments a little earlier in regard to the heavy lift, relatively speaking, of the Social Security modernization, but not nearly as heavy a lift as trying to do something about Medicare and Medicaid, and I just wanted to speak to that just briefly.

First of all, our friends on the other side of the aisle want to suggest to the American people, Mr. Speaker, that we, the Republican majority, have done nothing about Medicare, when in fact we passed the Medicare Modernization and Prescription Drug Act in December of 2003, and we had the interim Medicare Discount Drug Card, which for our

neediest seniors, gave a $600 credit per year for 2 years. That is $1,200 worth of free, much-needed prescription drugs for our neediest seniors. And the relief that we bring to them we have not yet seen but we will see it as 2006 begins, January, when part D, the Prescription Drug Act, starts.

But in regard to the Medicaid system, our colleagues on the other side of the aisle also say, well, why do we spend so much money on Social Security when what we really need to do is address the Medicaid problem. Let me just say this, Mr. Speaker. We have a Medicaid problem. There is no question about it. But that Medicaid problem is primarily because of three things: Waste, fraud, and abuse. And I can put it in one phrase: Gaming the system.

In fact, there are States in this great Nation that have figured out a way to leverage the system and draw down more Federal dollars and that sort of thing, and then use the money to cover other expenses that have nothing to do with health care, and that is gaming the system. We need to fix it, and we will.

But these seniors and our children and our grandchildren that need Social Security, that problem exists not because they have gamed the system. And I think my colleague from Texas understands that so well, Mr. Speaker. These people, through no fault of their own, are not going to have something that they have paid into with their money. They had no choice. It was almost confiscated from their paycheck. So we have to solve that first.

And I applaud the leadership for sticking to their guns on this. Not just the President, but, as I said earlier, our great majority leader, the gentleman from Texas (Mr. DELAY), and our Speaker of the House. They are right, we need to address this problem, do the heavy lifting, and worry more about the next generation than the next election.

With that, I yield back to my colleague from Texas.

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Georgia.

There are two other reported bills we have passed in this first hundred days of the 109th Congress that have gained broad Democratic support. The first was the Continuity of Government Act. This would provide set procedures for holding elections should 100 or more of our colleagues be killed in some sort of an event. That bill enjoyed 122 Democrats joining with their Republican colleagues in the passage of that bill.

The final one I want to talk about which the Democrats showed support for is the Energy Policy Act of 2005. We have all had, those of us who drive automobiles, have had the wonderful opportunity of pulling up to the pump and paying prices for gasoline that are the highest we have ever paid, in our minds. I am not speaking to whether that is right or wrong, but it is certainly an expensive process to drive an automobile these days.

We passed the Energy Policy Act, which, unfortunately, is not designed and does not have the capacity to have an immediate impact on gasoline prices. That is a long-term problem, it has been a long time coming, and there is no silver bullet. There is no immediate solution to that. It is simply supply and demand.

As more of us continue to drive, as China continues to go from a bicycle economy to a moped economy to a 4-cylinder engine economy, to a 6-cylinder engine economy, their demands for crude oil and gasoline continues to grow much faster than anywhere else. India, likewise, has significant growth in their demand for the use of gasoline and crude oil. So it is a supply-and-demand issue that the Energy Policy Act we have just passed and sent over to the Senate just cannot address.

However, it can address opportunities to reduce our dependency on crude oil imported and natural gas imported from other countries. Each barrel of oil and each MCF of natural gas that we need to import from other sources makes us more dependent on those sources. Now, while we will never wean ourselves, or certainly not in our lifetimes, from imported crude oil and natural gas, we can take the necessary steps and the rational well-thought-out steps to reduce our dependency on that imported crude oil and imported natural gas through a variety of opportunities.

These opportunities include encouraging renewable energy sources, like wind generation for creating electricity. We have to know how to learn to burn coal cleanly. We currently capture sulfur properly, but we do not capture the CO^2 that is emitted when coal is burned. India and China will dwarf our coal consumption in their own capacity, in their usage of coal to generate electricity. We have to develop technologies that will capture that CO^2 and dispose of it properly. Because whether you believe in greenhouse gases or global warming or not, the evidence is pretty clear there is more carbon dioxide in the air today than certainly in any of our lifetimes. So capturing that CO^2 that is created when coal is burned is an essential part of this. This energy bill would provide dollars for the research for that technology.

It also creates jobs. Because as we continue to develop new ways to provide energy for this country, jobs are created when that happens.

We have a litany of other things I want to quickly run through in the final 5 minutes I have to brag on this House for the first 109 days. We passed a Supplemental Appropriations Act that will provide for the global war on terror funding in Iraq and Afghanistan, as well as some modest tsunami relief and other funding. This has gone to the Senate, is in a conference now, and will be back to us later this week.

We passed a budget resolution last week that for the first time since Ronald Reagan we cut nondefense, non-Homeland Security discretionary spending, and it provides for reconciliation for the first time since 1997. This is another real accomplishment given the circumstances that we find ourselves in.

We have also passed the Transportation Equity Act of 2005. This provides for $284 billion in transportation spending on the needed infrastructure improvements for our highways and bridges and other transportation infrastructure needs that will be spent over the next 6 years. We need that legislation to pass in the Senate so that the President can sign that bill and we can get on with the process of building a transportation infrastructure that will allow our economy to continue to grow and expand.

We have also passed the Job Training Improvement Act earlier in this session, which simplifies and combines some of the job training programs that are in our community colleges and colleges.

Mr. Speaker, we have had a terrific first hundred days. As a freshman, it is my first term here and it has been an exciting hundred days. I suspect the next hundred days will be as exciting as well, as we take up hopefully some specific plans on Social Security, and I look forward to joining with my Democrat colleagues, as we have done on six of these bills that I mentioned, in passing solutions to problems that face this country.

HEALTH INSURANCE CRISIS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for half the time until midnight.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order this evening.

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

There was no objection.

Ms. BALDWIN. Mr. Speaker, for the third consecutive year, this week our country has designated Cover the Uninsured Week. Led by former Presidents Ford and Carter, hundreds of national and local organizations, as well as thousands of Americans in all 50 States, are participating in week-long activities to highlight the national health care crisis. This is one of those annual events that I wish we did not need to observe.

Cover The Uninsured Week should be unnecessary. Moreover, millions of Americans who are underinsured should not be paying such a high price both emotionally and financially. There is simply no justifiable reason

why the United States is the only industrialized country in the world that does not guarantee health care for all. So, Mr. Speaker, I rise tonight to draw attention to the 45 million Americans who do not have health insurance and the millions more who are underinsured.

Our Nation is in the midst of an escalating health care crisis. As health care costs soar, it becomes increasingly difficult for Americans to obtain comprehensive and affordable health care. Our current health care system is failing not only the 45 million Americans who are uninsured, but also millions more who do not receive comprehensive health care. We can no longer turn our backs while millions more lose access to health care.

Additionally, health care is becoming increasingly expensive even for those who are fully insured. Rising premiums, increasing deductibles, and the increasingly high cost of prescription drugs are making health care more and more unaffordable for those who have insurance. The lack of comprehensive and affordable health care affects every single Congressional district in this Nation. To highlight this issue and the real impact that being uninsured has on the lives of Americans, I have decided to read to my colleagues from some of the people that I represent in their own words. Often the people most affected tell the story of our uninsurance crisis more eloquently than many policymakers.

I would like to begin with a few letters from my district in Wisconsin that express real people's struggles as part of our Nation's 45 million uninsured. Starting with Kimberly from Madison, Wisconsin, Kimberly writes ''I am writing you today because of my family's frustration and anxiety over health care. My husband recently quit his job to launch his new company. Obviously, it will take some time for his new company to see any profit, much less income. In the meantime, we are without health insurance.'' She writes, ''I am 5 months pregnant, and we have a 2-year-old son. Because of my preexisting condition, we cannot buy affordable health insurance. COBRA would cost us $1,200 a month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous.''

□ 2300

''As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horror stories about having fewer choices and doctors, longer waiting lists for procedures, and less incentive among doctors and researchers to develop new techniques. What is most frightening for me is the chance that my son might get sick or my baby might be born with expensive complications and we are uninsured.''

Janet from Portage, Wisconsin writes to me: ''I have a 53-year-old brother who has psoriasis all over his body and arthritis caused by this. Three weeks ago he fell and needs surgery on his shoulder to repair it. He has no job, no money and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to help him get his shoulder fixed, but after it heals wrong and he is disabled because of it, then there are programs to help him. They will not help him get it fixed so he can find a job. Instead, they would rather support him for the rest of his life instead of trying to help him now.''

Gail from Janesville, Wisconsin writes: ''My husband lost his job in October 2003. He has applied for over 100 positions only to be told that he lacks a college degree or he is overqualified or they can only pay $8 an hour.'' Gail writes: ''I was diagnosed with breast cancer in June 1989 and again in 2003. I have gone through breast cancer twice, and have undergone a mastectomy and reconstructive surgery. COBRA has run out and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband is 59 years old and I am 58 years old. We have no medical coverage. I have looked in every insurance company and get turned down because of my medical history. All our lives we paid into these insurance companies only to be turned away when we need that coverage the most.''

Lisa from Madison writes: ''I write to tell you and let you know that I understand why most people would not think there is a health care crisis. Most middle-class employed people never have to do an insurance questionnaire. We just sign on the dotted line and get into a group policy with our employer.'' Lisa writes: ''I am a very healthy person and my husband and children are very healthy. We cannot get insurance. I think everyone should attempt to get an individual health insurance policy to see just how impossible it is. I am not a risk, really I am not. I am terrified right now because we are uninsured. The insurance companies are not concerned with our health. They are concerned with profits. That is sad and that is wrong.''

Countless studies, including that of the Institute on Medicine has confirmed over and over again that uninsured has real consequences. One of those most serious and troubling consequences of being uninsured or underinsured is having to postpone or skip needed health care. Families USA reports that one out of five Americans has postponed needed medical care due to lack of coverage. And of those, more than one in three said the delay brought about significant pain or suffering. This is happening every single day all over America.

Another letter I received from Carol from Madison says: ''As someone who has had no health insurance at all for 3 years, I can tell you that it was pretty miserable being one of the 45 million people in this country without health insurance. Not long ago, my best friend died at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance.''

Darla from Fitchburg, Wisconsin writes: ''I lost my job because of unpredictable attendance due to my health issues. Upon losing my job, I signed up for COBRA. Last week I received a letter indicating my COBRA eligibility ends soon. In order for me to get health coverage, I would have to work at least 20 hours per week. My physicians believe that would do me more harm than good relating to my health issues. If I do not get some kind of health insurance, I will need to stop all treatments as I have no money to pay for doctors' services. My prescription drugs will have to stop as I will not be able to pay for them either. What can I do?''

Heather from Waterloo, Wisconsin writes: ''I am married. Together with my husband, I own a home. We live a modest, middle-class life, managing always to have what we need except for health care coverage. My husband has excellent health care at his job, but for me to also be covered by the plan, we would need to pay nearly $400 per month. That is two-thirds as much as our mortgage. Through school, I have worked less and less. In order to maintain health care coverage, I have only been able to afford short-term, major medical coverage. I am grateful that we can afford this, but it does make a difference. However, even now if I have a sore throat, I will wait for several days and see how I feel. I will wait because if I do not need to go, I will save money.'' She writes: ''This is disturbing to me as a nursing student because I know about the importance of early treatment and prevention. It is upsetting to me as a person because I value my health, and it is unacceptable to me as a citizen because I know there are people just like me who wait and get sicker, or cannot even get the medications that they need.''

These are heart-breaking stories, but perhaps what is more heart breaking is they are just not unique. Millions of American families are confronted with these impossible decisions regarding their health care every single day. According to a recent Kaiser Family Foundation poll, more Americans are personally worried about their health care costs than they are about losing their jobs, paying their rent or mortgage, losing money in the stock market, or being the victim of a terrorist attack.

I will give an example. Roberta from Janesville, Wisconsin writes: ''I think the insurance bills for both medical and dental are horrendous. Both my husband and I work full time with two small children, living paycheck to paycheck. My insurance costs have caused us many heartaches with us owing more money that needs to be paid. As a result, I will not get a needed medical

procedure done. Something drastically needs to change in the United States of America where hard-working families and individuals can get the treatment they need without going broke.''

David from Cross Plains, Wisconsin, writes: ''My wife and I have been self-employed for over 18 years and have paid thousands of dollars for health insurance premiums. As of a few months ago, we had to drop out and are now without health insurance. The cost is completely out of reach. In fact, it is nuts. Now that I am 50 years old, it is not a matter of if I will ever have health problems, it is when. Tammy, we will lose everything we have ever worked for. So much for the American Dream. Now we look forward to dying, broke and possibly homeless.''

□ 2310

Mr. Speaker, part of the reason why I find these letters so compelling and why I make a point to share them with my colleagues and the American public is that finding and affording health care is a challenge faced by all types of Americans, young and old, those living in Wisconsin and those living in Texas, those who have jobs and those who do not. Put simply, this is a national crisis.

I have been especially troubled lately that instead of working hard to find a solution to the health care crisis, the majority party here in the House seems to be making the crisis worse for Americans in need. The House recently passed a bankruptcy bill which makes it more difficult for people to cope with the massive costs brought on by health care crises. This is ridiculous, especially since we know that nearly half of all personal bankruptcies filed in the United States are due to medical reasons, be it medical debt or an illness or injury that keeps somebody from the workforce and earning a living.

We are now poised to enact cuts to Medicaid, the Nation's health care safety net. On that note, I would like to share a few additional stories before I get a chance to call on my colleague from Missouri to make a few statements.

First I share the letter of Chris from Monona, Wisconsin. She writes, ''I'm writing because I'm concerned that the fiscal 2006 budget resolution may include drastic funding cuts to Medicaid. I have lived with multiple sclerosis for 12 years, and I know that significant decreases in funding would be devastating to people like me who have chronic conditions. I'm still able to work, but other folks with MS depend on Medicaid to access critical health programs. I need you to stick up for me and the thousands of Americans with MS.''

And then there is Mary from Madison, Wisconsin, who came to meet with me in my office to talk about Medicaid. Mary is a nurse and while she was certainly familiar with the Medicaid program, she never thought she would have to rely on Medicaid. But then her daughter had a child who was born with a heart defect. The child had to have heart surgery almost immediately after he was born and was in the hospital for a very long time. During this time, Mary's insurance for her daughter and her grandson expired, but they were very fortunate to have Medicaid to fall back on. Mary is incredibly thankful that she had Medicaid. Otherwise, her grandson's health would have suffered and she would literally be hundreds of thousands of dollars in debt.

And lastly, there is the story of Silvia from Fitchburg, Wisconsin. Silvia was uninsured when she was hospitalized with a need for an appendectomy. Even after the hospital charity program reduced her bill, she still owed over $11,000 to the hospital. Sometimes bill collectors call her home five times a day. Silvia chips away at this bill, sending $20 to $50 a month.

Mr. Speaker, before I continue, I yield to the gentleman from Missouri (Mr. CARNAHAN) who has some words to share about Cover the Uninsured Week.

Mr. CARNAHAN. I thank the gentlewoman from Wisconsin for yielding.

Mr. Speaker, this week is Cover the Uninsured Week in our country. I rise tonight to voice my concern for the 45 million Americans, including 8 million children and over 600,000 citizens in my home State of Missouri who are currently living without health insurance. I want to encourage all Americans to get involved in this week-long observance in their communities or on the Web at www.covertheuninsuredweek.org and to dedicate ourselves to getting America covered. This is a broad and diverse coalition of individuals and organizations throughout our country, including the U.S. Chamber of Commerce, the AFL–CIO, Health Care Leadership Council, AARP and many other organizations in our country that have the common goal of getting America insured. Uninsured Americans come from many age groups and backgrounds. In fact, eight out of 10 people who do not have insurance live in families with at least one person working full-time. Yet either their employer does not provide health insurance or they cannot afford the premiums that continue to escalate out of control. These Americans live day to day, dreading the slightest cold, praying for their children, that they stay healthy. This can no longer continue in our country.

I understand these concerns all too well. When my wife and I owned our small business many years ago, we did not have insurance for the birth of our youngest son. We were fortunate that there were no serious complications and that we were able to obtain insurance eventually. But many American people are not so fortunate. This is a grave and serious problem that affects all Americans, not just those without insurance. Even those who currently have health insurance are impacted by this. When people do not have the protection of quality health insurance coverage, they often put off seeing a doctor until their condition worsens to the point that they must go to the emergency room. If they cannot pay for the large hospital bill, the costs are passed on to other patients who are insured through higher premiums and oftentimes overcrowded emergency rooms.

There is a better way. I am proud to stand here with the gentlewoman from Wisconsin and many other Members of this Congress to recognize Cover the Uninsured Week and to advocate for real solutions to this nationwide crisis. The problem of the uninsured is not something that we can put off solving anymore. I urge Congress to act and improve the lives of millions of hard-working and uninsured Americans by ensuring accessible and affordable health care.

Ms. BALDWIN. I thank the gentleman for his words. As I was earlier sharing some of the letters written to me by my constituents, I recognized how powerful those stories are. I thank the gentleman also for sharing his own and his own experience with this issue. I am sure it strengthens his advocacy on behalf of all of his constituents and all Americans.

Mr. Speaker, when I first announced that I was going to seek a seat in Congress several years ago, I chose the location of the football stadium in my hometown, the stadium where the UW Badgers play their football games. It is a stadium with a capacity of just under 60,000 people. The reason I chose that location was to bring to light the fact that if you filled that stadium, every seat, with people who are uninsured from that congressional district, there would still be a line to get in. That is how many people there are. In other congressional districts around the country, you could fill multiple football stadiums of that same size.

It is staggering. It is hard for us to get a grip on what it really means that there are 45 million Americans with no health insurance at all. And these are people who have had longtime uninsurance. In fact, the Census Bureau, who puts out that number, bases it on being uninsured for a full year. If you count the people who are only uninsured for a month or two, some estimates go as high as 70 million Americans who experience some time without insurance. Forty-five million is a staggering number. And add to that some of the people I referenced earlier who have some type of insurance but are still facing exorbitant expenses, whether it is rising premiums, enormous deductibles, copays. It is a system in crisis.

I hope as we observe Cover the Uninsured Week and as we think about our responsibilities as Members of Congress representing many people who are uninsured and underinsured that we take serious aim at this crisis in our country. I hope that in a few years, maybe even next year, that there will

be no need to commemorate and observe Cover the Uninsured Week. This is a problem that screams out for our response. I invite my colleagues to join me in working to provide health care for every American.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, we all know someone who is living without health insurance. The perception is that the uninsured don't work. Over 80 percent of the uninsured have jobs. Most work in retail and service industries, but many are small business owners and employees. They are the individuals who care for our children, check our groceries, or run the local pharmacy. Americans who work hard for a living, should have health insurance.

Often times, the uninsured ignore their medical problems and delaying doctors visits. Children go without vaccines because visiting the doctor is just too expensive. They are gambling that they won't get seriously ill. But those who lose face staggering medical bills. Millions of dollars and many lives can be saved with timely medical attention.

Almost one quarter of Texans are uninsured. This is the highest rate of uninsured in the United States. In Dallas, 25 percent of the population is uninsured.

Despite the number of Texans who are uninsured, medical assistance programs continue to be cut. In 2003, the Texas Health and Human Services Commission implemented budget cuts to the Children's Health Insurance Program. CHIP was designed to help families who earn too much to qualify for Medicaid, but not enough to afford private medical insurance. These budget cuts made it more difficult for families to qualify for CHIP. It also imposed higher premiums and co-payments. In addition, there is now a 90 day waiting period before coverage begins. There is no longer any coverage for dental care, vision, or mental health. And families are now required to reapply for CHIP every 6 months.

Since the budget cuts, over 175 thousand children have been dropped from CHIP. Less than half of those children were able to find another form of medical insurance.

For weeks now this Congress has dealt with legislation that harms some of our most vulnerable citizens. Many of whom are dealing with serious medical difficulties.

Staggering medical bills and considerable debt is a problem for many uninsured Americans. Many of these individuals are forced to file bankruptcy. Last month the House passed the Bankruptcy Reform Bill. With these changes, those with moderate or higher incomes are now required to pay back most, if not all, of their debt.

For example, under these reforms an uninsured family who has a child to cancer will now be saddled with those medical bills indefinitely.

Mr. Speaker, last month the House also passed the Energy Bill. This was NOT a positive bill for Americans whose health depends on clean air and clean water.

Under the Clean Air Act, areas that have unhealthy air were required to reduce ozone-forming pollution by strict deadlines. The Energy Bill extends these deadlines allowing polluters more time to continue polluting. This means more asthma attacks, hospital visits, and premature deaths for residents in highly polluted areas.

Today, 45 million American are uninsured. Even those families that do have health insurance today, fear they may not have coverage tomorrow. The truth is that no American family is more than one job change, one corporate cost cut, or one serious illness or accident away from being uninsured.

This country faces an uphill battle in solving this health crisis. Now is the time for this Congress to address this problem with innovative ideas and actions.

□ 2320

PEAK OIL

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized until midnight.

Mr. BARTLETT of Maryland. Mr. Speaker, several weeks ago I read a treatise written by Matt Savinar, and I was galvanized by his introduction. Let me read it.

''Dear reader,'' he begins, ''civilization as we know it is coming to an end soon. This is not the whacky proclamation of a doomsday cult, apocalypse Bible prophesy sect, or conspiracy theory society. Rather, it is the scientific conclusion of the best-paid, most widely respected geologists, physicists, and investment bankers in the world. These are rational, professional, conservative individuals who are absolutely terrified by a phenomenon known as global peak oil.''

Mr. Speaker, in the weeks since I read this, I have checked with a large number of experts in this area across the country and indeed around the world. He could be right. He will be right unless we appropriately address this big challenge which faces the world and particularly faces the United States, and that is what we will be talking about in our Special Order this evening.

I have been joined by the gentleman from the eastern shore of Maryland (Mr. GILCHREST), one of my colleagues who shares a concern in this area of energy, and I yield to the gentleman.

Mr. GILCHREST. Mr. Speaker, I am only going to speak for just a couple of minutes because the gentleman from Maryland (Mr. BARTLETT) has a fascinating story to tell, one that richly deserves everybody's attention.

But, just briefly, I want to thank the gentleman for yielding to me.

The gentleman from Maryland (Mr. BARTLETT) will talk about energy, peak oil. As the demand increases enormously, the supply of the fossil fuel that we are using continues to decrease. We know that energy is power, and energy is what drives the Nation's economy. And we have assumed for a long time, for decades anyway, that energy supplies have a bottomless well. And that is correct. The energy source at the bottom of the well is bottomless. It is endless. But what is at the bottom of that well is not oil. It is not even natural gas. It is not coal. What lies at the bottom of the bottomless well is our intellect, our logic, our knowledge, our know-how.

We used to the light our homes with whale oil. They did not stop lighting homes because we ran out of whales, thank goodness; but we transitioned to a number of other things. We used to use just wood all over the world, and thank goodness we transitioned from wood to coal because we were tearing our forests down, and there are a lot better uses for wood than to burn that wood.

We transitioned for our transportation needs and many other needs from coal to oil, and oil is a lot cleaner and it is a lot more efficient. Then we went from oil and we found that natural gas is cleaner yet and more efficient than oil. We also began to realize that coal has more hydrogen than wood. Oil has more hydrogen in its content than coal. Natural gas has more hydrogen than oil. The transition through our energy sources has not come about because we ran out of those energy sources. It has come about because we got a little smarter. Our intellect, our quest for knowledge, our curiosity about something that is better overtook the status quo.

And when the gentleman from Maryland (Mr. BARTLETT) talks about peak oil, not only do we need to move away from the status quo when we hear his words about fossil fuel; it is essential. There is a sense of urgency to move away. In all our measurements of oil or natural gas, whenever one looks at a heater in their home, whether it is their oil furnace, a Carison heater or whatever it is, it is measured in Btus.

I want to show a number. This is a 1 with 15 zeros. That is 1 quadrillion. In 1910 we used 7 quadrillion Btus in the United States. In 1954 we used 35 quadrillion Btus, energy demand increase. Right now we use 100 quadrillion Btus, and that is not slowing down.

What we need in this country is logic and intellect to move us away from an energy source that has now lost its usefulness for a number of reasons. It is putting carbon dioxide into our atmosphere faster than we have seen that infusion of carbon dioxide in the last 400,000 years, and our supply is diminishing quickly as our demand is increasing even faster.

There are a number of energy sources. The gentleman from Maryland (Mr. BARTLETT) will talk about some of them. We will have these on a number of occasions. We are looking at nuclear. We are looking at solar. We are looking at wind. We are looking at hydrogen. We are looking at a number of alternatives. But before we have the technology to move into those alternatives for energy security, which means energy independence, the transition has got to be vastly improved efficiency for oil, for natural gas, to move into biofuels, and I am not talking about ethanol, which is corn which will feed the world. I am not talking about biodiesel, which is soy beans, which is used to feed the world. What I am talking about are other sources like certain grass or poplar trees, which farmers

can grow, which they can use to produce.

So peak oil, the transition to a new energy source, has got to come now. We cannot wait a decade. It is vastly important.

I want to thank the gentleman from Maryland (Mr. BARTLETT) for yielding to me and I urge the Speaker to listen to the words of the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, the gentleman from Maryland (Mr. GILCHREST) was talking about growth in the use of energy; and I have here some curves, some exponential curves. Ordinarily, when people think about growth, they may think about a straight line. And on the bottom here it shows the extrapolation of 2 percent growth starting at this point. If it is a straight line, it would look like that. But that is not 2 percent growth because every year we are growing something less than 2 percent. To be 2 percent growth, one has got to grow 2 percent more than they were the last year, and that is called exponential growth, and this is a 2 percent growth curve for exponential growth, just 2 percent.

The next curve here is a 4 percent exponential growth curve and then 5 percent. And I put on here the growth curve that China has been following, and that is a 10 percent growth curve. In just 7 years, if they are growing at 10 percent, they double. They double again in the next 7 years; so in just 14 years, they are four times bigger. They double again in the next 7 years so that at 21 years it is eight times bigger. That is why this curve is so sharp.

China is now following this growth curve. It is very difficult for one's economy to grow at 10 percent without their energy use growing at somewhere near 10 percent. So we need to keep that in mind as we go through the charts that are going to follow this, that China is growing at this rate. The world, by the way, grew last year at 5 percent. We grew probably a bit over 2 percent in this country. Of course, we were way ahead to start with; so with our 2 percent growth, we are still way out in front of everybody else in terms of the amount of energy we use.

□ 2330

As a matter of fact, the next chart shows some figures which alarmed 30 of the leading figures in our country: Jim Woolsey and McFarland and Frank Gaffney and 27 others who wrote a letter to the President just a few weeks ago, and they noted to the President that we have only two percent of the world's oil reserves. By the way, from that two percent, we are generating eight percent of the world's oil. And what that means, of course, is that we are getting four times as much oil relatively out of each of our wells as the world gets out of their average wells, so we are really good at pumping oil. In fact, we are so good at pumping oil that just recently, the Saudis came here to find out how we do it, how we get out those last dribs and drabs from our oil reservoirs, because we have been doing this for a very long time. We represent a bit less than 5 percent of the world's population, one person in 22 in the world, but we consume 25 percent of the world's energy, and we are importing about two-thirds of that. And, as the President himself said, a lot of that oil comes from countries that do not even like us.

These 30 people, about half of them were retired generals and admirals. There were several retired secretaries of previous administrations. These were really the leaders in America that wrote to the President: Mr. President, this is an unacceptable national security risk that we have only two percent of the world's oil reserves and we use 25 percent of the world's oil, and we import two-thirds of that. By the way, that is up from about one-third that we imported during the Arab oil embargo. We peaked in 1970. As a matter of fact, the next chart shows when we peaked and we can get a better idea of this.

To explain how this curve got here, I have to go back about six decades. It was in the 1940s and 1950s, a scientist at the Shell Oil Company named M. King Hubbert was watching the exploitation and exhaustion of oil fields, and he noted that each of those fields followed a bell curve. The oil came out very rapidly at first and then, when it reached a peak, at which time he noted about half of the field had been pumped, and then it stands to reason the last oil out of the field is going to be harder to get, so there was now a downslope. So in 1956 he kind of guessed at the additional fields that we were going to find in this country, and he mathematically calculated when we should peak, and he thought that would be in the early 1970s, and he made this prediction in 1956. As a matter of fact, we did peak in 1970.

Now, his curve is the smooth curve here, his projected curve, and he did that back in 1956, and the data points here, the rougher curve, the actual data points which fall remarkably near his curve, Prudhoe Bay, the Alaska oil, that occurred after we were already on the down slope of what is called Hubbert's Peak here, and we see what Prudhoe Bay did. And then we are going to go to a chart just after this that shows the different places we get oil from in our country.

The red curve here shows Russia, and when the Soviet Union was falling apart, they had more oil than we, so they peaked higher. When the Soviet Union was falling apart, they did very poorly and, as a matter of fact, there is now a little secondary peak, here is a recovered one, but it is on down; the first peak was considerably higher than the second peak.

The second chart shows where we get our oil from. A great deal of it came from Texas. I saw some early photographs of some of the oil fields in Texas, and I will tell my colleagues, the oil derricks were about as close together as trees in a forest, just an incredible bonanza of derricks down there getting this oil out of the ground. The rest of the United States is the big area here, natural gas liquids, we have learned how to liquefy natural gas, and now that is supplementing the petroleum.

There are two parts of this curve that I want to pay special attention to. One of them is Alaska here, that is Prudhoe Bay. And notice that it was just a little blip in the downslope here from Prudhoe Bay, we are still going down. It delayed it just a little; it never got back to the peak production in 1970. By the way, we are now sliding down this curve and we produce about half as much oil now as we did in 1970.

Mr. Speaker, I am sure that my colleagues can remember all of the hullabaloo about the enormous finds of oil in the Gulf of Mexico. That was going to solve our energy problems for the foreseeable future. What that turned out to be is this little yellow here. That is all there was to it. And again, it did not bring us back to where we were in 1970; we are still sliding down Hubbert's Peak.

I would like to come back to the Alaska oil for just a moment. We are now talking about going into ANWR. It really does not matter whether one is for going into ANWR or one thinks that is a pristine wilderness that we should not drill in, because the amount of oil in ANWR is probably not more than half of this. Even if it were that much, it is not going to come on line; the chairman of the Committee on Transportation, the gentleman from Alaska (Mr. YOUNG) says it may be 10 years before it comes on line, and it is really not going to make enough difference to matter. My concern is that if we drill in ANWR, Americans will think, gee, we have solved our energy problem, we are drilling in ANWR. It will be little more than a nit in terms of the enormous amounts of oil that we use. That kind of helps us put ANWR in perspective, because this is Prudhoe Bay, which may be twice as large as ANWR. So it kind of gives us a picture of what we can expect from ANWR.

The next chart is a generic chart which kind of shows us where we are, very probably where we are, and we have here only a two percent growth. Remember those curves I showed earlier? This is only the two percent growth curve. But notice what happens: it gets steeper and steeper as we go out. That is the interesting thing about exponential growth. The blue curve here is the available oil. Now, obviously, the use of oil and the production of oil paralleled each other going up the slope because nobody was storing it in large reservoirs anywhere. The yellow area between the amount of oil that can be produced and the oil that we would like to use represents the deficit. We do not even have to get to peak oil to have a problem, as the curve shows here, because we start deviating from this curve before we get

to the peak of the curve. So we might expect, if we are at this point where the arrow points here, we might expect it for the next couple of years or so that it will be marginally greater increases in the production of oil, but they will not begin to keep up with the increased demand for oil.

Last year, for instance, China increased their oil imports about 25 percent. They now are the number two importer in the world. They have replaced Japan as the number two importer in the world. Of course, we are number one. We import more oil than anyone else in the world. India is following closely behind China. The Third World is now industrializing and probably, one of the things that we could most productively do would be to help India and help China and help the Third World countries who are industrializing to do it more efficiently. They are not only industrializing 30, 40 years after we did; they are kind of following the same path that we followed and using very inefficient techniques. So we could help alleviate the world's energy problem by helping these countries, which are now following us by 30 years or more in industrialization, to use techniques that are more efficient, which would make more oil available for everyone.

The next chart shows the discovery of oil, and the discovery of oil, if my colleagues see, that peaked for the world back here before 1970, and it peaked for the United States considerably before that. So discoveries peak a long time before consumption, and they are down, down, down now. I just had a paper sent to me that says that there is a whole lot more oil out there that we have not found.

□ 2340

I hope that is true. But whether it is true or not for the moment is not going to make much difference, because it is not going to come on line, as Chairman YOUNG says, for maybe 10 years. And in 10 years we are going to be sliding down Hubbert's Peak. So if there is a lot more oil out there, the most it will do is kind of slow our descent down Hubbert's Peak. We cannot escape the reality that the world production of oil will peak, many believe that it has peaked, and the demand for oil is certainly not going to peak. That is going to keep on going up.

The next chart shows something very interesting, that is, that drilling more will not help. And this is an interesting chart, because what it shows, the green shows the discoveries above use by the United States, and the red shows when we started to run a deficit.

What you see is in the 1980ish time zone, the yellow here shows the wells that we drilled. And notice this big spike in the number of wells we drilled. This was early in the Reagan administration.

Now, President Reagan recognized that we had a problem. We were already sliding down Hubbert's Peak. And he thought that the reason that we did not have more oil was simply because they did not have enough incentive to drill for more oil. And so he gave them incentives to drill for oil, and these incentives did work, they did drill for oil; but notice the increased drilling for oil simply followed an ever-decreasing discovery of oil with increased use, so now we have been operating in the red for a long time.

Notice that in spite of enormously increased profits, the industry is not drilling very many more wells. Why are they not drilling many more wells? It quite obviously is because they have done a lot of exploration, we are really pretty good at that today, and we use seismic and 3–D and computers. And if they thought there was a whole lot more oil out there to be found, they would be drilling more wells, because they certainly have the capital to do that now.

There is another dimension in this story that our next chart shows for us. And this is what is happening around the world. And I want to pay particular attention to China. China is now, remember, the number two importer in the world, 1.3 billion people, with an economy growing, remember that 10 percent curve, very sharp growth in their economy. And they are now scouring the world for oil.

They have contracts in Canada for oil, in Colombia, Venezuela, Brazil, Argentina, a number of them in the Middle East and Africa. They are now negotiating with Russia for oil there. They are talking with Russia about building a pipeline from the Sakhalin Island, in the Russian far east. Russia spans 11 time zones.

This ought to be colored green here, because Russia comes clear around here, nearly up to Alaska. They cover 11 time zones. And their far eastern oil is so far away from their major population centers, that they just cannot get it there over this large expanse.

And so now they are talking about a pipeline that would carry it down to China and perhaps down to the Korean Peninsula. By the way, they negotiated for an oil company in our country, and were just barely out-bid. They may be back bidding for oil companies in our country. They now control a number of assets around the world to make sure that they have access to this oil.

For instance, for a number of years now they have had ports at both ends of the Panama Canal. A poll, kind of an informal poll, was conducted in India and China over a several-month period by sending people that would just talk to people across the spectrum of their society there to ask them about energy and the future, and there is pretty broad knowledge in both of those countries that energy is going to be an increasing problem.

And in China they found a big recognition that China was dependent on the sea lanes for their oil, and they do not control the sea lanes. The United States controls the sea lanes. And so China is know aggressively developing a blue water navy. By a blue water navy, I mean a navy that operates in the oceans of the world. Many countries have a navy, but most of them are designed to protect the country close in.

Only we now, since the Soviets and the Russians have pulled back, only we now have a blue water navy that controls the world's oceans. And China recognizes that we could, if we wished, cut off their oil supply. And so they now are aggressively developing, among other armaments, a blue water navy.

By the way, last year our trade deficit with China was $162 billion. So it is not that they are without resources to develop this blue water navy. The next chart is a very interesting one, and Congressman GILCHREST talked about this. And this shows the transition from one fuel to another. And notice the lower brown curve here is wood.

And we really started using wood when we learned how to make steel. As a matter of fact, the hills, the mountains of New England were largely denuded of trees. There are now more forests in New Hampshire than there were when the Industrial Revolution began here, because it began in England a bit sooner, and they were cutting trees from New England to take to England.

As a matter of fact, the Industrial Revolution almost foundered because, as Congressman GILCHREST mentioned, we were exhausting the forest and cutting the trees for energy, and then we discovered coal. And notice how much greater the economy became, because over here is quadrillion BTUs. Remember you talked about BTUs, these are quadrillion BTUs over here. I think you were up, what, over a hundred quadrillion BTUs? Here it is 70. We are now up over a hundred quadrillion BTUs.

And then we discovered oil. And here it goes. Up to a hundred quadrillion BTUs total energy production. By the way, the lower curve here is a breakout of these, and it shows what maybe I hope is the future, what better be the future, or the future is pretty grim, that is, some alternatives to fossil fuels. Those are things like nuclear and solar and wind. They are so far down here in the noise level you do not see them so we have blown it up.

By the way, you do not see this big red peak here, because this combines petroleum and natural gas which come together, and here they are separated so you add this to this, you will get this big peak up here.

This explains some of the characteristics that alternatives must have, and that is energy density. Why were the Btus so much higher with coal and enormously higher with oil? And Congressman GILCHREST mentioned this, it is the energy density there.

Give you a little example of energy density. At maybe 25 percent efficiency only, because in your internal combustion engine you are lucky if you get 25

percent efficiency, which is the reason that you have that big radiator and all those pipes and fins to get rid of the heat. A barrel of oil contains the energy of 25,000 man-hours of labor.

That is the equivalent of having 12 people work for you full time for a whole year. And it costs you about $100, $50 for the oil, that is about what it was today, maybe another $50 to refine it. So you have got 42 gallons at $2-something a gallon. That is about $100, is it not? And that $100 will buy you the work equivalent, the energy equivalent of 25,000 man-hours of labor.

So when we are looking for something to replace these fossil fuels, we have got to find something with a lot of energy density, or we are going to have to change the way we live and change the way we use energy. You may have trouble calibrating that 25,000 man-hours and 12 man-years, but let me give you a little example that it may be easier to identify with, and that is what your car does with a gallon of gas, a gallon of gas, not very big.

By the way, still cheaper than water in the grocery store, at $2-and-something a gallon, unless you are buying it in Wal-Mart or KMart a gallon at a time. But in the little bottles you buy it in, it is much more expensive than gas. Recently, I went with my brother-in-law and sister-in-law in our little Prius. We have been driving one for a number of years now, since 2000 as a matter of fact; but the first one in Maryland, the first one in Congress. 85,000 miles on it. We were down in West Virginia going up mountains down there. It has an instantaneous record of your efficiency, miles per gallon. The worst mileage we got was 20 miles per gallon.

□ 2350

Well, that is going up a West Virginia mountain with four people in the car and luggage, and that one gallon took me 20 miles up the mountain.

How long would it take me to pull my car 20 miles up the mountain?

Of course, I cannot do that without some mechanical advantage. I could use a winch. We call it a come along and chains and the guardrail or trees or something, and by and by I could get my car up the mountain.

If I got it there in 90 days, that would be 90 hard days work, if you want to calculate that out how many feet you have to pull it a day. That gives you some idea of the energy density in these fossil fuels. So that is the challenge we have.

The next chart shows us the kind of things we can look to for getting energy to replace these fossil fuels. Now there are some finite resources we really have to pay attention to. They will not last forever, but in this transition we will have to use them as we can.

The tar sands, and I am going to Canada this summer, when I gave a talk on a couple of weeks ago, they called and would like me to see their tar sands exploitation so we will look at that. There is a lot of oil in tar sand, but most of it is pretty poor quality and it takes a lot of energy to get it out. It may take almost as much energy to get it out as you get oil out of the tar sands.

Then we have the oil shale in this country. The same thing is true there. Ultimately when Goldman Sachs has oil going to $105 a barrel, when it gets there it might be feasible to get oil shales. But again, a big environmental penalty and a lot of energy to get it out.

Coal. We will leave this chart up and put another chart in front of this because we want to come back to this one. The chart we put in front shows coal, and you have heard that we have 250 years of use, that is true, with no growth at current use rates. Remember that flat curve we showed before? No growth at current use rates.

This is perfectly flat. It will last us 250 years with no growth, but if it just grows 1.1 percent a year it will only last that long. Less than 150 years. At 2 percent growth it will last less than 100 years. But what are you going to do with coal? You cannot put it in the trunk of your car and go down the road. You have to convert coal to a liquid or a gas so that you can use it. And when you have a 2 percent growth rate and after conversion you are now down about 50 years of supply. And you have got to use a lot of energy to make sure that you clean up the coal.

We appropriate money from the Congress for clean coal technology, I support that, because we cannot use coal in the traditional way because it is enormously polluting.

We will go back now to our chart we were looking at the options that we have. The only thing on this table here that comes close to the energy density of fossil fuels is nuclear. Now, a lot of people have some big concerns about nuclear. But we have had 104 nuclear power plants in our country. We have never had a fatal accident. We have never had any real serious accidents there. Three Mile Island, by the way, was not a catastrophe. It was very unfortunate. As far as I know nobody was hurt from that and we learned a lot from that.

There are three different ways we can get nuclear energy. The way that will get us home free is fusion, that is what happens in the sun. And by the way, the sun is the origin of the most of energy that we have. All of the fossil fuels came from the sun ultimately. The ferns grew that produced the coal. The little organisms that grew in the water that settled to the bottom and were later covered over by silt, and then with the movement of tectonic plates they were buried with heat and pressure. In time they became oil.

The odds of getting fusion in time are pretty small. I would like to use the analogy that me trying to solve my personal economic problems by winning the lottery is pretty much the same kind of odds that we face if we want to solve our energy problems in our country with fusion. That does not keep me from voting for the something less than $300 million that we appropriate each year to fusion, because if we get there we are really home free. That is incredible. But that is probably not going to happen. We certainly would not bank on it. If it happens that is nice. Like winning the lottery, if it happens that is nice.

Two other kinds of energy is from nuclear. These are fission. One of those is whitewater reactor, which is the kind we have in this country. This uses uranium which is in even shorter supply in the world than oil. So that will not last forever.

Ultimately if we are going to get large amounts of energy from nuclear figures, we are going to have to go to breeder reactors. France gets about 80 percent of their electricity from nuclear and they have a lot of breeder reactors. With breeder reactors, you buy a problem of waste products that you have to store away we believe for maybe a quarter of a million years. That is a time span we can even think of and how do you safely store something away for a quarter of a million years?

Anything that has that much energy in it ought to be good for something. If it is so hot, if it has so much energy in it that you have got to store it away, you cannot even come close to it for a quarter of a million years, I would think you have not unleashed the ingenuity of the American people to see what we can do with that energy. I just think there is some potential there that we have not tapped.

Our time for this evening is nearly up. So what I want to do now is just mention, and we will be coming back again for a full hour and we will be talking about in detail about these renewable resources down here, what can we realistically expect from them and what do we need to do to get them started? Solar and wind and geothermal, tapping that hot molten iron core of the earth. Ocean energy, the tides and the waves. Lots of potential from agriculture, soy diesel, bio diesel, ethanol, methanol, bio mass.

Waste of energy. Great idea. Rather than filling landfills with it, burn it and get energy from it. By the way, the heat you got from it ought to be used for heating people's home. It ought not be wasted in evaporating water in a big tower outside town.

Last, we will close with hydrogen from renewable. Hydrogen is not an energy source. You cannot mine hydrogen. You cannot suck it out of the air. The only way you get hydrogen is to produce it.

Right now we are getting hydrogen from natural gas. It would be better to get it from renewables. We can do that. We can get it from nuclear. One of the things you might do with a nuclear plant is to split water to get hydrogen. You put that hydrogen in a fuel cell in your car. It has at least twice the efficiency of the reciprocating engine. It

produces only water when you burn it. You do not have a flame but you are, in effect, chemically burning it in the fuel cell.

There are lots of things to look at here. But the real urgency here is that we have got to buy time by conservation and by efficiency so that we can use the limited resources of oil that we have, not only to continue the economies we now have in the world, but to make the investments we must make in these renewables so that we are going to continue to be able to live the kinds of qualities lives that we have been living.

I am sure that Americans are up to this. What we need is leadership articulating the problem and articulating the things that Americans need to do. Americans just need leadership. We are the envy of the world and we need to be a world leader in this because we use most of the oil in the world.

I would note that you can turn to our Web site and there you will find a discussion of these items of links that will carry you are to other places. If you would like to order a video or DVD, this is the telephone number you call at C–SPAN.

CONFERENCE REPORT ON H.R. 1268

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 1268), making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related ground for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–72)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268), ''making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005
Title I—Defense Related Appropriations
Title II—International Programs and Assistance for Reconstruction and the War on Terror
Title III—Domestic Appropriations for the War on Terror
Title IV—Indian Ocean Tsunami Relief
Title V—Other Emergency Appropriations
Title VI—General Provisions and Technical Corrections
DIVISION B—REAL ID ACT OF 2005

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $13,609,208,000, of which not to exceed $508,374,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $535,108,000, of which not to exceed $19,928,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,358,053,000, of which not to exceed $220,227,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,599,943,000, of which not to exceed $16,471,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $16,980,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $3,030,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $982,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,627,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,042,265,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,220,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined

by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $26,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $326,850,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $290,000,000 shall be transferred to ''Operation and Maintenance, Army'' to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $210,000,000 shall be transferred to ''Operation and Maintenance, Army'' to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, $99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $310,250,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $2,551,187,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $532,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,250,505,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'',

$139,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $3,283,042,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $277,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,577,560,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $645,939,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $204,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $142,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,511,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $242,000,000: Provided, That these funds may be used for such activities related to Afghanistan and the Central Asia area: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $210,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $847,191,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $139,880,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $140,983,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS TITLE

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1001. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this title, except for military construction: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1002. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking ''$3,500,000,000'' and inserting in lieu thereof ''$6,185,000,000'': Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

SEC. 1003. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act

under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed $4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1004. The paragraph under the heading ''Operation and Maintenance, Defense-Wide'' in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), is amended in the first proviso by striking ''$32,000,000'' and inserting ''$40,000,000''.

ADVANCE BILLING

SEC. 1005. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting ''$1,500,000,000'' for ''$1,000,000,000''.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1006. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking ''$500,000,000'' in the matter preceding paragraph (1) and inserting ''$854,000,000'': Provided, That from funds available for the Commander's Emergency Response Program for fiscal year 2005, not to exceed $10,000,000 may be used to purchase weapons from any person, foreign government, international organization or other entity for the purpose of protecting United States forces overseas, and to dispose of the weapons purchased: Provided further, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports regarding the purchase and disposal of weapons under this subsection.

CLASSIFIED PROGRAM

SEC. 1007. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking ''$185,000,000'' and inserting ''$210,000,000''.

LIMITATION ON CIVILIAN COMPENSATION

SEC. 1008. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to $200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in support of, or related to—

(1) a military operation, including a contingency operation; or

(2) an operation in response to a declared emergency.

(b) To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1009. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), is amended—

(1) by striking ''in the fiscal year after the effective date of this Act'' and inserting in lieu thereof ''in the fiscal years 2005 and 2006''; and

(2) in paragraph (1) by striking ''500 new personnel billets'' and inserting in lieu thereof ''the total of 500 new personnel positions''.

COALITION LIAISON OFFICERS

SEC. 1010. Section 1051a(e) of title 10, United States Code, is amended by striking ''September 30, 2005'' and inserting ''December 31, 2005''.

RESERVE AFFILIATION BONUS

SEC. 1011. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

SEC. 1012. (a) INCREASED MAXIMUM AMOUNT OF SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

''(i) In the case of a member—

''(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

''(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

''(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).''; and

(2) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(b) INCREMENTS OF DECREASED AMOUNTS ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of such section is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''.

(c) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A member covered by this subsection is any member as follows:

''(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

''(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

''(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

''(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

''(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

''(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member's pay; or

''(B) if deducted or withheld from the member's pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.''.

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following new paragraph:

''(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there may, at the election of the Secretary concerned under paragraph (4)(A) of such section, be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.''.

(d) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: '', except with respect to insurance provided under paragraph (3)(A)(i)(III)''.

(e) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking ''$250,000'' each place it appears and inserting ''$400,000''; and

(2) by adding at the end of paragraph (1) the following new sentence: ''Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.''.

(f) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member with a spouse not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.''; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking ''and (C)'' and inserting '', (C), and (D)''; and

(B) by adding at the end the following new subparagraphs:

''(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.

''(E) Whenever a member who is not married elects not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i)(I), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.

(g) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

''(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.''.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(i) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act shall be revived.

DEATH GRATUITY

SEC. 1013. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting '', except as provided in subsections (c), (e), and (f)'' after ''$12,000'';

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

''(c) The death gratuity payable under sections 1475 through 1477 of this title is $100,000 in the case of a death resulting from wounds, injuries, or illnesses that are—

''(1) incurred as described in section 1413a(e)(2) of this title; or

''(2) incurred in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38.''.

(2) CONFORMING AMENDMENT.—Subsection (a) of such section, as amended by paragraph (1), is further amended by striking ''(as adjusted under subsection (c))'' and inserting ''(as adjusted under subsection (d))''.

(b) RETROACTIVE PAYMENT OF DEATH GRATUITY FOR DEATHS AFTER OCTOBER 7, 2001, FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN COMBAT OPERATIONS OR AREAS.—Such section is further amended by adding at the end the following new subsection:

''(e)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable in accordance with this subsection for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (a).

''(2) This subsection applies in the case of a member of the armed forces who dies before the date of the enactment of this subsection as a direct result of one or more wounds, injuries, or illnesses that—

''(A) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

''(B) were incurred as described in section 1413a(e)(2) of this title on or after October 7, 2001.

''(3) The amount of additional death gratuity payable under this subsection shall be $238,000, of which—

''(A) $150,000 shall be paid in the manner specified in paragraph (4); and

''(B) $88,000 shall be paid in the manner specified in paragraph (5).

''(4) A payment pursuant to paragraph (3)(A) by reason of a death covered by this subsection shall be paid—

''(A) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38; or

''(B) in the case of a person who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who would have received proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.

''(5) A payment pursuant to paragraph (3)(B) by reason of a death covered by this subsection shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid with respect to that death under this section.''.

(c) PAYMENT OF DEATH GRATUITY FOR CERTAIN OTHER DEATHS FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN COMBAT OPERATIONS OR AREAS.—Such section is further amended by adding at the end the following new subsection:

''(f)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable in accordance with this subsection for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (e).

''(2) This subsection applies in the case of a member of the armed forces who dies during the period beginning on the date of the enactment of this subsection and ending on the first day of the first month that begins more than 90 days after such date of one or more wounds, injuries, or illnesses that—

''(A) are incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

''(B) are incurred as described in section 1413a(e)(2) of this title.

''(3) The amount of additional death gratuity payable under this subsection shall be $150,000.

''(4) A payment pursuant to paragraph (3) by reason of a death covered by this subsection shall be paid—

''(A) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds payable on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38; or

''(B) in the case of a person who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who receive proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(e) TERMINATION.—

(1) IN GENERAL.—This section and the amendment made by this subsection shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

(2) CONTINUING OBLIGATION TO PAY.—Any amount of additional death gratuity payable under section 1478 of title 10, United States Code, by reason of the amendments made by subsections (b) and (c) of this section that remains payable as of September 30, 2005, shall, notwithstanding paragraph (1), remain payable after that date until paid.

INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1014. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

PROHIBITION OF NEW START PROGRAMS

SEC. 1015. (a) None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, ''Procurement of Ammunition, Army'' to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C–RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1016. (a)(1) Notwithstanding section 917 of Public Law 97–86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108–287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108–324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, the unobligated balance as of the date of enactment of this Act, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) Of the funds made available under paragraph (a)(1), not less than $100,000,000 shall be obligated not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97–86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army

Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is $813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1017. Section 115 of division H of Public Law 108–199 is amended by striking all after ''made available'' and substituting '', notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.'': Provided, That of the funds provided in Public Law 108–287 under the heading ''Operation and Maintenance, Army'' for Woody Island and Historic Structure, $1,000,000 shall be made available in the form of a grant for these purposes.

LPD–17 COST ADJUSTMENT

(TRANSFER OF FUNDS)

SEC. 1018. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 2005/2009'':

LCU (X), $19,000,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2008'':

LPD–17, $19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1019. (a) No funds appropriated or otherwise made available by this Act, or by prior Acts, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term ''winner-take-all strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1020. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1021. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS

SEC. 1022. (a) Section 403(l) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

(b) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 403(l) of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

PROHIBITION ON CHARGES FOR MEALS

SEC. 1023. (a) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(b) EFFECTIVE DATE.—The limitation in paragraph (a) shall take effect upon enactment of this Act, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(c) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 402 of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1024. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, a reserve fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total $65,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note).

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1025. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy in this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available in this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

(d) PACIFIC FLEET AUTHORITIES.—None of the funds available to the Department of the Navy may be obligated to modify command and control relationships to give Fleet Forces Command

administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004 shall remain in force unless changes are specifically authorized in a subsequent act.

TRAVEL FOR FAMILY OF HOSPITALIZED SERVICEMEMBERS

SEC. 1026. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) either—

''(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

''(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment of that injury.''; and

(2) by adding at the end the following new paragraph:

''(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

''§ 411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.''.

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Operation and Maintenance, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

(e) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 411h of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

PROHIBITION ON TERMINATION OF MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–130J AIRCRAFT

SEC. 1027. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC–130J aircraft that is in effect on the date of the enactment of this Act.

PURPLE HEART COMMENDATIONS

SEC. 1028. None of the funds in this Act or prior Acts may be used to revoke Purple Heart commendations awarded to members of the Armed Forces who have served in Operation Iraqi Freedom or Operation Enduring Freedom: Provided, That the Secretary of any military department may, on a case-by-case basis, waive this provision fifteen days after notifying the congressional defense committees of their intent to revoke an individual's Purple Heart commendation.

VIRTUAL TRAINING COCKPIT OPTIMIZATION PROGRAM

(TRANSFER OF FUNDS)

SEC. 1029. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, ''Aircraft Procurement, Army, 2004/2006'', $2,000,000;

To:

Under the heading, ''Research, Development, Test and Evaluation, Army, 2004/2005'', $2,000,000:

Provided further, That these funds may only be used for the Virtual Training Cockpit Optimization Program: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSFER OF FUNDS FOR FORCE PROTECTION PROGRAMS

(TRANSFER OF FUNDS)

SEC. 1030. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds previously made available in the Department of Defense Appropriations Act, 2005 (Public Law 108–287): Provided, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amounts shall be transferred between the following appropriations, in the amounts specified:

To:

Under the heading, ''Research, Development, Test and Evaluation, Air Force, 2005/2006'', $500,000;

From:

Under the heading, ''Other Procurement, Air Force'', $500,000.

To:

Under the heading, ''Other Procurement, Air Force, 2005/2007'', $8,200,000;

From:

Under the heading, ''Other Procurement, Navy, 2005/2007'', $8,200,000:

Provided further, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 1031. (a)(1) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) the term ''torture'' has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term ''cruel, inhuman, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

TRAUMATIC INJURY PROTECTION

SEC. 1032. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

''(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

''(A) Bathing.

''(B) Continence.

''(C) Dressing.

''(D) Eating.

''(E) Toileting.

''(F) Transferring.''; and

(2) by adding at the end the following:

''§ 1980A. Traumatic injury protection

''(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

''(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

''(A) total and permanent loss of sight;

''(B) loss of a hand or foot by severance at or above the wrist or ankle;

''(C) total and permanent loss of speech;

''(D) total and permanent loss of hearing in both ears;

''(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

''(F) quadriplegia, paraplegia, or hemiplegia;

''(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

''(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

''(2) For purposes of this subsection—

''(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

''(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

''(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

''(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

''(c) A payment under this section may be made only if—

''(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

''(2) the loss results directly from that traumatic injury and from no other cause; and

''(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

''(d) Payments under this section for losses described in subsection (b)(1) shall be—

''(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

''(2) based on the severity of the covered condition; and

''(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

''(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

''(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

''(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

''(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

''(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

''(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

''(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

''(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

''(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

''(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

''(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

''1980A. Traumatic injury protection.''.

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

AMOUNTS FROM PRIOR YEAR IRAQ FREEDOM FUND APPROPRIATION

(RESCISSION OF FUNDS)

SEC. 1033. Of the funds appropriated in title IX of Public Law 108–287 for ''Iraq Freedom Fund'' (118 Stat. 1005) that remain available for obligation, $50,000,000 is hereby rescinded.

TECHNICAL CORRECTION

SEC. 1034. Of the funds available in the Department of Defense Appropriations Act, 2005, (Public Law 108–287), under the heading ''Defense Health Program'', $1,000,000 shall be available to the Paralyzed Veterans of America (PVA) Outdoor Sports Heritage Fund.

DEFENSE TRANSFER AUTHORITY

SEC. 1035. In addition to amounts appropriated elsewhere in this Act, there is hereby appropriated $50,000,000 for ''Research, Development, Test and Evaluation, Defense-Wide'', to remain available until September 30, 2006: Provided, That these funds are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law and of this Act, such funds may be obligated to carry out projects not otherwise authorized by law: Provided further, That any funds transferred shall be merged with and shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amount provided in this section is designated an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1036. (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

CAMP JOSEPH T. ROBINSON

SEC. 1037. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled ''An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas'', approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest

thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $240,000,000 to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $734,000,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Contributions for International Peacekeeping Activities'', $680,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, up to $50,000,000 may be transferred to ''Peacekeeping Operations'' for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'', $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $90,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan and other African countries: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,433,600,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which $50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, $2,500,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for assistance for Haiti, of which $2,500,000 should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available for programs and activities to promote democracy, including political party development, in Lebanon: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for ''Assistance for the Independent States of the Former Soviet Union'', $70,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $620,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $120,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $67,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $24,600,000, to remain available until September 30, 2006, of which not to exceed $7,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $240,000,000, to remain available until September 30, 2006, of which up to $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That up to $30,000,000 may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism: Provided further, That these funds may be transferred by the Secretary of State to other Federal agencies or accounts to support the global war on terrorism: Provided further, That funds appropriated under this heading shall be subject to

the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking ''Iraq,''.

(RESCISSION OF FUNDS)

SEC. 2102. The unexpended balance appropriated by Public Law 108–11 under the heading ''Economic Support Fund'' and made available for Turkey is rescinded.

AUDIT REQUIREMENT

SEC. 2103. Section 559 of division D of Public Law 108–447 is amended by adding at the end the following:

''(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading 'Economic Support Fund'. The audit shall address—

''(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

''(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.''.

REPORTING REQUIREMENT

SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: Provided, That up to 15 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: Provided further, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.

AUDIT REQUIREMENT

SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'': Provided, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.

REPORTING REQUIREMENT

SEC. 2106. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to further democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under ''Economic Support Fund'' shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

REPROGRAMMING AUTHORITY

SEC. 2107. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the fiscal year 2005 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108–447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. 2108. Of the funds appropriated by chapter 2 of title II of Public Law 108–106 under the heading ''Iraq Relief and Reconstruction Fund'', not less than $20,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the ''Marla Ruzicka Iraqi War Victims Fund''.

CANDIDATE COUNTRIES

SEC. 2109. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108–199) is amended—

(1) by striking ''subparagraphs (A) and (B) of section 606(a)(1)''; and

(2) inserting in lieu thereof ''subsection (a) or (b) of section 606''.

HUMANITARIAN ASSISTANCE CODE OF CONDUCT

SEC. 2110. (a) None of the funds made available for foreign operations, export financing, and related programs under the headings ''Migration and Refugee Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', ''International Disaster and Famine Assistance'', or ''Transition Initiatives'' may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(b) The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises.

(c) Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this section.

(d) This section shall take effect 60 days after the date of the enactment of this Act and shall apply to funds obligated after such date for fiscal year 2005 and any subsequent fiscal year.

JOINT EXPLANATORY STATEMENT

SEC. 2111. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the joint explanatory statement of managers accompanying this Act:

''Economic Support Fund''; and,

''Assistance for the Independent States of the Former Soviet Union''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the joint explanatory statement of managers shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $124,425,000, to remain available until September 30, 2006, for hiring, training, supporting, and equipping 500 border patrol agents above the level funded in Public Law 108–334: Provided, That the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, with a plan for the expeditious implementation and execution of these funds: Provided further, That of the amount provided under this heading, $49,075,000 is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CONSTRUCTION

For an additional amount for ''Construction'', $51,875,000, to remain available until September 30, 2006: Provided, That the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, with a plan for the expeditious implementation and execution of these funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $454,250,000, of which not less than $11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That of the total amount provided, $178,250,000 is available until September 30, 2006, of which $93,050,000 is for new investigators, enforcement agents, detention officers, and detention bedspace: Provided further, That the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, with a plan for the expeditious implementation and execution of these funds: Provided further, That of the amount provided under this heading,

$349,050,000 is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $2,568,000, to remain available until September 30, 2006.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for ''Acquisition, Construction, Improvements, and Related Expenses'', $1,882,000, to remain available until September 30, 2006.

CHAPTER 3

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

DETENTION TRUSTEE

For an additional amount for ''Detention Trustee'', $184,000,000, for necessary expenses of the Federal Detention Trustee: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $40,000,000 are rescinded.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $11,935,000, for increased judicial security outside of courthouse facilities, including home intrusion detection systems for Federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $73,991,000, to remain available until September 30, 2006: Provided, That of the amount appropriated, $1,250,000 shall be transferred to and merged with the appropriation for ''Department of Justice, General Administration, Office of Inspector General'': Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Doris K. Matsui, widow of Robert T. Matsui, late a Representative from the State of California, $162,100.

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ADMINISTRATIVE PROVISIONS

HOUSE SERVICES REVOLVING FUND

SEC. 3____. (a) Section 103(b) of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3175) is amended to read as follows:

''(b) USE OF FEES.—Any amounts paid as fees for the use of the exercise facility described in subsection (a) shall be deposited into the House Services Revolving Fund established under section 105.''.

(b) Section 105(a) of such Act (2 U.S.C. 117m(a)) is amended by adding at the end the following new paragraph:

''(5) The payment of fees for the use of the exercise facility described in section 103(a).''.

(c) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

TECHNICAL CORRECTIONS

SEC. 3____. (a) The last proviso under the heading ''LIBRARY OF CONGRESS—Salaries and Expenses'' in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001, as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (2 U.S.C. 132b note), is amended by striking ''chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives'' and inserting ''chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair)''.

(b) Section 313(a)(2)(E) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)(E)), as added by section 1502 of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447), is amended by striking ''chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the House of Representatives'' and inserting ''chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair)''.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for necessary expenses of the Capitol Police, $11,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ARCHITECT OF THE CAPITOL

CAPITOL GROUNDS

For an additional amount for ''Capitol Grounds'', $8,200,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for ''Capitol Police Buildings and Grounds'', $4,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian influenza virus, $656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with ''Development Credit Authority'' for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $17,500,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development'', of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $1,000,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development Office of Inspector General''; and up to $5,000,000 may be transferred to and consolidated with ''Emergencies in the Diplomatic and Consular Service'' for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available for environmental recovery activities in tsunami affected countries: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for programs and activities which create new economic opportunities for women: Provided further, That of the funds appropriated under this heading, $1,500,000 should be made available for programs to address the needs of people with physical and

mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than $12,500,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for microenterprise programs in countries affected by the tsunami, of which $5,000,000 should be made available for microcredit programs, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $1,500,000 should be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004 and March 2005, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That funds appropriated under this heading may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to any such affected country: Provided further, That any agreement to defer and reschedule such debt will include a commitment by the recipient government that resources freed by the debt deferral will benefit directly the people affected by the tsunami: Provided further, That the Secretary of State shall arrange for an outside, independent evaluation of each government's compliance with the commitment: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

REPORTING REQUIREMENT

SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter not used to reimburse accounts for obligations made prior to enactment, a report on the proposed uses of all funds on a project-by-project basis, for which such initial obligation of funds is anticipated: Provided, That up to 15 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: Provided further, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.

AUTHORIZATION OF FUNDS

SEC. 4103. Funds appropriated by this Act may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AVIAN INFLUENZA VIRUS

SEC. 4104. Of the funds appropriated under this chapter, $25,000,000 shall be made available for a coordinated program to prevent and control the spread of the Avian influenza virus: Provided, That not less than $15,000,000 of such funds should be transferred to the Centers for Disease Control and Prevention: Provided further, That prior to the obligation of such funds, the Centers for Disease Control and Prevention shall consult with the United States Agency for International Development on the proposed use of such funds: Provided further, That funds made available by this section and transferred to the Centers for Disease Control and Prevention shall be for necessary expenses to carry out Titles III and XXIII of the Public Health Service Act.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $29,150,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $7,070,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $10,170,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to waterways and watersheds resulting from natural disasters, $104,500,000, to remain available until expended: Provided, That the above amount includes funding for eligible work identified in the Emergency Watershed Program Recovery Projects Unfunded list as of April 25, 2005: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this

heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading ''Rural Housing Service'', ''Rural Housing Insurance Fund Program Account'' in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) to the Rural Housing Service ''Rental Assistance Program'' account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the Village of New Miami, Ohio, a rural area for purposes of eligibility for grants funded through the Rural Housing Assistance Grants account.

WATERSHED PROJECTS IN WEST VIRGINIA

SEC. 5103. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108–447) for the Lost River Watershed project, West Virginia, $4,000,000 may be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 36).

FARM SERVICE AGENCY

SEC. 5104. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for ''Departmental Management'', $3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'', $24,390,000, to remain available until expended, to repair damages to national forest facilities and lands caused by severe storms in southern California: Provided, That such funds shall be available to perform repair activities including, but not limited to, restoration of roads, trails and facilities; removal of landslides; drainage protection; waste removal; and stream stabilization: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the ''Public Health and Social Services Emergency Fund'' in title II of Public Law 108–447, $10,000,000, to remain available until expended, for an infrastructure grant to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading ''Health Resources and Services Administration, Health Resources and Services'', the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading ''Office of the Secretary, Office of the Inspector General'', the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading ''Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)'' the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

For an additional amount for the ''Public Health and Social Services Emergency Fund'' in title II of Public Law 108–447, $58,000,000, to remain available until expended, to be transferred to the Centers for Disease Control and Prevention for the purchase of influenza countermeasures for the Strategic National Stockpile: Provided, That $58,000,000 appropriated by section 1897(g) of the Social Security Act, as added by section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is rescinded.

CHAPTER 4

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108–447, $238,080,000 are rescinded.

For an additional amount for ''Housing for Persons with Disabilities'', $238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of Federal Housing Enterprise Oversight'' for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund but not any funds collected under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516(c)): Provided, That notwithstanding section 1316(d) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, any funds collected under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 shall not be credited for fiscal year 2006 as surplus under section 1316(d) of such Act or as part of any assessment to be collected for fiscal year 2006 under section 1316(a) of such Act:

Provided further, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

REFERENCES TO EMERGENCY REQUIREMENTS

SEC. 6002. Any reference in this Act to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress) shall be treated as a reference to the emergency legislation section of H. Con. Res. 95 (109th Congress), if H. Con. Res. 95 (109th Congress) is adopted prior to the enactment of this Act.

RURAL BUSINESS-COOPERATIVE SERVICE

SEC. 6003. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

MCCLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATIONS AND MAINTENANCE

SEC. 6004. The last proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''Public Law 108–357'' and inserting ''Public Law 108–137''.

ENVIRONMENTAL INFRASTRUCTURE

SEC. 6005. Section 101 of title I of division C of Public Law 108–447 is amended by striking ''per project'' and all that follows through the period at the end and inserting ''for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.''.

DESOTO COUNTY, MISSISSIPPI

SEC. 6006. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking ''$20,000,000'' and inserting ''$55,000,000'' in lieu thereof, and by striking ''treatment'' and inserting ''infrastructure'' in lieu thereof: Provided, That the Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002, and September 30, 2005, in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided further, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project cost incurred after May 13, 2002.

FORT PECK FISH HATCHERY, MONTANA

SEC. 6007. Section 325(f)(1)(A) of Public Law 106–541 is modified by striking ''$20,000,000'' and inserting in lieu thereof ''$25,000,000''.

INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR–1 BRIDGE, DELAWARE

SEC. 6008. The first proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''October 1, 2003, and September 30, 2004'' and inserting ''October 1, 2004, and September 30, 2005''.

OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6009. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

ENVIRONMENTAL INFRASTRUCTURE

SEC. 6010. In division C, title I of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to Corps of Engineers—Civil, Construction, General, is amended by inserting before the period at the end the following: '': Provided further, That of the funds made available herein for Ohio Environmental Infrastructure, $500,000 shall be used for the Liberty Little Squaw Creek sewer upgrade and $1,000,000 shall be used for the Lake County, Concord Township sanitary sewer line improvement: Provided further, That of the funds made available herein, $350,000 shall be used to complete design for the St. Croix Falls, Wisconsin, wastewater infrastructure project''.

INDIANA HARBOR, INDIANA

SEC. 6011. The Secretary of the Army, acting through the Chief of Engineers, is directed to complete, at full Federal expense, the Indiana Harbor and Canal, Confined Disposal Facility, Indiana, currently under construction.

SEMINOLE TRIBE, BIG CYPRESS PROJECT

SEC. 6012. Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended by adding the following:

''(5) The Seminole Tribe of Florida shall receive a mitigation credit for 50 percent of the net wetland benefits derived within the footprint of the Big Cypress Seminole Reservation Water Conservation Plan Project. Such credit may be used to meet the mitigation requirements of section 404 of the Clean Water Act as they may apply to future projects proposed by the Seminole Tribe of Florida.''.

SAN GABRIEL BASIN RESTORATION

SEC. 6013. (a) The matter under the heading ''Water and Related Resources'' in title II of division C of Public Law 108–447 is amended by inserting before the period at the end the following: '': Provided further, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554)''.

(b) Section 110(a)(3)(A)(ii) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554) as amended is further amended by inserting the words ''and maintain'' after the word ''operate''.

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6014. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESALINATION ACT EXTENSION

SEC. 6015. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking ''2004'' and inserting in lieu thereof ''2005''; and

(2) in paragraph (b) by striking ''2004'' and inserting in lieu thereof ''2005''.

ENERGY SUPPLY

SEC. 6016. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy, Energy Programs, Energy Supply'' is amended by inserting before the period at the end the following: '': Provided, That $2,000,000 is made available for the National Center for Manufacturing Sciences in Michigan: Provided further, That $825,000 is made available for research and development in California to advance the state of metal hydride hydrogen storage''.

OFFICE OF SCIENCE

SEC. 6017. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy, Energy Programs, Science'' is amended by inserting '': Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein $500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and $500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That $4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service: Provided further, That $2,000,000 is made available within available funds to upgrade chemistry laboratories at Drew University, New Jersey'' after ''$3,628,902,000''.

FOSSIL ENERGY

SEC. 6018. In division E, title II of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy, Fossil Energy Research and Development'' is amended by inserting before the period at the end the following: '': Provided further, That $1,000,000 is made available for the National Energy Technology Laboratory in Pennsylvania to work with the Borough of Versailles, Pennsylvania, to remediate leaks from abandoned natural gas wells''.

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. Notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375: Provided, That $825,000 is made available for cybersecurity at Department of Energy laboratories using the CimTrak technology.

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6020. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period at the end of ''Defense Environmental Services'' the following: '': Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to $30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities: Provided further, That $2,000,000 is provided within available funds to support desalination activities in partnership with the Bureau of Reclamation at the Tularosa Basin desalination facility, New Mexico''.

DEFENSE SITE ACCELERATION COMPLETION TRANSFER TO WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6021. Notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $4,000,000 from the 'Defense Site Acceleration Completion' appropriation to the 'Weapons Activities' appropriation contained in the Consolidated Appropriations Act, 2005 (Public Law 108–447), division C—Energy and Water Development.

SMALL BUSINESS CONTRACTING

SEC. 6022. (a) Not later than September 30, 2005, the Department of Energy and the Small Business Administration shall enter into a memorandum of understanding setting forth an appropriate methodology for measuring the achievement of the Department of Energy with respect to awarding contracts to small businesses.

(b) The methodology set forth in the memorandum of understanding entered into under subsection (a) shall, at a minimum, include—

(1) a method of counting the achievement of the Department of Energy in awards of—

(A) prime contracts; and

(B) subcontracts to small businesses awarded by Department of Energy management and operating, management and integration, and other facility management prime contractors; and

(2) uniform criteria that could be used by prime contractors when measuring the value and number of subcontracts awarded to small businesses.

(c)(1) Not later than September 30, 2005, the Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration, shall jointly conduct a study regarding the feasibility of possible changes to management and operating contracts and other management contracts within the Department of Energy to encourage new opportunities for small businesses to increase their role as prime contractors.

(2) In conducting the study under paragraph (1), the Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration shall jointly consider the impact of changes studied on—

(A) accountability, competition, and sound management practices at the Department of Energy and its facilities managed by prime contractors;

(B) safety, security, and oversight of Department of Energy facilities; and

(C) the potential oversight and management requirements necessary to implement the findings of the study.

(3) The Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration shall report their joint findings to—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Energy and

Natural Resources, the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(d)(1) Beginning on the date of enactment of this Act and ending at the conclusion of fiscal year 2007, in any case in which the Secretary of Energy decides to break-out appropriate large prime contracts, known as the management and operating contracts, for award to small businesses, the Secretary shall consider whether—

(A) the services under the contract have previously been provided by a small business concern; and

(B) the contract is of the type capable of being performed by a small business concern.

(2) In the case of a contract awarded by the Department of Energy as a result of a break-out of subcontracts previously awarded by management and operating prime contractors and reawarded as a small business prime contract under paragraph (1)—

(A) any such contract valued at more than $25,000,000 shall be required to have a subcontracting plan for small businesses; and

(B) the Secretary shall make a determination on the advisability of requiring a local presence for small business subcontractors.

NUCLEAR WASTE DISPOSAL

SEC. 6023. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2951) is amended in the matter under the heading ''Nuclear Waste Disposal''—

(1) by inserting ''to be derived from the Nuclear Waste Fund and'' after ''$346,000,000,''; and

(2) in the second proviso, by striking ''to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act'' and inserting ''to participate in licensing activities and other appropriate activities pursuant to that Act''.

DEPARTMENT OF HOMELAND SECURITY

WORKING CAPITAL FUND

SEC. 6024. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the ''Department of Homeland Security Working Capital Fund'', except for the activities for fiscal year 2005 contained in the April 11, 2005, report submitted to the Committees on Appropriations of the Senate and the House of Representatives on the Department of Homeland Security Working Capital Fund, and all activities and services funded by the Federal Emergency Management Agency ''Working Capital Fund'' before March 1, 2003: Provided, That all organizations shall be charged only for direct usage of each service: Provided further, That for fiscal year 2005, funding for activities shall not exceed the amounts listed in the Department of Homeland Security Working Capital Fund April 11, 2005, report: Provided further, That any additional activities and amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 6025. The Department of Homeland Security shall henceforth provide an appropriations justification for the ''Department of Homeland Security Working Capital Fund'' to the Committees on Appropriations of the Senate and House of Representatives: Provided, That an annual appropriations justification shall be submitted to the Congress as a part of the President's budget as submitted under Section 1105(a) of Title 31, United States Code, and shall contain the same level of detail as the Department's Congressional appropriations justification in support of the President's budget: Provided further, That the ''Department of Homeland Security Working Capital Fund'' Congressional appropriations justification for fiscal year 2006 shall be submitted within 15 days of enactment of this Act: Provided further, That the Chief Financial Officer shall ensure that all planned activities and amounts to be funded by the ''Department of Homeland Security Working Capital Fund'', all reimbursable agreements, and all uses of the Economy Act are explicitly identified in each Congressional appropriations justification in support of the President's budget provided for each agency and component of the Department.

OFFICE OF THE CHIEF INFORMATION OFFICER

SEC. 6026. Of the funds provided under the heading ''Office of the Chief Information Officer'' in Public Law 108–334, $5,000,000 shall not be obligated for salaries and expenses until an expenditure plan is submitted to the Committees on Appropriations of the Senate and the House of Representatives for any information technology project that: (1) is funded by the ''Office of the Chief Information Officer''; or (2) is funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by project: Provided further, That the expenditure plan shall include a complete list of all legacy systems operational as of March 1, 2003, the current operational status of each system, and the plans for continued operation or termination of each system.

RESCISSION OF FUNDS

SEC. 6027. Of the funds appropriated by Public Law 108–334 (118 Stat. 1298, 1300, 1302), the following are rescinded: $500,000 under the heading ''Office of the Secretary and Executive Management''; $3,300,000 under the heading ''Office of the Under Secretary for Management''; $76,000,000 under the heading ''Customs and Border Protection, Salaries and Expenses''; and $85,200,000 under the heading ''Immigration and Customs Enforcement, Salaries and Expenses''.

SEC. 6028. Of the unobligated balances available in the ''Department of Homeland Security Working Capital Fund'', $20,000,000 are rescinded.

REPROGRAMMING AND TRANSFER OF FUNDS

SEC. 6029. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT, TECHNICAL CORRECTION

SEC. 6030. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by striking ''September 24, 2004'' and inserting ''November 12, 2004''.

FOREST SERVICE TRANSFER

SEC. 6031. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the ''Forest Service, Capital Improvement and Maintenance'' account, are hereby transferred to the ''Forest Service, State and Private Forestry'' account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6033. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6034. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with extraction of the oil and gas minerals reserved by the State of Mississippi in the deed referenced in subsection (b):

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore to identify the oil and gas minerals located within the boundaries of the Gulf Islands National Seashore under the surface estate conveyed by the State of Mississippi, all of which oil and gas minerals the State of Mississippi reserved the right to extract.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in the section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6035. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''June 30, 2005,'' and inserting ''September 30, 2005,''.

RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6036. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the ''Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005''.

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the ''commerce clause'') to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term ''State'' includes the several

States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

STATE AND TRIBAL ASSISTANCE GRANTS, TECHNICAL CORRECTIONS

SEC. 6037. The referenced statement of the managers under the heading ''State and Tribal Assistance Grants'' for the Environmental Protection Agency in Public Law 106–377, in reference to item 80, is deemed to be amended by striking all after ''for'' and inserting in lieu thereof ''wastewater infrastructure improvements''.

SEC. 6038. The referenced statement of the managers under the heading ''State and Tribal Assistance Grants'' for the Environmental Protection Agency in Public Law 108–199 is deemed to be amended, in reference to item 331, by striking all after ''to'' and inserting in lieu thereof ''Wayne County, New York Water and Sewer Authority for wastewater infrastructure improvements'' and, in reference to item 25, by striking all after ''for'' and inserting in lieu thereof ''water and wastewater improvements''.

SEC. 6039. The referenced statement of the managers under the heading ''State and Tribal Assistance Grants'' for the Environmental Protection Agency in Public Law 108–447 is deemed to be amended, in reference to item 235, by striking ''$650,000'' and inserting in lieu thereof ''$1,000,000'' and is deemed to be amended by adding ''668. $150,000 to the City of Oldsmar, Florida for water and wastewater infrastructure improvements.''.

TRANSFER AUTHORITY

SEC. 6040. (a) Section 102 of division F of Public Law 108–447 is hereby repealed.

(b) Section 208 of division F of Public Law 108–447 is amended by inserting before the period at the end the following: ": Provided further, That such authority shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity for which no funds were provided''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6041. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement''—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read ''Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative'';

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read ''Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program'';

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read ''Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth'';

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read ''Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program'';

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read ''Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School'';

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)'';

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read ''QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history'';

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read ''The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO'';

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read ''Chester Economic Development Authority, Chester, PA for a community arts program'';

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read ''Kids with A Promise—The Bowery Mission, New York, NY'';

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce ''Educating America'', a documentary about the challenges facing our public schools shall be deemed to read ''Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools'';

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read ''American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar'';

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read ''Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative'';

(14) the provision specifying $100,000 for Clarion County Career Center, Shippenville, PA for curriculum development shall be deemed to read ''Clarion County Career Center, Shippenville, PA for curriculum development, technology and/or equipment'';

(15) the provision specifying $100,000 for Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for curriculum development shall be deemed to read ''Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for curriculum development, technology and/or equipment'';

(16) the provision specifying $100,000 for Forest Area High School, Tionesta, PA, for curriculum development shall be deemed to read ''Forest Area High School, Tionesta, PA for curriculum development, technology and/or equipment'';

(17) the provision specifying $100,000 for Jersey Shore High School, Jersey Shore, PA, for curriculum development shall be deemed to read ''Jersey Shore High School, Jersey Shore, PA for curriculum development, technology and/or equipment'';

(18) the provision specifying $100,000 for Montgomery Area School District, Montgomery, PA for curriculum development shall be deemed to read ''Montgomery Area School District, Montgomery, PA for curriculum development, technology and/or equipment'';

(19) the provision specifying $100,000 for Southern Tioga School District, Blossburg, PA for curriculum development shall be deemed to read ''Southern Tioga School District, Blossburg, PA for curriculum development, technology and/or equipment'';

(20) the provision specifying $300,000 for Venango County AVTS, Oil City, PA for curriculum development shall be deemed to read ''Venango County AVTS, Oil City, PA for curriculum development, technology and/or equipment'';

(21) the provision specifying $100,000 for Warren County Career Center, Warren, PA, for curriculum development shall be deemed to read ''Warren County Career Center, Warren, PA for curriculum development, technology and/or equipment''; and

(22) the provision specifying $100,000 for Wellsboro Area School District, Wellsboro, PA, for curriculum development shall be deemed to read ''Wellsboro Area School District, Wellsboro, PA for curriculum development, technology and/or equipment''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6042. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read ''University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students'';

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read ''Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities'';

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read ''University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs'';

(4) the provision specifying $170,000 for Shippensburg University Foundation, Shippensburg, PA, for the Center for Land Use shall be deemed to read ''Shippensburg University, Shippensburg, PA, for the Center for Land Use''; and

(5) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read ''Moberly Area Community College, Moberly, MO for equipment and technology''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6043. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement'' the provision specifying $1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for

the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska''.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6044. The matter under the heading ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'' in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: '': Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers''.

MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

SEC. 6045. (a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''or an entity described in paragraph (3)'' after ''means a hospital''; and

(B) in subparagraph (B)—

(i) by inserting ''legislature'' after ''State'' the first place it appears; and

(ii) by inserting ''and such designation by the State legislature occurred prior to December 8, 2003'' before the period at the end; and

(2) by adding at the end the following new paragraph:

''(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

''(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

''(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.''.

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

''(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447).

APPLICATION PROCESSING AND ENFORCEMENT FEES

SEC. 6046. Section 286(s)(6) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(6)) is amended in the second sentence by inserting ''and section 212(a)(5)(A)'' before the period at the end.

TECHNICAL CORRECTION—HIGHER EDUCATION (INCLUDING RESCISSION OF FUNDS)

SEC. 6047. (a) RESCISSION.—Of the funds made available under the heading ''Higher Education'' in title III of division F of Public Law 108–447, $496,000 is rescinded, to be derived from the amount provided pursuant to the last proviso under such heading for the IWF Leadership Foundation, Washington, DC, for a scholarship fund.

(b) APPROPRIATION.—The amount rescinded by subsection (a) is appropriated for ''General Services Administration—Operating Expenses'', for a grant to the IWF Leadership Foundation, Washington, DC, for a scholarship fund.

COPYRIGHT ROYALTY JUDGES

SEC. 6048. (a) The item relating to ''LIBRARY OF CONGRESS—Copyright Office—salaries and expenses'' in the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3187), is amended by striking the period at the end and inserting the following: '': Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111 and 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program during any portion of fiscal year 2005 in which such program is in effect.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

CAPITOL VISITOR CENTER

SEC. 6049. (a) The item relating to ''Architect of the Capitol—Capitol Visitor Center'' in the Legislative Branch Appropriations Act, 2002 (Public Law 107–68; 115 Stat. 588), is amended by striking ''chair and ranking minority member of the''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002.

TECHNICAL CORRECTION

SEC. 6050. Notwithstanding any other provision of law, unexpended and unobligated funds appropriated by Public Law 108–7 to the accounts under the heading ''SENATE'' relating to Legislative Branch appropriations shall remain available without fiscal year limitation: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6051. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended after ''Bonneau Ferry, SC'' by striking ''20,000'' and inserting ''19,200'' in the ''Procurement, Acquisition and Construction'' account: Provided, That the difference in these amounts is available for transfer to the ''Operations, Research, and Facilities'' account for ''Response and Restoration Base''.

SEC. 6052. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended under the heading ''Construction/Acquisition, Coastal and Estuarine Land Conservation Program'' by striking ''Tonner Canyon, CA'' and inserting ''Tolay Lake, Sonoma County, CA''.

SEC. 6053. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended under the heading ''Construction/Acquisition, Coastal and Estuarine Land Conservation Program'' by striking ''Port Aransas Nature Preserve Wetlands Project, TX—3,000'' and under the heading ''Section 2 (FWCA) Coastal/Estuarine Land Acquisition'' by inserting ''Port Aransas Nature Preserve Wetlands Project, TX—3,000''.

SMALL BUSINESS ADMINISTRATION—TECHNICAL CORRECTIONS

SEC. 6054. Section 621 of title VI of division B of Public Law 108–199 is amended by striking ''of passenger, cargo and other aviation services''.

SEC. 6055. Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''Asheville-Buncombe Technical Community College'' and inserting ''the International Small Business Institute''.

SEC. 6056. (a) Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''for the continued modernization of the Mason Building''.

(b) Section 621 of title VI of division B of Public Law 108–199, as amended by Public Law 108–447, is amended by striking '', for the continued modernization of the Mason Building''.

SEC. 6057. (a) Section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–553) and section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77) are each amended by striking ''NTTC at Wheeling Jesuit University'' and inserting ''West Virginia High Technology Consortium Foundation''.

(b) The amendments made by subsection (a) shall apply to the remaining balances of the grants involved.

TECHNICAL CORRECTION—BANKRUPTCY

SEC. 6058. (a) Section 325 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 is amended to read as follows:

''SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

''(a) BANKRUPTCY FILING FEES.—Section 1930(a) of title 28, United States Code, is amended—

''(1) by striking paragraph (1) and inserting the following:

'' ''(1) For a case commenced under—

'' ''(A) chapter 7 of title 11, $220, and

'' ''(B) chapter 13 of title 11, $150.'; and

''(2) in paragraph (3), by striking '$800' and inserting '$1,000'.

''(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

''(1) by striking paragraph (1) and inserting the following:

'' ''(1)(A) 40.46 percent of the fees collected under section 1930(a)(1)(A); and

'' ''(B) 28.33 percent of the fees collected under section 1930(a)(1)(B);'; and

''(2) in paragraph (2), by striking 'one-half' and inserting '55 percent'.

''(c) COLLECTIONS AND DEPOSITS OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 28.87 percent of the fees collected under section 1930(a)(1)(A) of that title, 35.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title'.''.

(b) This section and the amendment made by this section shall take effect immediately after the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

DEPARTMENT OF COMMERCE—CONFERENCE

SEC. 6059. Within the amount provided for the Department of Commerce in division B of Public Law 108–447, the Secretary of Commerce shall convene a national conference on science, technology, trade and manufacturing.

TECHNICAL CORRECTION—9/11 HEROES

SEC. 6060. Subsection (d) of the section 124 that appears under the item relating to ''General Provisions—Department of Justice'' of the Consolidated Appropriations Act of 2005 (Public Law 108–447) is amended—

(1) in paragraph (2), by striking ''with the Secretary of the Treasury to prepare and strike, on a reimbursable basis,'' and inserting ''for striking''; and

(2) by striking paragraph (3).

TECHNICAL CORRECTIONS—DEPARTMENT OF TRANSPORTATION

SEC. 6061. The matter under the heading ''Federal Transit Administration, Capital Investment Grants'' in title I of division H of Public Law 108–447 is amended by striking ''$3,591,548'' and inserting ''$1,362,683'' and by striking ''$22,554,144'' and inserting ''$12,998,815'': Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108–447, $1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

SEC. 6062. Notwithstanding any other provision of law, in section 1602 of the Transportation Equity Act for the 21st Century, item number 744 is amended by striking ''Preliminary design of Route 2 Connector to Downtown Fitchburg'' and inserting ''design, construction/reconstruction and right of way acquisition for roadway improvements along the Route 12 corridor in Leominster and Fitchburg to enhance access from Route 2 to North Leominster and Downtown Fitchburg''.

SEC. 6063. Section 198 of division H of Public Law 108–447 is amended by inserting ''under title 23 of the United States Code'' after ''law''.

PAYMENTS TO AIR CARRIERS

SEC. 6064. Notwithstanding any other provision of law, for the current fiscal year and any period covered by an Act making continuing appropriations for fiscal year 2006, all overflight fees collected and credited to the account established under section 45303(a) of title 49, United States Code, shall be made available immediately for obligation and expenditure to meet the costs of the essential air service program under 49 U.S.C. 41731 through 41742: Provided, That, if the funds in this account are insufficient to meet the costs of the essential air service program in such fiscal year, the Secretary of Transportation shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

MARITIME ADMINISTRATION

SEC. 6065. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

THE JUDICIARY

SEC. 6066. Section 308 of division B of Public Law 108–447 is amended by striking all after the words ''shall be deposited'', and inserting ''as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.''.

TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6067. Under the heading ''Federal Buildings Fund'' in title IV of division H of Public Law 108–447, strike ''$60,000,000'' and insert in lieu thereof ''$60,600,000'' in reference to the Las Cruces United States Courthouse.

SEC. 6068. Section 408 in title IV of division H of Public Law 108–447 is amended by striking ''Section 572(a)(2)(ii)'' and inserting in lieu thereof ''Section 572(a)(2)(A)(ii)''.

TECHNICAL CORRECTIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6069. (a) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item 230 by striking ''City'' and inserting ''Port'';

(2) with respect to item 233 by inserting ''Port of'' before the words ''Brookings Harbor''; and

(3) with respect to item number 30 by inserting ''to be used for planning, design, and construction'' after ''California,''.

SEC. 6070. The referenced statement of managers under the heading ''Community Development Fund'' in title II of division K of Public Law 108–7 is deemed to be amended—

(1) with respect to item number 39 by striking ''Conference and Workforce Center in Harrison, Arkansas'' and inserting ''in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center''; and

(2) with respect to item number 316 by striking ''for renovation of a visitor center to accommodate a Space and Flight Center'' and inserting ''to build-out the Prince George's County Economic Development and Business Assistance Center''.

SEC. 6071. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division G of Public Law 108–199 is deemed to be amended—

(1) with respect to item number 56 by striking ''Conference and Training Center'' and inserting ''North Arkansas College Health Sciences Education Center'';

(2) with respect to item number 102 by striking ''to the Town of Groveland, California for purchase of a youth center'' and inserting ''to the County of Tuolomne for the purchase of a new youth center in the mountain community of Groveland'';

(3) with respect to item number 218 by striking ''for construction'' and inserting ''for design and engineering'';

(4) with respect to item number 472 by striking ''for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood'' and inserting ''for streetscape renovation'';

(5) with respect to item number 493 by striking ''for land acquisition'' and inserting ''for planning and design of its Sports and Recreation Center and Education Complex'';

(6) with respect to item number 122 by inserting ''to be used for planning, design, and construction'' after ''California,'';

(7) with respect to item number 369 by striking ''for the'' after ''Michigan'' and inserting ''to be used for planning, design, and construction of the''; and

(8) with respect to item number 450 by striking ''V.I.C.T.E.M. Family Center in Washoe County, Nevada for the construction of a facility for multi-purpose social services referral and victim counseling;'' and inserting ''Washoe County, Nevada for a facility and equipment for the SART/CARES victim programs;''.

SEC. 6072. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended as follows—

(1) with respect to item number 706 by striking '' a public swimming pool'' and inserting ''recreation fields'';

(2) with respect to item number 667 by striking ''to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building'' and inserting ''to the County of Appomattox, Virginia for renovation of the Carver-Price building'';

(3) with respect to item number 668 by striking ''for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery'' and inserting ''for The Prizery in South Boston, Virginia for renovations and creation of a community arts center'';

(4) with respect to item number 669 by striking ''for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center'' and inserting ''for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations'';

(5) with respect to item number 910 by striking ''repairs to'' and inserting ''renovation and construction of'';

(6) with respect to item number 902 by striking ''City of Brooklyn'' and inserting ''Fifth Ave Committee in Brooklyn''; and

(7) with respect to item number 244 by inserting ''Historic'' before the words ''Village, Inc''.

SEC. 6073. (a) Section 222 of title II of division I of Public Law 108–447 is deleted; and

(b) Section 203(c)(1) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking ''subsections'' and inserting ''subsection'', and

(2) striking ''or (k)'' each place that it appears.

SEC. 6074. Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking ''150,000'' and inserting ''250,000''.

SEC. 6075. The matter under the heading relating to ''PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND'' in title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005 (enacted as Division I of the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, 118 Stat. 3297)) is amended by striking the 8th proviso and inserting the following: '': Provided further, That up to $3,000,000 is to support the costs of administrative and judicial receiverships''.

PREPACKAGED NEWS

SEC. 6076. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6077. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking ''$15,000,000'' and inserting ''$42,000,000, to remain available until expended,'' in its place, and

(B) by amending subsection (5) to read as follows:

''(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.''.

(2) By inserting a new section before the short title at the end to read as follows:

''SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

''(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

''(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

''(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

''(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.''.

USE OF FUNDS FOR EMERGENCY PREPAREDNESS CENTERS

SEC. 6078. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period ''and section 303 of Public Law 108–422''.

COLLECTIONS DEPOSITED INTO PROJECT CONSTRUCTION ACCOUNTS

SEC. 6079. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking ''that are deposited into the Medical Care Collections Fund may be transferred and merged with'' and inserting ''may be deposited into the''.

CONTRACTS FOR HOSPITAL CARE AND MEDICAL SERVICES

SEC. 6080. Section 1703(d)(2) of title 38, United States Code, is amended by striking ''shall be available for the purposes'' and inserting ''shall be available, without fiscal year limitation, for the purposes''.

IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES

SEC. 6081. (a) IN GENERAL.—Section 414 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

''(h) DEFINITION.—In this section, the term 'medical center' includes any outpatient clinic.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108–422).

This division may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005''.

DIVISION B—REAL ID ACT OF 2005

SECTION 1. SHORT TITLE.

This division may be cited as the ''REAL ID Act of 2005''.

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

(1) by striking ''The Attorney General'' the first place such term appears and inserting the following:

''(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General'';

(2) by striking ''the Attorney General'' the second and third places such term appears and inserting ''the Secretary of Homeland Security or the Attorney General''; and

(3) by adding at the end the following:

''(B) BURDEN OF PROOF.—

''(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

''(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.

''(iii) CREDIBILITY DETERMINATION.—Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.''.

(b) EXCEPTIONS TO ELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(1) by striking ''inadmissible under'' each place such term appears and inserting ''described in''; and

(2) by striking ''removable under''.

(c) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:

''(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B).''.

(d) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1230(c)) is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) APPLICATIONS FOR RELIEF FROM REMOVAL.—

''(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish that the alien—

''(i) satisfies the applicable eligibility requirements; and

''(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.

''(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence.

''(C) CREDIBILITY DETERMINATION.—Considering the totality of the circumstances, and all relevant factors, the immigration judge may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.''.

(e) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: ''No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence, as described in section 208(b)(1)(B), 240(c)(4)(B), or 241(b)(3)(C), unless the court finds, pursuant to section 242(b)(4)(B), that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.''.

(f) CLARIFICATION OF DISCRETION.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' each place such term appears; and

(2) in the matter preceding clause (i), by inserting ''and regardless of whether the judgment, decision, or action is made in removal proceedings,'' after ''other provision of law,''.

(g) REMOVAL OF CAPS.—

(1) ASYLEES.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(A) in subsection (a)(1)—

(i) by striking ''Service'' and inserting ''Department of Homeland Security''; and

(ii) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security or the Attorney General'';

(B) in subsection (b)—

(i) by striking ''Not more'' and all that follows through ''asylum who—'' and inserting ''The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as

the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—''; and

(ii) in the matter following paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''; and

(C) in subsection (c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''.

(2) PERSONS RESISTING COERCIVE POPULATION CONTROL METHODS.—Section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) is amended by striking paragraph (5).

(h) EFFECTIVE DATES.—

(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.

(2) The amendments made by subsections (a)(3), (b), (c), and (d) shall take effect on the date of the enactment of this division and shall apply to applications for asylum, withholding, or other relief from removal made on or after such date.

(3) The amendment made by subsection (e) shall take effect on the date of the enactment of this division and shall apply to all cases in which the final administrative removal order is or was issued before, on, or after such date.

(4) The amendments made by subsection (f) shall take effect on the date of the enactment of this division and shall apply to all cases pending before any court on or after such date.

(5) The amendments made by subsection (g) shall take effect on the date of the enactment of this division.

(i) REPEAL.—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 102. WAIVER OF LEGAL REQUIREMENTS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS; FEDERAL COURT REVIEW.

Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended to read as follows:

''(c) WAIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section. Any such decision by the Secretary shall be effective upon being published in the Federal Register.

''(2) FEDERAL COURT REVIEW.—

''(A) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction to hear all causes or claims arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1). A cause of action or claim may only be brought alleging a violation of the Constitution of the United States. The court shall not have jurisdiction to hear any claim not specified in this subparagraph.

''(B) TIME FOR FILING OF COMPLAINT.—Any cause or claim brought pursuant to subparagraph (A) shall be filed not later than 60 days after the date of the action or decision made by the Secretary of Homeland Security. A claim shall be barred unless it is filed within the time specified.

''(C) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.''.

SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.

(a) IN GENERAL.—So much of section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence is amended to read as follows:

''(i) IN GENERAL.—Any alien who—

''(I) has engaged in a terrorist activity;

''(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

''(IV) is a representative (as defined in clause (v)) of—

''(aa) a terrorist organization (as defined in clause (vi)); or

''(bb) a political, social, or other group that endorses or espouses terrorist activity;

''(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

''(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

''(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

''(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

''(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years, is inadmissible.''.

(b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read as follows:

''(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

''(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

''(II) to prepare or plan a terrorist activity;

''(III) to gather information on potential targets for terrorist activity;

''(IV) to solicit funds or other things of value for—

''(aa) a terrorist activity;

''(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

''(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

''(V) to solicit any individual—

''(aa) to engage in conduct otherwise described in this subsection;

''(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

''(cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

''(aa) for the commission of a terrorist activity;

''(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

''(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or

''(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.''.

(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:

''(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

''(I) designated under section 219;

''(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

''(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this division, and these amendments, and section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this section, shall apply to—

(1) removal proceedings instituted before, on, or after the date of the enactment of this division; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SEC. 104. WAIVER FOR CERTAIN GROUNDS OF INADMISSIBILITY.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)'';

(2) by striking ''alien (A)'' and inserting ''alien (i)'';

(3) by striking ''or (B)'' and inserting ''or (ii)''; and

(4) by adding at the end the following:

''(B)(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subsection (a)(3)(B)(i)(IV)(bb) or (a)(3)(B)(i)(VII) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group solely by virtue of having a subgroup within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.

''(ii) Not later than 90 days after the end of each fiscal year, the Secretary of State and the Secretary of Homeland Security shall each provide to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the aliens to whom such Secretary has applied clause (i). Within one

week of applying clause (i) to a group, the Secretary of State or the Secretary of Homeland Security shall provide a report to such Committees.''.

SEC. 105. REMOVAL OF TERRORISTS.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

''(B) TERRORIST ACTIVITIES.—Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this division, and the amendment, and section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)), as amended by such paragraph, shall apply to—

(A) removal proceedings instituted before, on, or after the date of the enactment of this division; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

(b) REPEAL.—Effective as of the date of the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), section 5402 of such Act is repealed, and the Immigration and Nationality Act shall be applied as if such section had not been enacted.

SEC. 106. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''Notwithstanding any other provision of law'';

(ii) in each of subparagraphs (B) and (C), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D)'' after ''Notwithstanding any other provision of law''; and

(iii) by adding at the end the following:

''(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in subparagraph (B) or (C), or in any other provision of this Act (other than this section) which limits or eliminates judicial review, shall be construed as precluding review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section.''; and

(B) by adding at the end the following:

''(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, except as provided in subsection (e).

''(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms 'judicial review' and 'jurisdiction to review' include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).'';

(2) in subsection (b)(9), by adding at the end the following: ''Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.''; and

(3) in subsection (g), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''notwithstanding any other provision of law''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this division and shall apply to cases in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this division.

(c) TRANSFER OF CASES.—If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note). The court of appeals shall treat the transferred case as if it had been filed pursuant to a petition for review under such section 242, except that subsection (b)(1) of such section shall not apply.

(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

(2) IDENTIFICATION CARD.—The term ''identification card'' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

(3) OFFICIAL PURPOSE.—The term ''official purpose'' includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

(1) The person's full legal name.

(2) The person's date of birth.

(3) The person's gender.

(4) The person's driver's license or identification card number.

(5) A digital photograph of the person.

(6) The person's address of principle residence.

(7) The person's signature.

(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

(9) A common machine-readable technology, with defined minimum data elements.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS.—

(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

(i) is a citizen or national of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

(13) Maintain a State motor vehicle database that contains, at a minimum—

(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

(a) CRIMINAL PENALTY.—Section 1028(a)(8) of title 18, United States Code, is amended by striking ''false authentication features'' and inserting ''false or actual authentication features''.

(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) FALSE DEFINED.—In this subsection, the term ''false'' has the same meaning such term has under section 1028(d) of title 18, United States Code.

SEC. 204. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

SEC. 205. AUTHORITY.

(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

SEC. 206. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.

(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility for any portion of the United States borders with Canada and Mexico. The Under Secretary shall conduct follow-up studies at least once every 5 years.

(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary's findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security Directorate of Border and Transportation Security such sums as may be necessary for fiscal years 2006 through 2011 to carry out any such recommendations from the first study conducted under subsection (a).

SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this division, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

(B) the cost, utility, and effectiveness of such technologies for border security; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

(A) Video camera technology.

(B) Sensor technology.

(C) Motion detection technology.

(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.

TITLE IV—TEMPORARY WORKERS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Save Our Small and Seasonal Businesses Act of 2005''.

SEC. 402. NUMERICAL LIMITATIONS ON H–2B WORKERS.

(a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

''(9)(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such an alien shall be considered a returning worker.

''(B) A petition referred to in subparagraph (A) shall include, with respect to a returning worker—

''(i) all information and evidence that the Secretary of Homeland Security determines is required to support a petition for status under section 101(a)(15)(H)(ii)(b);

''(ii) the full name of the alien; and

''(iii) a certification to the Department of Homeland Security that the alien is a returning worker.

''(C) An H–2B visa or grant of nonimmigrant status for a returning worker shall be approved only if the alien is confirmed to be a returning worker by—

''(i) the Department of State; or

''(ii) if the alien is visa exempt or seeking to change to status under section 101 (a)(15)(H)(ii)(b), the Department of Homeland Security.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than 14 days after the date of the enactment of this Act, the Secretary of Homeland Security shall begin accepting and processing petitions filed on behalf of aliens described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, in a manner consistent with this section and the amendments made by this section. Notwithstanding section 214(g)(9)(B) of such Act, as added by subsection (a), the Secretary of Homeland Security shall allocate additional numbers for fiscal year 2005 based on statistical estimates and projections derived from Department of State data.

SEC. 403. FRAUD PREVENTION AND DETECTION FEE.

(a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by adding at the end the following:

''(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

''(B) The amount of the fee imposed under subparagraph (A) shall be $150.''.

(b) USE OF FEES.—

(1) FRAUD PREVENTION AND DETECTION ACCOUNT.—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) by striking ''H1–B and L'' each place it appears;

(B) in paragraph (1), as amended by subparagraph (A), by striking ''section 214(c)(12)'' and inserting ''paragraph (12) or (13) of section 214(c)'';

(C) in paragraphs (2)(A)(i) and (2)(B), as amended by subparagraph (A), by striking ''(H)(i)'' each place it appears and inserting ''(H)(i), (H)(ii),''; and

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end ''or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)''.

(2) CONFORMING AMENDMENT.—The heading of such subsection (v) of section 286 is amended by striking ''H1–B and L''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 14 days after the date of the enactment of this Act and shall apply to filings for a fiscal year after fiscal year 2005.

SEC. 404. SANCTIONS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 403, is further amended by adding at the end the following:

''(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

''(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

''(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

''(B) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

''(C) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

''(D) In this paragraph, the term 'substantial failure' means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 405. ALLOCATION OF H-2B VISAS OR H-2B NONIMMIGRANT STATUS DURING A FISCAL YEAR.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 402, is further amended by adding at the end the following new paragraph:

''(10) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000.''.

SEC. 406. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105-277; 8 U.S.C. 1184 note) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following new subsection:

''(d) PROVISION OF INFORMATION.—

''(1) SEMIANNUAL NOTIFICATION.—Beginning not later than March 1, 2006, the Secretary of Homeland Security and the Secretary of State shall notify, on a semiannual basis, the Committees on the Judiciary of the House of Representatives and the Senate of the number of aliens who during the preceding 1-year period—

''(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

''(B) had such a visa or such status be revoked or otherwise terminated.

''(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security and the Secretary of State shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

''(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

''(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

''(3) INFORMATION MAINTAINED BY STATE.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.''.

SEC. 407. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act'') or any other law relating to rulemaking, information collection or publication in the Federal Register, shall not apply to any action to implement sections 402, 403, and 405 or the amendments made by such sections to the extent the Secretary Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with any such requirement would impede the expeditious implementation of such sections or the amendments made by such sections.

TITLE V—OTHER CHANGES TO PROVISIONS GOVERNING NONIMMIGRANT AND IMMIGRANT VISAS

SEC. 501. RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA.

(a) IN GENERAL.—Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end ''or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);''; and

(2) in clause (i), by striking ''or'' after ''national;''.

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 214(g) of such Act (8 U.S.C. 1184(g)), as amended by section 405, is further amended by adding at the end the following new paragraph:

''(11)(A) The Secretary of State may not approve a number of initial applications submitted for aliens described in section 101(a)(15)(E)(iii) that is more than the applicable numerical limitation set out in this paragraph.

''(B) The applicable numerical limitation referred to in subparagraph (A) is 10,500 for each fiscal year.

''(C) The applicable numerical limitation referred to in subparagraph (A) shall only apply to principal aliens and not to the spouses or children of such aliens.''.

(c) SPECIALTY OCCUPATION DEFINED.—Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting '', section 101(a)(15)(E)(iii),'' after ''section 101(a)(15)(H)(i)(b)''.

(d) ATTESTATION.—Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting ''or section 101(a)(15)(E)(iii)'' after ''section 101(a)(15)(H)(i)(b1)'' each place it appears; and

(2) in paragraphs (3)(C)(i)(II), (3)(C)(ii)(II), and (3)(C)(iii)(II) by striking ''or 101(a)(15)(H)(i)(b1)'' each place it appears and inserting ''101(a)(15)(H)(i)(b1), or 101(a)(15)(E)(iii)''.

SEC. 502. VISAS FOR NURSES.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence ''and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants (and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d))) whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor'';

(2) in paragraph (2)(A), by striking ''and 2000'' and inserting ''through 2004''; and

(3) in paragraph (2), by amending subparagraph (B) to read as follows:

''(B)(i) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

''(ii) MAXIMUM.—The total number of visas actually used under paragraph (1) may not exceed 50,000.''.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and concur in the same.

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NORMAN D. DICKS,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
CHET EDWARDS,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK LEAHY
(with exception for REAL ID),
TOM HARKIN
(with exception for REAL ID),
BARBARA MIKULSKI
(with exception for REAL ID),
HARRY REID
(with exception for REAL ID),
BYRON L. DORGAN
(with res.—conference did not reconvene),
DIANNE FEINSTEIN
(with exception for REAL ID),
TIM JOHNSON,
MARY LANDRIEU,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included in the reports of the House (H. Rept. 109–16) and of the Senate (S. Rept. 109–52) accompanying H.R. 1268 should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

This conference agreement is organized by subject matter. Due to certain jurisdictional differences between the subcommittees of the House and the Senate Committees on Appropriations, the accounts and programs of certain subcommittees are, in some cases, displayed within titles or chapters with the accounts and programs of other subcommittees. The organizational structure of this conference agreement does not predetermine the organization of conference agreements on the fiscal year 2006 appropriations bills.

TITLE I—DEFENSE-RELATED APPROPRIATIONS

The conference agreement recommends $75,888,262,000 for the Department of Defense, instead of $76,923,910,000, as proposed by the House, and $74,800,257,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

[In thousands of dollars]

Account	Request	House	Senate	Conference
Military Personnel:				
Military Personnel, Army	13,298,942	13,321,742	13,609,308	13,609,208
Military Personnel, Navy	524,980	534,080	535,108	535,108
Military Personnel, Marine Corps	1,246,126	1,251,726	1,358,053	1,358,053
Military Personnel, Air Force	1,316,572	1,473,472	1,684,943	1,599,943
Reserve Personnel, Army	39,627	40,327	39,627	39,627
Reserve Personnel, Navy	9,411	11,111	9,411	9,411
Reserve Personnel, Marine Corps	4,015	4,115	4,015	4,015
Reserve Personnel, Air Force	130	130	130	130
National Guard Personnel, Army	429,200	430,300	291,100	291,100
National Guard Personnel, Air Force	91	91	91	91
Total Military Personnel	16,869,094	17,067,094	17,531,786	17,446,686
Operation and Maintenance:				
O&M, Army	17,267,304	17,432,304	16,767,304	16,980,304
Transfer from Afghan Security Forces Fund	-	-	[290,000]	[290,000]
Transfer from Iraq Security Forces Fund	-	-	[210,000]	[210,000]
O&M, Navy	3,423,501	3,030,801	3,430,801	3,030,574
O&M, Marine Corps	970,464	982,464	970,464	982,464
O&M, Air Force	5,601,510	5,769,450	5,528,574	5,627,053
O&M, Defense-Wide	3,521,327	3,061,300	3,308,392	3,042,265
O&M, Army Reserve	8,154	8,154	21,354	26,354
O&M, Navy Reserve	75,164	75,164	75,164	75,164
O&M, Marine Corps Reserve	24,920	24,920	24,920	24,920
O&M, Army National Guard	188,779	188,779	326,879	326,850
Overseas Humanitarian, Disaster and Civic Aid	10,000	10,000	-	0
Afghanistan Security Forces Fund	1,285,000	1,285,000	1,285,000	1,285,000
Transfer to O&M,A for Train and Equip	-	-	[290,000]	[290,000]
Iraq Security Forces Fund	5,700,000	5,700,000	5,700,000	5,700,000
Transfer to O&M,A for Train and Equip	-	-	[210,000]	[210,000]
Total Operation and Maintenance	38,076,123	37,568,336	37,438,852	37,100,948
Procurement:				
Aircraft Procurement, Army	458,677	458,677	458,677	458,677
Missile Procurement, Army	294,036	340,536	280,250	310,250
Procurement of WTCV, Army	2,425,207	2,678,747	2,406,447	2,551,187
Procurement of Ammunition, Army	475,000	532,800	475,000	532,800
Other Procurement, Army	5,316,405	6,634,905	5,322,905	6,250,505
(By transfer - Iraq Freedom Fund)	-	[85,000]	-	0
Aircraft Procurement, Navy	200,295	200,295	200,295	200,295
Weapons Procurement, Navy	71,600	71,600	66,000	66,000
Procurement of Ammunition, Navy & Marine Corps	133,635	141,735	133,635	139,635
Other Procurement, Navy	85,672	78,372	78,397	78,397
Procurement, Marine Corps	2,974,045	3,588,495	2,929,045	3,283,042
Aircraft Procurement, Air Force	269,241	279,241	269,309	277,309
Procurement of Ammunition, Air Force	6,998	6,998	6,998	6,998
Other Procurement, Air Force	2,834,328	2,658,527	2,653,760	2,577,560
Procurement, Defense-Wide	591,327	646,327	591,327	645,939
Total Procurement	16,136,466	18,317,255	15,872,045	17,378,594

[In thousands of dollars]

Account	Request	House	Senate	Conference
Research, Development, Test and Evaluation				
RDT&E, Army	25,170	25,170	37,170	37,170
RDT&E, Navy	179,051	202,051	179,051	204,051
RDT&E, Air Force	102,540	121,500	132,540	142,500
RDT&E, Defense-Wide	153,561	159,600	203,561	253,561
Total RDT&E	460,322	508,321	552,322	637,282
Revolving and Management Funds:				
Defense Working Capital Funds	1,311,300	1,411,300	1,311,300	1,511,300
National Defense Sealift Fund	32,400	32,400	32,400	32,400
Total Revolving and Management Funds	1,343,700	1,443,700	1,343,700	1,543,700
Other Department of Defense Programs				
Defense Health Program	175,550	175,550	225,550	210,550
Drug Interdiction and Counter-Drug Activities Defense	257,000	257,000	227,000	242,000
Office of the Inspector General	148	148	148	148
Related Agencies				
Intelligence Community Management Account	250,300	250,300	250,300	250,300
Military Construction				
Military Construction, Army	990,100	930,100	897,191	847,191
Military Construction, Navy and Marine Corps	107,380	92,720	107,380	139,880
Militray Construction, Air Force	301,520	301,386	140,983	140,983
Total Military Constructiion	1,399,000	1,324,206	1,145,554	1,128,054
General Provisions:				
General Transfer Authority - Supplemental	[+5,000,000]	[+2,000,000]	[+2,000,000]	[+3,000,000]
General Transfer Authority - FY05 - Sec. 8005	[+2,500,000]	[+2,000,000]	[+2,185,000]	[+2,685,000]
Defense Cooperation Account Transfer	12,000	12,000	-	-
Additional Amount for "Other Procurement, Army"	-	-	213,000	-
Rescission - Iraq Freedom Fund	-	-	-	(50,000)
Grand Total	74,979,703	76,923,910	74,800,257	75,888,262
(By transfer - Iraq Freedom Fund)	-	[85,000]	-	-

[1] Numbers in brackets do not add.

MEASURING STABILITY AND SECURITY IN IRAQ

In the wake of the recent Iraqi elections, public discourse about the u.S. occupation of that country has focused on the need for and the advisability of declaring a timetable for U.S. military withdrawal. Instead of focusing on exit strategies, however, the conferees believe there is a need to recast this debate by considering ''strategies for success''. Success in Iraq will be achieved, of course, only to the extent any new Iraqi government can legitimately and effectively rule the country, which in turn largely depends on that government's ability to protect its people and secure its borders.

The discussion on this issue should not be simply about how many Iraqi forces have been trained and equipped, but about how many can perform to reasonable standards so that they may be expected to successfully conduct their assigned missions. This is the basis for assessing U.S. military readiness, and should serve as the basis for judging the capabilities of Iraqi security forces.

The conferees believe that the Administration must develop and provide to the Congress a more comprehensive set of performance indicators and measures of stability and security in Iraq than is currently available. This undoubtedly will lead to a more informed debate over how best to allocate U.S. resources to help secure Iraq. As such, the conferees direct the Secretary of Defense (in consultation with other appropriate members of the , National Security Council) to provide a report to the Speaker of the House of Representatives, the Majority Leader of the Senate, and the congressional defense committees that identifies security, economic, and Iraqi security force training performance standards and goals, accompanied by a notional timetable for achieving these goals. At a minimum, the report should include detailed descriptions of the following:

Stability and Security in Iraq:

- Key measures of political stability, including the important political milestones that must be achieved over the next several years.
- The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends describing numbers and types of ethnic and religious-based hostile encounters, and so on. In addition, the report should include:

—The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters; and,

—A description of all militia operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

- The key indicators of economic activity that should be considered as the most important for determining the prospects of stability in Iraq, including: unemployment levels; electricity, water, and oil production rates; and hunger and poverty levels.
- The criteria the Administration will use to determine when it is safe to begin withdrawing our forces from Iraq.

Security Force Training and Performance:

- The training Iraqi military and other Ministry of Defense forces have received and what equipment they are using. In particular, the report should include the key criteria for assessing the capabilities and readiness of the Iraqi military forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.
- The operational readiness status of the Iraqi military forces, including: the type, number, size, and organizational structure of Iraqi battalions that are:

—Capable of conducting counterinsurgency operations independently;

—Capable of conducting counterinsurgency operations with the support of U.S. or coalition forces; and,

—Not ready to conduct counterinsurgency operations.

- The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated these forces.
- The training Iraqi police and other Ministry of Interior forces have received and what equipment they are using. In particular, the report should include the key criteria for assessing the capabilities and readiness of these forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals. This should include:

—The number of police recruits that have received classroom training and the duration of such instruction;

—The number of veteran police officers who have received classroom instruction and the duration of such instruction;

—The number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

—The number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and,

—Attrition rates and measures of absenteeism and infiltration by insurgents.

- The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending Iraq's borders and providing adequate levels of law and order throughout the country.
- The effectiveness of the Iraqi military and police officer cadres and the chain of command.
- The number of U.S. and coalition advisors needed to support the Iraqi security forces and associated ministries.

Finally, the conferees direct the Secretary to include in this report (or classified annex to the report, as necessary) an assessment of U.S. military requirements, including planned force rotations, through the end of calendar year 2006. The conferees direct the Secretary to submit this report not later than 60 days after the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2006.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

VETERAN-OWNED BUSINESSES

The conferees are aware that Presidential Executive Order 13360, issued on October 20, 2004, established a goal of not less than 3 percent for participation by service-disabled veteran-owned businesses in Federal contracting with the Department of Defense and all Federal agencies. The conferees note with concern that the Department is far from reaching that goal with only 0.2 percent of total prime contracts and 0.3 percent of total subcontracts awarded to service-disabled veteran-owned business in fiscal year 2003. The conferees would encourage the Department to follow the intent of Executive Order 13360 and make every effort to increase contracting opportunities with service-disabled veteran-owned businesses and to report to the congressional defense committees not later than September 30, 2005 a plan of action to reach the goal established by the President.

MILITARY PERSONNEL

The conference agreement recommends $17,446,686,000 for the Military Personnel accounts, instead of $17,067,094,000 as proposed by the House, and $17,531,786,000 as proposed by the Senate. Adjustments to the Military Personnel accounts are shown below:

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel, Army			
Incremental Wartime Costs	8,043,242	9,380,742	8,043,242
Basic Allowance for Housing	1,542,100	1,542,100	1,542,100
Active Duty Overstrength/Stop-Loss	1,337,400	-	1,337,400
Restore Baseline Reprogrammings	1,921,100	1,921,100	1,921,100
Enhanced Death Benefits	272,900	508,374	508,374
Recruiting and Retention	205,000	256,992	256,992
Total, Military Personnel, Army	13,321,742	13,609,308	13,609,208
Military Personnel, Navy			
Incremental Wartime Costs	491,480	491,480	491,480
Enhanced Death Benefits	18,900	19,928	19,928
Recruiting and Retention	23,700	23,700	23,700
Total, Military Personnel, Navy	534,080	535,108	535,108
Military Personnel, Marine Corps			
Incremental Wartime Costs	737,426	926,826	737,426
Active Duty Overstrength	189,400	-	189,400
Restore Baseline Reprogrammings	211,000	211,000	211,000
Enhanced Death Benefits	113,900	220,227	220,227
Total, Military Personnel, Marine Corps	1,251,726	1,358,053	1,358,053
Military Personnel, Air Force			
Incremental Wartime Costs	1,300,472	1,300,472	1,300,472
Active Duty Overstrength	148,000	360,000	275,000
Enhanced Death Benefits	17,000	16,471	16,471
Recruiting and Retention	8,000	8,000	8,000
Total, Military Personnel, Air Force	1,473,472	1,684,943	1,599,943
Reserve Personnel, Army			
Incremental Wartime Costs	-	30,727	-
Premobilization Training	18,427	-	18,427
Training Base Instructors	10,000	-	10,000
Recruiting and Retention	8,900	8,900	8,900
Enhanced Death Benefits	700	-	-
TTAD Special Missions	2,200	-	2,200
Foreign Language Proficiency Pay	100	-	100
Total, Reserve Personnel, Army	40,327	39,627	39,627

[In thousands of dollars]

Account	House	Senate	Conference
Reserve Personnel, Navy			
Incremental Wartime Costs	-	9,411	-
Pay and Allowances	2,811	-	2,811
Enhanced Death Benefits	1,700	-	-
Premobilizaiton Training	6,600	-	6,600
Total, Reserve Personnel, Navy	11,111	9,411	9,411
Reserve Personnel, Marine Corps			
Incremental Wartime Costs	-	4,015	-
Pay and Allowances/MOS Training	4,015	-	4,015
Enhanced Death Benefits	100	-	-
Total, Reserve Personnel, Marine Corps	4,115	4,015	4,015
Reserve Personnel, Air Force			
Incremental Wartime Costs/Foreign Language Proficiency Pay	130	130	130
National Guard Personnel, Army			
Incremental Wartime Costs	-	284,200	-
Premobilization Training	305,000	-	214,000
Enhanced Death Benefits	1,100	-	-
Security Guards	70,000	-	70,000
Recruiting and Retention	54,000	145,000	145,000
Recruiting and Retention (Transfer to O&M, Army National Guard)	-	(138,100)	(138,100)
Foreign Language Proficiency Pay	200	-	200
Subtotal, National Guard Personnel, Army	430,300	291,100	291,100
National Guard Personnel, Air Force			
Incremental Wartime Costs/Foreign Language Proficiency Pay	91	91	91
Total Military Personnel	17,067,094	17,531,786	17,446,686

OPERATION AND MAINTENANCE

The conference agreement recommends $37,100,948,000 for the Operation and maintenance accounts, instead of $37,568,336,000 as proposed by the House, and $37,438,852,000 as proposed by the Senate. Adjustments to the Operation and maintenance accounts are shown below:

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Army:			
Incremental Wartime Operating Costs	2,611,800	7,429,604	7,429,604
Personnel Support	1,377,900	-	-
Transportation	3,439,800	-	-
LOGCAP	1,518,400	1,518,400	1,518,400
Second Destination Transportation	1,231,800	1,231,800	1,231,800
Other Transportation	646,900	646,900	646,900
Depot Maintenance	1,401,300	1,401,300	1,401,300
Contractor Logistics Support	353,700	353,700	353,700
Other Maintenance Reset/Recap	1,003,400	1,003,400	1,003,400
SAPI Plates and Body Armor	63,000	-	63,000
Contract Linguists	165,300	165,300	165,300
Personnel Support	364,300	364,300	364,300
Training Base Expansion and Linguists Training	22,300	22,300	22,300
CONUS Base Support	320,804	320,700	320,700
Facilities Sustainment, Restoration, & Modernization	66,300	66,300	66,300
OCONUS Contract Security Guards	100,000	100,000	100,000
Army Working Capital Fund Spares	183,000	183,000	183,000
Other GWOT Support: Equipment; Services	136,100	136,100	136,100
Classified Activities and Support	142,600	142,600	142,600
Train and Equip	500,000	-	-
Transfer from Afghanistan Security Forces Fund		[290,000]	[290,000]
Transfer from Iraq Security Forces Fund		[210,000]	[210,000]
Lift and Sustain	200,000	400,000	400,000
Replenish Afghanistan Drawdown	83,300	83,300	83,300
Commanders Emergency Response Fund	854,000	854,000	854,000
Mobilization and Demobilization Base Support Operations	152,000	-	-
Project and Admin Office Support	329,500	329,500	329,500
LOGCAP Support to Green Zone	172,000	172,000	172,000
Classified Programs	190,400	190,400	190,400
Home Station Training Offset for Deployed Forces	(1,150,000)	(1,150,000)	(1,150,000)
Reprogramming Restoral	802,400	802,400	802,400
Medical Support for Tactical Units	150,000	-	150,000
Total Operation and Maintenance, Army	17,432,304	16,767,304	16,980,304

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Navy:			
Incidental Rate for Deployed Sailors	11,900	11,900	11,900
Morale, Welfare, and Recreation	8,300	8,300	8,300
Pre-Deployment Training	8,800	8,800	8,800
Steaming - Carrier and Expeditionary Strike Groups	145,000	145,000	145,000
Flying - Carrier and Expeditionary Strike Groups	451,700	451,700	451,700
Other Units (Seabees, Medical)	24,600	24,600	24,600
Aircraft and Ground Depot Maintenance	134,000	134,000	134,000
Ship Depot Maintenance	237,000	237,000	237,000
C4I, Logistics, Material, and Training Support	529,500	629,500	529,500
Uniformed Security Forces on MSC Ships	21,636	21,636	21,636
Increase in Composite Fuel Rate	521,000	521,000	521,000
Classified activities	52,300	52,300	52,073
Replenish Cash Drawdown in Aviation Maintenance [Transferred to Navy Working Capital Fund]	-	200,000	-
Afghan Freedom Support Act Drawdown	83,300	83,300	83,300
Home Station Training Offset for Deployed Forces	(159,300)	(159,300)	(159,300)
Airlift	525,500	625,500	525,500
Sealift	25,500	25,500	25,500
Miscellaneous Transportation	9,665	9,665	9,665
Marine Corps Transportation	393,100	393,100	393,100
Physical Security Equipment	7,300	7,300	7,300
Total Operation and Maintenance, Navy	3,030,801	3,430,801	3,030,574
Operation and Maintenance, Marine Corps:			
TDY	6,300	6,300	6,300
Clothing & Other Personnel Eqpt & Supplies	24,900	24,900	24,900
Medical Support/Health Services	3,500	3,500	3,500
Other Personnel Support	3,900	3,900	3,900
Morale, Welfare and Recreation	2,900	2,900	2,900
OPTEMPO (Fuel, Other POL, Parts)	311,380	311,380	311,380
SAPI Plates and Body Armor	12,000	-	12,000
Organizational Level Maintenance	150,900	150,900	150,900
Intermediate Level Maintenance	15,800	15,800	15,800
Depot Level Maintenance	92,400	92,400	92,400
Reconstitution/Setting the Force; Supplies	171,000	171,000	171,000
Support (C4I, Logistics, Material) and Training	95,584	95,584	95,584
Increase in Composite Fuel Rate	22,000	22,000	22,000
Peacetime Training Offset	(20,400)	(20,400)	(20,400)
Services and Contracts	81,700	81,700	81,700
Sealift	7,000	7,000	7,000
Miscellaneous Transportation Costs	1,600	1,600	1,600
Total Operation and Maintenance, Marine Corps	982,464	970,464	982,464

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Air Force:			
Personnel Support Costs	139,600	139,600	139,600
Operating Support/Flying Hours	2,371,000	2,371,000	2,371,000
Transportation	1,386,600	1,386,600	1,386,600
Fuel Rate Increase	809,900	809,900	809,900
Transportation Working Capital Fund Transfer	167,940	-	70,000
Contract Logistics Support/Depot Maintenance	628,800	628,800	628,800
Commercial Transportation	90,000	90,000	90,000
Classified and Other Support Costs	175,610	102,674	131,153
Total Operation and Maintenance, Air Force	5,769,450	5,528,574	5,627,053
Operation and Maintenance, Defense-Wide			
TJS -Combatant Commander Initiative Fund	25,000	25,000	25,000
TJS -Requirements Planning	-	4,300	-
Special Operations (SOCOM)	635,400	580,427	610,400
SOCOM - SOF Center in Jordan	-	-	-
AFIS - Stars and Stripes Distribution in Theater	6,600	6,600	6,600
DCAA - Contract Audit	5,600	5,600	5,600
DCMA - Contract Management	1,500	1,500	1,500
DODEA - Family Assistance Programs	92,000	92,000	92,000
DLSA - Legal Services	15,000	15,000	15,000
DSCA - Regional Centers	-	8,700	8,700
DSCA - Coalition Support	1,220,000	1,370,000	1,220,000
OSD Rewards Program	5,000	5,000	5,000
OSD Critical Infrastructure Protection	3,500	3,500	3,500
OSD Counter MANPADS	6,000	6,000	6,000
OSD Lift & Sustain	100,000	200,000	100,000
OSD - Network and Information Services (NII)	10,500	10,500	10,500
WHS- Iraq Project Contracting Office and OSD Pentagon Support	4,600	4,600	4,600
Other Programs/Intelligence	930,600	969,665	927,865
Total Operation and Maintenance, Defense-Wide	3,061,300	3,308,392	3,042,265

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Army Reserve			
Alerted Unit Training	5,154	5,135	5,154
Second Destination Transportation	2,400	2,389	2,400
Repair/Replace information/logistics Automation syst	600	630	600
Recruiting and Retention Support	-	13,200	13,200
Tuition Assistance	-	-	5,000
Total Operation and Maintenance, Army Reserve	8,154	21,354	26,354
Operation and Maintenance, Navy Reserve			
Reserve Flying Hours	22,800	22,800	22,800
Increased fuel rates	49,000	49,000	49,000
Operation Vigilant Mariner	3,364	3,364	3,364
Total Operation and Maintenance, Navy Reserve	75,164	75,164	75,164
Operation and Maintenance, Marine Corps Reserve			
Initial Issue,Travel,Training and Supplies	20,820	20,820	20,820
Reconstitution	3,100	3,100	3,100
Increased fuel rates	1,000	1,000	1,000
Total Operation and Maintenance, Marine Corps Res	24,920	24,920	24,920
Operation and Maintenance, Army National Guard			
Alerted Unit Training	8,800	8,800	8,800
Second Destination Transportation	12,600	12,629	12,600
Family Readiness Programs	10,000	10,000	10,000
ARNG Recruiting and Retention	157,379	295,450	295,450
Total Operation and Maintenance, Army National Gd.	188,779	326,879	326,850
Overseas Humanitarian, Disaster, and Civic Aid	10,000	-	-
Afghanistan Security Forces Fund	1,285,000	1,285,000	1,285,000
Transfer to O&M,A for Train and Equip		[290,000]	[290,000]
Iraq Security Forces Fund	5,700,000	5,700,000	5,700,000
Transfer to O&M,A for Train and Equip		[210,000]	[210,000]
Total Operation and Maintenance	37,568,336	37,438,852	37,100,948

MEDICAL SUPPORT FOR TACTICAL UNITS

The conferees recommend an increase of $150,000,000 in Operation and Maintenance, Army, to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The conferees encourage the Department of the Army to focus these funds on the replenishment of medical supply and equipment needs within the combat theaters, to include bandages and other blood-clotting supplies that utilize advanced hemostatic, wound-dressing technologies, and on the provision of medical care for soldiers who have returned home in a medical holdover status.

CRITICAL MEDICAL RESEARCH

The conferees believe the military treatment facilities and other medical research and teaching organizations of the Department of Defense are playing a critical role in support of our forces serving in harm's way in Iraq and Afghanistan. The conferees note that these facilities and organizations have provided and are continuing to provide much needed improvements in critical care for military personnel who have been wounded in battle.

The conferees recognize the need for maintaining all of our military medical facilities in time of war, believing the continuation of this capability to be of the highest importance. As such, the conferees direct that funding available to the Department of Defense should not be used to close any military medical facility which is conducting critical medical research, or medical training, or caring for wounded soldiers.

TELEPHONE CALLING CARDS FOR INJURED SERVICEMEMBERS

The conferees commend the individuals, organizations, and corporations who have donated telephone cards for use by injured servicemembers recuperating from injuries sustained while serving in the Global War on Terrorism. The conferees encourage the Services to distribute the donated cards to all military treatment facilities providing care to those injured during contingency operations. The Services should also ensure that servicemembers recuperating in Fisher Houses, Malone Houses, or similar rehabilitation facilities are provided phone cards on a similar basis.

POST DEPLOYMENT STAND-DOWN PROGRAM

The conferees are aware of the success of the Air National Guard's Post Deployment Stand-down Program. The conferees direct the Director, Army National Guard, in consultation with the Director, Air National Guard, to assess the feasibility and advisability of implementing a similar program for the Army National Guard. The Director, Army National Guard shall report his findings and recommendations to the congressional defense committees not later than September 30, 2005.

OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID

The conference agreement does not include $10,000,000 for Overseas Humanitarian, Disaster and Civic Aid proposed by the House.

AFGHANISTAN SECURITY FORCES FUND

The conference agreement includes $1,285,000,000 for the Afghanistan Security Forces Fund to accelerate efforts to provide assistance to Afghan Security Forces. The agreement includes a transfer of $290,000,000 from this fund to the Operation and Maintenance, Army account, as proposed by the Senate.

IRAQ SECURITY FORCES FUND

The conference agreement includes $5,700,000,000 for the Iraq Security Forces Fund to accelerate efforts to provide assistance to Iraqi Security Forces. The agreement includes a transfer of $210,000,000 from this fund to the Operation and Maintenance, Army account, as proposed by the Senate.

PROCUREMENT

The conference agreement includes a total of $17,378,594,000 for various procurement appropriations, instead of $18,317,255,000 as proposed by the House and $15,872,045,000 as proposed by the Senate.

The following table identifies changes made to the request and other funding provided.

[In thousands of dollars]

	House	Senate	Conference
Aircraft Procurement, Army			
UH-60 Blackhawk (MYP)	50,800	50,800	50,800
GUARDRAIL MODS (TIARA)	13,650	13,650	13,650
ARL MODS (TIARA)	36,000	36,000	36,000
Longbow	321,100	321,100	321,100
ASE Infrared CM	37,127	37,127	37,127
Total Aircraft Procurement, Army	458,677	458,677	458,677
Missile Procurement, Army			
Javelin (AAWS-M) System Summary	146,786	133,000	133,000
TOW 2 System Summary	52,000	52,000	52,000
Army Tactical Missile Systems (ATACMS) System Summary	91,000	91,000	91,000
ITAS/TOW MODS	50,750	4,250	34,250
Total Missile Procurement, Army	340,536	280,250	310,250
Procurement of Weapons and Tracked Combat Vehicles, Army			
Bradley Base Sustainment	1,254,764	1,254,764	1,254,764
Stryker	114,040	44,500	114,040
Carrier, Mod	209,332	209,332	209,332
FIST Vehicle (MOD)	147,140	147,140	147,140
BFVS Series (MOD)	59,700	33,700	53,700
Howitzer, Med SP FT 155MM M109A6 (MOD)	625	625	625
System Enhancement Pgm: SEP M1A2	294,000	294,000	294,000
Abrams Mod	90,000		-
Armor Machine Gun, 7.62MM M240 Series	59,358	59,358	59,358
Machine Gun, 5.56MM (SAW)	19,860	19,860	19,860
Grenade Launcher, Auto, 40MM, MK19-3	23,841	23,841	23,841
Mortar Systems	24,254	24,254	24,254
M107, CAL .50, Sniper Rifle	3,755	3,755	3,755
Modification of Weapons	68,000	-	55,200
5.56 Carbine M4	55,380	55,380	55,380
Common Remotely Operated Weapons Station (CROWS)	11,300	11,300	11,300
M4 Carbine Mods	436	436	436
Squad Automatic Weapon (MOD)	732	732	732
Medium Machine Guns (MODS)	1,344	1,344	1,344
Howitzer, Light, Towed, 105MM	58,157	58,157	58,157
Items Less Than $5.0M (WOCV-WTCV)	6,249	6,249	6,249
Small Arms Equipment (Soldier Enhancement Program)	8,600	8,600	8,600
IRV	165,360	146,600	146,600
Armored Vehicle Launch Bridge (AVLB)	2,520	2,520	2,520
Total WTCV, Army	2,678,747	2,406,447	2,551,187
Procurement of Ammmunition, Army			
Ammunition Production Base	57,800	-	57,800
CTG, 5.56 MM, All Types	76,682	76,682	76,682
CTG, 7.62 MM, All Types	55,803	55,803	55,803
CTG, .50 CAL, All Types	52,515	52,515	52,515
CTG, 25 mm, All Types	4,523	4,523	4,523
CTG, 30MM, All Types	7,162	7,162	7,162
CTG, 40 mm, All Types	84,841	84,841	84,841
60 mm Mortar, All Types	20,017	20,017	20,017
81 mm Mortar, All Types	55,402	55,402	55,402
CTG, Mortar, 120 MM, All Types	81,540	81,540	81,540
CTG, Tank, 120 mm Tactical, All Types	15,000	15,000	15,000
Rocket, Hydra 70, All Types	12,941	12,941	12,941
Demolition Munitions, All Types	6,020	6,020	6,020
Grenades, All Types	1,952	1,952	1,952
Signals, All Types	386	386	386
Items Less Than $5 million	216	216	216
Total Procurement of Ammunition, Army	532,800	475,000	532,800

[In thousands of dollars]

	House	Senate	Conference
Other Procurement, Army			
Tactical Trailers/Dolly Sets	6,051	6,051	6,051
Semitrailer, Flatbed	712	712	712
Up-Armored HMMWV	51,300	-	150,000
Hi Mob Multi-Purp Whld Veh (HMMWV)	455,027	320,827	400,827
Family of Medium Tactical Vehicles (FMTV)	735,432	334,432	559,432
Family of Heavy Tactical Vehicles	516,677	309,577	423,577
Armored Security Vehicle (ASV)	550,300	550,300	550,300
Mine Protection Vehicle Family	24,950	24,950	24,950
Truck, Tractor, Line Haul, M915/M916	10,384	10,384	10,384
Heavy Expanded Mobile Tactical Truck Ext Serv Program	90,270	90,270	90,270
HMMWV Recapitalization Program	122,594	122,594	122,594
Modification of In Service Equipment (Note: includes funding for Add-on Armor kits; Gunner Protective Kit; Rollover Protection Kits. In addition, of the amounts provided within this line not less than $4 million is available only for Mobile Up-Armor Retrofit Kits).	610,900	562,900	610,900
SHF TERM	27,000	27,000	27,000
NAVSTAR-GPS	27,800	27,800	27,800
Army Data Distribution System	29,130	29,130	29,130
SINCGARS Family	792,856	718,856	767,356
Bridge to Future Networks	432,300	432,300	432,300
Radio Improved HF Family	147,300	119,300	136,300
Army Key Management System (AKMS)	19,000	19,000	19,000
WW Technical Control Improvement Program	26,000	26,000	26,000
Information Systems	50,000	50,000	50,000
All Source Analysis System	27,385	27,385	27,385
Prophet	94,884	94,884	94,884
TUAV	172,700	172,700	172,700
Digitized Topographic Support System	11,200	11,200	11,200
Distributed Common Ground System - Army	840	840	840
MOD-In-SVC (Intel Spt)	4,800	4,800	4,800
CI Humint Info Management System	30,800	30,800	30,800
Items less than $5M (Trojan Spirit)	60,050	60,050	60,050
Warlock (Note: of the funds provided in this line the conferees recommend $10 million for rapid fielding of the Low Cost Jammer)	60,000	25,000	60,000
Sentinel	3,235	3,235	3,235
Night Vision Devices	131,629	37,629	96,629
Long Range Adv Scout Surveillance System	48,870	48,870	48,870
Night Vision Thermal Weapon Sight	2,835	2,835	2,835
JLENS Family	74,100	74,100	74,100
Artillery Accuracy EQ	10,900	10,900	10,900
Profiler	24,600	24,600	24,600
MOD-M-SVC-EQ (Firefinder Radars)	20,200	20,200	20,200
Force XXI Battle Cmd Bde & Below (FBCB2)	146,100	-	66,100
Lightweight Laser Designator/Range Finder	31,000	31,000	31,000
Computer Ballistics: LHMBC	7,232	7,232	7,232
Mortar Fire Control System	66,500	66,500	66,500
Tactical Operations Center	71,900	71,900	71,900
Advanced Field Artillery Tactical (Data Sys)	10,950	10,950	10,950
Battle Command Sustainment Support System	43,450	43,450	43,450
FAAD C2	141,000	66,000	141,000
Knight Family	38,400	38,400	38,400
Maneuver Control System (MCS)	30	30	30
Tactical Bridge Float Ribbon	1,556	1,556	1,556
Handheld Stand-off Mine Detection System (HSTAMIDS)	18,300	-	10,000
Items Less Than $5 million (Eng Spt Eq)	110	110	110
Distribution System Petroleum and Water	36,400	36,400	36,400
Water Purification System	50,205	50,205	50,205
Combat Support Medical	300	300	300
Shop Equipment Contact Maint Truck	48,011	48,011	48,011
Welding Shop, Trailer MTD	4,452	4,452	4,452
Items Less Than $5M (Maint Eq)	462	462	462
Loaders	1,780	1,780	1,780
Tractor, Full Tracked	1,480	1,480	1,480
Generators and Associated Equipment	79,866	79,866	79,866

[In thousands of dollars]

	House	Senate	Conference
Rough Terrain Handler	1,000	1,000	1,000
Calibration Sets	13,250	13,250	13,250
Integrated Family Of Test Equipment	8,210	8,210	8,210
Test Equipment Modernization (Spectrum Analyzer TEMOD)	3,300	3,300	3,300
Building, Pre-Fab, Relocatable	252,550	252,550	252,550
Classified programs	52,100	52,100	52,100
Total Other Procurement, Army	6,634,905	5,322,905	6,250,505
Aircraft Procurement, Navy			
EA-6(B) Series Mods	11,000	11,000	11,000
AV-8(B) Series Mods	1,600	1,600	1,600
F/A-18 Series Mods	49,800	49,780	49,780
AH-1W Series Mods	1,800	1,790	1,790
H-53 Series Mods	40,500	40,500	40,500
SH-60 Series Mods	19,000	19,030	19,030
H-1 Series Mods	1,700	1,651	1,651
EP-3 Series Mods	13,000	13,000	13,000
P-3 Series Mods	8,400	8,400	8,400
C-130 Series Mods	12,400	12,417	12,417
Common ECM Equipment	24,895	24,907	24,907
Common Ground Equipment	5,200	5,220	5,220
War Consumables – Aircraft Armament Equipment	11,000	11,000	11,000
Total, Aircraft Procurement, Navy	200,295	200,295	200,295
Weapons Procurement, Navy			
Hellfire Missile	43,000	43,000	43,000
Small Arms and Weapons	28,600	23,000	23,000
Total, Weapons Procurement, Navy	71,600	66,000	66,000
Procurement of Ammmunition, Navy and Marine Corps			
Navy			
Air Expendable Countermeasures	11,000	11,000	11,000
Small Arms and Landing Party Ammunition	20,959	20,959	20,959
76 MM Gun Ammunition	1,697	1,697	1,697
Other Ship Gun Ammunition	4,060	4,060	4,060
Pyrotechnics and Demolition Material	1,276	1,276	1,276
Ammo Less than $5 million	2,350	2,350	2,350
Marine Corps			
Linear Charges	8,620	8,620	8,620
Fuzes	4,516	4,516	4,516
5.56mm Ammunition	6,626	3,626	5,926
7.62mm Ammunition	3,844	2,044	3,444
.50 Cal Ammunition	7,010	3,810	6,110
40mm Ammunition	7,100	7,100	7,100
60mm Ammunition	3,277	3,277	3,277
81mm Ammunition	9,625	9,625	9,625
120mm Ammunition	18,634	18,634	18,634
25mm Amunition	4,654	4,654	4,654
9mm Ammunition	185	85	85
Grenades	5,900	5,900	5,900
Rockets	2,766	2,766	2,766
Artillery	8,432	8,432	8,432
Demolition Munitions	9,163	9,163	9,163
Items Less than $5 million	41	41	41
Total, Procurement of Ammunition Navy and Marine Corps	141,735	133,635	139,635

[In thousands of dollars]

	House	Senate	Conference
Other Procurement, Navy			
MATCALS	2,829	2,830	2,830
Gun Fire Control Equipment	600	600	600
Passenger Carrying Vehicles	223	220	220
Construction and Maintenance Equipment	5,356	5,360	5,360
Tactical Vehicles	28,228	28,227	28,227
Command Support Equipment	500	500	500
Medical Support Equipment	1,300	1,300	1,300
C4ISR Equipment	920	920	920
Physical Security Equipment	26,140	26,140	26,140
Items Less Than $5 Million	12,276	12,300	12,300
Total, Other Procurement, Navy	78,372	78,397	78,397
Procurement, Marine Corps			
AAV7A1 Product Improvement Program (PIP)	43,486	43,486	43,486
Light Armored Vehicle (LAV) Product Improvement Program (PIP)	620,705	343,210	518,205
Unit Operations Center	120,903	113,500	113,500
Night Vision Equipment	705,500	481,650	575,650
Common Computer Resources	44,155	44,160	44,155
Radio System	342,371	239,270	294,271
Communication Switching & Control Systems	64,909	64,910	64,909
Repair and Test Equipment	-	370	368
General Purpose Tools & Test Systems	-	5,910	5,910
Global Combat Support System	-	35,550	35,547
Items Under $5 Million (Comm & Elec)	-	900	900
Air Operations C2 Systems	-	8,210	8,208
Joint Tactical Radio Systems	-	1,990	1,986
RADAR SET AN/TPS-59	-	25,970	25,970
Fire Support System	-	42,770	42,767
Small Unit Remote Scouting System [SURSS]	-	500	503
Intelligence Support Equipment	-	21,290	21,289
Mod Kits (Intel)	-	80	81
Visual Information System [VIS]	-	19,630	19,630
Command Post Systems	-	3,270	3,272
Comm & Elec Infrastructure Support	-	3,240	3,238
HMMWV	236,781	186,780	216,781
Motor Transport Mods (Armor kits for MTVRs)	289,100	289,100	289,100
Medium Tactical Vehicle Replacement--MTVRs, combat losses	199,399	199,400	199,399
Logistics Vehicle System Replacement (Note: only for interim heavy lift capability)	111,139	111,140	111,139
Commercial Passenger Vehicles	-	5,000	5,000
Commercial Cargo Vehicles	-	1,160	1,159
Family of Tactical Trailers	-	19,800	19,796
Items Less Than $5 Million	-	4,400	4,396
Amphibious Raid Equipment	91,206	91,210	91,206
Family of EOD Equipment	107,672	107,672	107,672
Classified Program	1,800	1,800	1,800
Other Weapons & Combat Vehicles (various)	100,865	-	-
Improved Recovery Vehicle [IRV]	-	13,850	13,850
Modification Kits (Armor and Fire Support)	-	10,400	10,400
Marine Enhancement Program	-	877	868
Weapons and Combat Vehicles Under $5 Million	-	28,790	28,777
Modular Weapon System	-	14,700	14,699
Operations Other Than War	-	32,270	32,271
Guided Missiles and Equipment--TOW IIB and Javelin	76,340	-	-
Javelin	-	34,540	34,540
Modification Kits	-	41,800	41,800
Other Communications & Electronic Equipment	169,730	-	-
Other Support Vehicles	30,351	-	-
Engineering & Other Equipment	232,083	-	-
Environmental Control Equipment Assort	-	6,690	6,690
Bulk Liquid Equipment	-	28,470	28,471
Tactical Fuel Systems	-	22,260	22,255
Nitrile Rubber Collapsible Storage Units	-	2,400	2,400
Demolition Support Systems	-	7,280	7,280
Power Equipment Assorted	-	40,580	40,578

[In thousands of dollars]

	House	Senate	Conference
Material Handling Equipment	-	27,580	27,575
Family of Incident Response	-	80	84
Training Devices	-	42,460	42,460
Container Family	-	1,170	1,170
Family of Construction Equipment	-	35,020	35,020
Family of Internally Transportable Veh [ITV]	-	760	759
Bridge Boats	-	12,550	12,549
Rapid Deployable Kitchen	-	-	61
Modification Kits	-	1,170	1,169
Items Less Than $5 Million	-	6,020	6,023
Total Procurement, Marine Corps	3,588,495	2,929,045	3,283,042
Aircraft Procurement, Air Force			
ATP/Rover PACMAN	2,700	2,700	2,700
C-17 LAIRCM	95,000	95,000	95,000
C-5 Missile Warning System	3,800	3,800	3,800
C-40 LAIRCM	63,600	63,600	63,600
Improved Ballistic Armor Sub-System	1,700	1,700	1,700
TARS	11,800	11,800	11,800
Improved Hoover Infra Red Suppression System (I-HIRSS)	4,700	4,700	4,700
A/OA-10 Extended Duration Covert Infrared Countermeasures System	12,400	12,400	12,400
C-130 LAIRCM	25,000	25,000	25,000
JSTARS Blue Force Situational Awareness	11,000	11,000	11,000
WRM Aerospace Ground Equipment Rotational Bomber Beddown	3,000	3,000	3,000
SENIOR SCOUT Aircraft Units	1,000	1,000	1,000
Global Hawk Mission Support Kit Spares	16,500	16,500	16,500
Global Hawk Production Delay and Disruption	1,800	1,800	1,800
U-2 SYERS-2	6,800	6,800	6,800
National Airborne Operations Center	8,441	8,441	8,441
Predator B Aircraft Initial Spares	5,000	-	5,000
Predator A Retrofit	2,000	-	-
OEF/OIF Predator B MTSB Initial Spares	3,000	-	3,000
Red Horse Response Equipment (Transfer from OPAF)	-	68	68
Total Aircraft Procurement, Air Force	279,241	269,309	277,309
Procurement of Ammunition, Air Force			
Rifle Replacements	4,100	4,100	4,100
Demolition Munitions	2,898	2,898	2,898
Total Procurement of Ammunition, Air Force	6,998	6,998	6,998
Other Procurement, Air Force			
Night Vision Goggles	2,900	2,900	2,900
Battlefield Laser Rangefinder	1,200	1,200	1,200
STEEL EAGLE (Note: of the funds provided within this line, $5 million is available only for Tactical Data Link (Project J) Equipment)	14,000	15,000	15,000
Cargo Pallets and Nets	43,828	43,957	43,957
Battlefield Development Course	1,400	1,429	1,429
Survival Radios	8,900	8,864	8,864
Red Horse Response Equipment	3,400	3,298	3,298
Special Purpose Vehicles	13,800	13,807	13,807
Red Horse Vehicles	19,200	19,220	19,220
Emergency Response Vehicles	200	160	160
EOD Tactical Radios	7,500	7,500	7,500
EOD Robotic System	300	285	285
EOD Systems	200	163	163
Deployable Independent Communication Element	4,000	4,000	4,000
Weather Observation Equipment	4,900	4,860	4,860
TPN-19 Radar Spares	2,400	2,400	2,400
Thermal Imaging Equipment	1,600	1,621	1,621

[In thousands of dollars]

	House	Senate	Conference
X-Ray Equipment	2,100	2,100	2,100
Chemical Agent Monitor	1,300	1,250	1,250
Predator Receive Terminal	1,500	1,500	1,500
Medical Equipment	1,100	1,147	1,147
Rivet Joint Support Equipment	2,500	2,500	2,500
SATCOM Equipment	1,500	1,500	1,500
ARGUS Sensors	7,700	7,700	7,700
HEU Sensors	15,600	15,600	15,600
Distributed Common Ground System	-	95,000	-
Classified Programs	2,495,499	2,394,799	2,413,599
Total Other Procurement, Air Force	2,658,527	2,653,760	2,577,560
Procurement, Defense-Wide			
Information Systems Security Program	4,400	4,400	4,400
Global Command and Control System-Joint	2,700	2,700	2,700
Teleports Program	4,500	4,500	4,500
Items Less Than $5 Million	14,700	14,700	14,700
Classified Programs	105,500	105,500	105,085
Rotary Wing Upgrades and Sustainment	4,800	4,800	4,800
Combat Talon II	30,000	30,000	60,000
C-130 Modifications	2,700	2,700	2,700
SOF Ordnance	91,000	91,000	91,000
Communications Equipment and Electronics	83,427	27,900	47,927
SOF Intelligence Systems	6,700	6,700	6,700
Small Arms and Weapons	119,600	104,100	109,100
SOF Combatant Craft Systems	8,000	8,000	8,000
Tactical Vehicles	27,200	27,200	27,200
Theater Sets	-	16,000	16,000
SOF Operational Enhancements	78,800	78,800	78,800
Electro-Optical/Infrared Ground Sensors	23,400	23,400	23,400
Chem-Bio Individual Protection	7,000	7,000	7,000
Chem-Bio Decontamination	8,000	8,000	8,000
Chem-Bio Collective Protection	8,500	8,500	8,500
Chem-Bio Contamination Avoidance	15,400	15,427	15,427
Total Procurement, Defense-Wide	646,327	591,327	645,939
Total Procurement	18,317,255	15,872,045	17,378,594

MODULARITY

The conferees direct the Secretary of Defense to submit to the congressional defense committees a report, not later than September 1, 2005, detailing the Department of Defense's long-range plan for executing and funding the Army's Modular Force initiative (Modularity). The report should identify personnel and equipment requirements, unit restructuring timelines, and associated costs. In addition, the conferees are concerned that the budgeting methods employed to support this initiative may result in inefficient program management and acquisition practices. Accordingly, the conferees direct that this report also include DoD plans to review multi-year procurement authority or any other measures to ensure the DoD can contract for required equipment as efficiently as possible.

UP-ARMORED HMMWV REPORTING REQUIREMENT

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than 60 days after enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs). In addition, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than 60 days after enactment of this Act setting forth the most effective and efficient options available to the Department of Defense for transporting Up-Armored HMMWVs to Iraq and Afghanistan.

JOINT IMPROVISED EXPLOSIVE DEVICE (IED) NEUTRALIZER

Improvised Explosive Devices (IEDs) continue to kill and seriously injure U.S. Service men and women as they prosecute the Global War on Terrorism. The conferees are deeply concerned that currently employed counter-IED technology has failed to achieve desired results for our warfighters. The conferees are aware of a new direct discharge technology, known as Joint IED Neutralizer or JIN, which has recently demonstrated the capability to effectively neutralize IEDs. The conferees strongly encourage the Department of Defense to procure and employ JIN for counter-IED operations.

LITENING PODS

The conferees clarify that funding in the bill for additional F/A–18 LITENING pods is available for all Expeditionary Marine Corps F/A–18 aircraft.

SPECIAL OPERATIONS COMMAND

The conference agreement provides $475,627,000, an increase of $55,000,000 above the President's request, as proposed by the House, for equipment required by the United States Special Operations Command (USSOCOM) to prosecute the Global War on Terrorism. The conferees agree that from the additional funding provided $20,000,000 shall be for the procurement of Multi-Band/Multi Mission radios and that $5,000,000 shall be for Silver Fox Unmanned Aerial Vehicles. The conferees have adjusted the amounts in the project level table for the Communications Equipment and Electronics and the Small Arms and Weapons lines accordingly. The conferees are aware that, subsequent to the submission of the President's request, another Special Operations Combat Talon II aircraft was lost, significantly diminishing the combat capabilities of USSOCOM. The conferees agree that the remaining $30,000,000 of the funds provided above the request shall be used for a combat loss replacement aircraft.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides a total of $587,282,000 for Research, Development, Test and Evaluation appropriations, instead of $508,321,000 as proposed by the House, and $552,322,000, as proposed by the Senate. The following table identifies changes made to the request and other funding provided.

[In thousands of dollars]

Account	House	Senate	Conference
Research, Development, Test and Evaluation, Army			
Combating Terrorism, Technology Development (Note: of the funds available within this line not less than $3 million is available only for Suicide Bomber Detection and Interdiction Through Existing Sensor, Biometric, and Thermal Matrix Technologies)	17,170	17,170	17,170
Close-in APS for Stryker	-	12,000	12,000
Maneuver Control System	3,000	3,000	3,000
Force XXI Battle Command BDE and Below	200	200	200
Classified Program	4,800	4,800	4,800
Total Research, Development, Test and Evaluation, Army	25,170	37,170	37,170
Research, Development, Test and Evaluation, Navy			
USMC Advanced Technology Demo	20,171	20,171	20,171
TADIRCM for CH-53	14,900	14,900	14,900
Marine Corps Communications Systems	6,320	6,320	6,320
Classified Programs	160,660	137,660	160,660
Force Protection Applied Research/Thin Film Battery Technology	-	-	2,000
DDX Permanent Magnet Motor	-	-	[5,000]
Total, Research, Development, Test and Evaluation, Navy	202,051	179,051	204,051
Research, Development, Test and Evaluation, Air Force			
Mission Planning Systems	-	-	2,100
Global Hawk Upgrades (Note: of the funds available within this line, not less than $5 million is available only for Volumetric Radar Processing To Detect IEDs)	38,700	39,740	39,700
STEEL EAGLE	-	-	1,000
Classified Programs	79,700	89,700	99,700
Other Items	3,100	3,100	-
Total Research, Development, Test and Evaluation, Air Force	121,500	132,540	142,500
Research, Development, Test and Evaluation, Defense-Wide			
Quick Reaction Special Projects	13,100	13,100	13,100
Long Lead Items for Test GBIs	-	50,000	50,000
Classified Programs	146,500	140,461	140,461
Total, Research, Development, Test and Evaluation, Defense-Wide	159,600	203,561	203,561
Total Research, Development, Test and Evaluation	508,321	552,322	587,282

HIGH SPEED, HEAVY LIFT, SHALLOW DRAFT-CAPABLE WATERCRAFT DEMONSTRATION

The Department of Defense Appropriations Act, 2005 (Public Law 108–287) appropriated $6,300,000 under ''Research, Development, Test and Evaluation, Navy'' for the Varicraft program. To clarify the intent of Congress, the funding provided for this program in P. L. 108–287 is intended for the High Speed, Heavy Lift, Shallow Draft-Capable Watercraft Demonstration.

DDX PERMANENT MAGNET MOTOR

The conferees agree with language included in the Senate report regarding the DDX permanent magnet motor and direct that not less than $5,000,000 of the funds provided in this Act for ''Research, Development, Test and Evaluation, Navy'' be made available for this program.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement includes $1,511,300,000 for the Defense Working Capital Funds, instead of $1,411,300,000 as proposed by the House, and $1,311,300,000 as proposed by the Senate, to be allocated as follows:

[In thousands of dollars]

	Conference
Defense Logistics Agency (DLA) Fuel Costs.	842,300
Military Sealift Command Fuel Costs	67,000
DLA Fuel Delivery Costs	402,000
Navy Working Capital Fund	200,000

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides $32,400,000, as proposed by both the House and the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $210,550,000 for the Defense Health Program, instead of $175,550,000 as proposed by the House and $225,550,000 as proposed by the Senate. The increase above the request is directed to fund additional workload at Army military treatment facilities as a result of the global war on terrorism, including mental health and combat stress related care.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

The conferees strongly endorse the Senate Report language in its entirety with respect to Chemical Agents and Munitions Destruction and direct the Department of Defense to fully comply with the two reporting requirements therein.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $242,000,000, instead of $257,000,000 as proposed by the House, and $227,000,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $148,000 as proposed by both the House and the Senate.

RELATED AGENCIES

INTELIIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $250,300,000 as proposed by both the House and the Senate.

MILITARY CONSTRUCTION ARMY

The conference agreement includes $847,191,000, instead of $930,100,000 as proposed by the House and $897,191,000 as proposed by the Senate. The conference agreement also makes these funds available until September 30, 2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference agreement
Alaska: Fort Wainwright.	Aircraft Maintenance Hangar.	31,000,000	31,000,000
Alaska: Fort Wainwright.	Site Preparation and Utility Work.	11,000,000	11,000,000
Colorado: Fort Carson.	Barracks—Mobilization and Training.	26,000,000	26,000,000
Georgia: Fort Benning.	Site Preparation and Utility Work.	10,000,000	10,000,000
Kansas: Fort Riley	Barracks—Mobilization and Training.	22,000,000	22,000,000
Kansas: Fort Riley	Site Preparation and Utility Work.	25,000,000	25,000,000
New York: Fort Drum.	Aircraft Hangar and Site Preparation.	37,000,000	37,000,000
North Carolina: Fort Bragg.	Site Preparation and Utility Work.	19,000,000	19,000,000
Texas: Fort Bliss	Barracks—Mobilization and Training.	22,000,000	22,000,000
Texas: Fort Bliss	Site Preparation and Utility Work.	47,000,000	47,000,000
Afghanistan: Bagram.	CMU Barracks	16,100,000	16,100,000
Afghanistan: Bagram.	Fuel Tank Farm	57,000,000	
Afghanistan: Bagram.	JSOTF–A Joint Operations Center.	6,400,000	6,400,000
Afghanistan: Bagram.	Prime Power Generator.	31,600,000	
Afghanistan: Kandahar.	Ammunition Supply Point.	16,000,000	16,000,000
Cuba: Guantanamo Bay.	Camp 6 Detention Facility.	36,000,000	36,000,000
Cuba: Guantanamo Bay.	Radio Range Security Fence.	4,400,000	4,400,000
Iraq: Camp Hope	CMU Barracks	2,500,000	2,500,000
Iraq: Camp Taji	CMU Barracks	24,600,000	24.600,000
Iraq: Camp Warrior	Medical Facility	7,500,000	7,500,000
Iraq: Camp Warrior	Tactical Ops Building.	6,100,000	6,100,000
Iraq: LSA Anaconda	Battalion and Company HQ.	7,800,000	7,800,000
Iraq: LSA Anaconda	Equipment Support Activity.	17,100,000	17,100,000
Iraq: LSA Anaconda	Hospital Facility	39,000,000	39,000,000
Iraq: Marez	CMU Barracks	9,300,000	9,300,000
Iraq: Marez	Combat Support Hospital.	9,900,000	9,900,000
Iraq: Marez	Troop Medical Clinic.	2,900,000	2,900,000
Iraq: Muthanna	Harden Ammunition Bunkers.	11,300,000	11,300,000
Iraq: Various Locations.	CMU Barracks	55,200,000	55,200,000
Iraq: Various Locations.	Main Supply Route Aspen.	36,000,000	36,000,000
Iraq: Various Locations.	Overhead Cover System.	300,000,000	250,000,000
Worldwide Unspecified.	Planning and Design.	43,400,000	39,091,000
Total		990,100,000	847,191,000

Overhead Cover Systems and CMU Barracks.—The conference agreement includes funds for overhead cover systems and concrete masonry unit barracks to strengthen force protection measures to better protect troops against indirect fire attack. The conferees expect the Department to focus its force protection efforts on identified threats facing troops in Operation Iraqi Freedom and Operation Enduring Freedom such as rocket propelled grenades and mortar artillery. In doing so, the Department should purchase existing force protection technology that has been field-tested and certified against such threats, including, but not limited to, mortar-proof canopies and housing and blast resistant barriers.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement includes $139,880,000, instead of $92,720,000 as proposed by the House and $107,380,000 as proposed by the Senate. The Conference agreement also makes these funds available until September 30, 2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference agreement
California: Camp Pendleton.	Force Intel Operations Center.	8,700,000	8,700,000
California: Camp Pendleton.	Force Recon PLT Facility.	4,980,000	4,980,000
California: Twentynine Palms.	LAR Company BEQ	11,900,000	11,900,000
North Carolina: Camp Lejeune.	Mod 2D LAR Operations Complex.	3,840,000	3,840,000
North Carolina: Camp Lejeune.	Maintenance Complex, 1/9.	5,880,000	5,880,000
North Carolina: Camp Lejeune.	BEQ 1/9	30,480,000	30,480,000
North Carolina: Camp Lejeune.	Mod Force Recon Operations Complex.	3,240,000	3,240,000
North Carolina: Camp Lejeune.	BEQ 2/9		32,500,000
Djibouti: Camp Lemonier.	Personnel Billeting	27,710,000	27,710,000
Djibouti: Camp Lemonier.	Security Fence	2,760,000	2,760,000
Worldwide Unspecified.	Planning and Design.	7,890,000	7,890,000
Total		107,380,000	139,880,000

MARINE CORPS FORCE STRUCTURE REVIEW GROUP

The Department of Defense requested $75,020,000 in emergency funding for the Marine Corps Force Structure Review Group (FSRG) initiative, which will provide additional combat forces within the Marine Corps' current end-strength of 175,000. By increasing the number of combat-ready marines while turning over less essential tasks to civilians, FSRG will help to alleviate the overall stress on the Marine Corps produced by deployments related to the Global War on Terrorism. While the conferees understand and support this initiative, they are concerned over the manner in which the military construction requirements were programmed and budgeted. Although the FSRG initiative was set in motion in April 2004, no funding for FSRG military construction was programmed into the fiscal year 2006 budget request. The Marine Corps and DOD instead chose to use this supplemental request as the sole vehicle for funding the FSRG, yet the emergency appropriation requested provides only half of the fiscal year 2005 requirement. The conferees are disappointed that the FSRG was deemed important and urgent enough to proceed immediately, yet the appropriate budgeting decisions were not given commensurate priority. The conferees expect that future military construction requests for the Marine Corps, including any fiscal year 2006 budget amendment, will include the necessary funding to accommodate the force structure and basing decisions being made under FSRG.

The conferees also note that the request was submitted prior to the final basing decision for the second of two new infantry battalions, the 1st and 2nd Battalions, 9th Marine Regiment, to be created under FSRG. After submission of the request, the Marine Corps confirmed that both battalions will be stationed at Camp Lejeune, North Carolina. These two battalions will add 1,904 marines at Camp Lejeune, more than half of the projected net increase of 3,546 to the base population under FSRG. A field visit to Camp Lejeune confirmed that the installation does not currently have adequate billeting for the existing base population, let alone the two battalions that the Marine Corps will begin standing up this year. The present occupancy rate at the camp already greatly exceeds the Marine Corps standard, and this situation will worsen under FSRG without remedial action. The conferees believe that additional unaccompanied housing is urgently needed at Camp Lejeune, and agree to provide $32,500,000 for the construction of bachelor enlisted quarters in support of the marines of the 2/9 Battalion.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $140,983,000 as proposed by the Senate, instead of $301,386,000 as proposed by the House. The conference agreement also makes these. funds available until September 30,

2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The fun.are provided as follows:

Location	Project description	Request	Conference agreement
Afghanistan: Bagram.	East Side Ramp/ Support Facilities/Infra.	17,600,000	17,600,000
Afghanistan: Bagram.	Control Tower	10,200,000	10,200,000
Afghanistan: Bagram.	Cargo Handling Area.	1,800,000	1,800,000
Afghanistan: Bagram.	Coalition Forces Ramp.	1,400,000	1,400,000
Iraq: Balad	CSAR/JSOAD/ Medevac Alert.	8,000,000	8,000,000
Iraq: Balad	Construct and Repair Munitions Roads.	2,700,000	2,700,000
Iraq: Balad	Repair/Install Airfield Lighting.	25,000,000	15,000,000
Iraq: Balad	Hot Cargo Pad	3,500,000	3,500,000
Iraq: Balad	Cargo/Marshalling Area.	15,000,000	15,000,000
Iraq: Balad	Special Operations Compound.	2,850,000	2,850,000
Iraq: Tallil	Temporary Cantonment Area.	10,800,000	10,800,000
Kuwait: Ali Al Salem.	Aerial Port	75,500,000	.....
UAE: Al Dhafra	ISR Launch, Recovery and Maint Complex.	66,000,000	.....
UAE: Al Dhafra	Aircraft Engine Run-up Pad.	1,400,000	1,400,000
Uzbekistan: Karshi-Khanabad.	Replace/Extend Runway and Taxiways.	42,500,000	42,500,000
Worldwide Unspecified.	Planning and Design.	17,270,000	8,233,000
Total	.....	301,520,000	140,983,000

Aerial Port, Ali Al Salem Air Base, Kuwait.—The Air Force requests $75,500,000 to construct the first phase of an Aerial Port at Ali Al Salem Air Base in Kuwait. The conference agreement provides no funding for this facility at this time.

The conferees support the United States presence in Kuwait and appreciate the longstanding cooperation between our two nations. The conferees also recognize the desire of the Government of Kuwait to move U.S. aerial port operations out of Kuwait City International Airport (KCIA) in order to free space at the airport for other uses. However, for several reasons, the conferees have declined to recommend funding for a new aerial port facility at this time.

The $75,500,000 in emergency supplemental appropriations requested for this facility would fund only the first phase of a nearly half-billion dollar plan for infrastructure improvements at Ali Al Salem. However, given construction times and the limited scope of the project proposed here, the first phase would provide neither emergency relief nor a complete replacement of the extant port capacity at KCIA. In addition, since submission of the supplemental request, the Air Force has learned that extensive runway repair at Ali Al Salem will be required for the base to accommodate the volume and type of air traffic envisioned in aerial port operations.

Moreover, as both the House and the Senate noted in their respective reports, the United States does not currently have a formal agreement with the host nation regarding future use of this facility or the sharing of costs for subsequent construction phases. Consequently, it is not possible for the conferees to determine the commitment the United States would be undertaking by providing the first phase of funding now. The conferees also believe that because of uncertainties regarding the future of other facilities in the region, there is some question as to whether an extensive aerial port facility in Kuwait will be required for the long-term. The conferees are not opposed to a U.S. contribution to what would be a mutually beneficial project, but encourage the Defense Department to first negotiate with the Government of Kuwait an agreement regarding appropriate phasing, use, and cost-sharing.

ISR Launch and Recovery Facility and Maintenance Complex, Al Dhafra Air Base, United Arab Emirates—The Air Force requests $66,000,000 to build these facilities. The conference agreement provides no funding for these facilities at this time.

As with the aerial port facility in Kuwait, this facility represents more a long-term investment in enduring infrastructure than it does an immediate response to emergency requirements. ISR operations have been conducted successfully from Al Dhafra for several years and while it would be more convenient to conduct operations from permanent rather than expeditionary facilities, the conferees do not believe this is a compelling argument for emergency appropriations. As is the case with Ali Al Salem, this project is only part of extensive additional construction envisioned at Al Dhafra, yet no agreement covering use or cost sharing has been negotiated with the host nation. The conferees recognize and value the extensive and ongoing cooperation between the United States and the United Arab Emirates and are not opposed in principle to a U.S. contribution to infrastructure investments at Al Dhafra. However, the conferees believe investment in this project would be inappropriate on an emergency basis and premature at this time.

ITEMS OF INTEREST TO THE MILITARY QUALITY OF LIFE SUBCOMMITTEE OF THE HOUSE AND THE MILITARY CONSTRUCTION SUBCOMMITTEE OF THE SENATE

Requested Reports.—The Department of Defense has submitted the long overdue overseas basing master plans; therefore, the conference agreement does not include a provision under the military construction accounts to prohibit the obligation of funds until these plans were submitted as proposed by the House. The Senate bill contained no similar provision.

The House report included a request for additional information from the Army, Marine Corps, and Air Force on issues related to the supplemental request. The Army reports were received on April 7, 2005. The Marine Corps and Air Force reports have not been received. The conferees are concerned with the Executive Branch's lack of responsiveness to Congressional requests and expect the Secretary and the Director of OMB to take steps to make this a high priority.

Budgeting for Enduring Installations.—The conferees approve of the Department's improved master planning efforts for overseas facilities, including those in the Central Command (CENTCOM) area of responsibility. A key benefit of master planning is the alignment of strategic objectives with budget needs over a long period of time. The conferees believe CENTCOM's master planning initiative is sufficiently well developed to enable future military construction at enduring facilities in the region to be incorporated into the regular authorization and appropriations process. The conferees expect the Department to pursue such initiatives through that avenue rather than through emergency appropriations.

GENERAL PROVISIONS—THIS TITLE

The conferees agree to retain and amend section 1001, as proposed by the House and Senate, which provides the Secretary of Defense authority to transfer up to $3,000,000,000 of funds made available in this title.

The conferees agree to retain and amend section 1002, as proposed by the House and the Senate, which amends section 8005 of the Department of Defense Appropriations Act, 2005 to provide an additional $2,685,000,000 in transfer authority.

The conferees agree to delete language, as proposed by the House, which provides that funds in the Defense Cooperation Account may be transferred to other defense accounts.

The conferees agree to retain section 1003, as proposed by the House and Senate, which provides that not more than $34,000,000 may be available for counter-drug activities of Afghanistan and $4,000,000 may be available for counter-drug activities of Pakistan.

The conferees agree to retain section 1004, as proposed by the House and Senate, which provides additional authority for extraordinary and emergency expenses.

The conferees agree to retain section 1005, as proposed by the House and Senate which makes technical changes to language which provides that during the current fiscal year working capital funds of the Department of Defense may increase the limitation on advance billing to $1,500,000,000.

The conferees agree to delete language, as proposed by the Senate, which provides that from funds made available in this Act under ''Operation and Maintenance, Defense-Wide'', $10,000,000 may be used to purchase and dispose of weapons. The conferees agree to provide for weapons buy back in section 1006, the Commander's Emergency. Response Program.

The conferees agree to retain and amend section 1006, as proposed by the House and Senate, which provides that section 1201(a) of the National Defense Authorization Act for Fiscal Year 2005, as amended by the Consolidated Appropriations Act, 2005 is further amended by striking ''$500,000,000'' and inserting ''$854,000,000'' for the Commander's Emergency Response Program.

The conferees agree to retain section 1007, as proposed by the House and Senate, which increases the amount of the funds for a classified program pursuant to section 8090(b) in Public Law 108–287.

The conferees agree to retain section 1008, as proposed by the House, which waives, for calendar year 2005 only, the $200,000 limitation on total compensation for civilian employees while in the Central Command's area of responsibility in support of military operations.

The conferees agree to retain section 1009, as proposed by the House and Senate, which provides the Director of National Intelligence (DNI) additional flexibility with respect to filling the additional positions authorized for the Office of the DNI.

The conferees agree to retain section 1010, as proposed by the House, which extends the authority for support to coalition liaison officers contained in the 2003 National Defense Authorization Act through December 31, 2005.

The conferees agree to retain section 1011, as proposed by the House and Senate, which includes a provision for authority to increase the maximum amount of the reserve affiliation bonus not to exceed $10,000.

The conferees agree to retain and amend section 1012, as proposed by the House and Senate, which amends title 38, to increase the maximum amount of coverage available for the Servicemembers' Group Life Insurance program to $400,000.

The conferees agree to retain and amend section 1013, as proposed by the House and Senate, which increases the death gratuity for combat and combat-related deaths, and provides a one-time retroactive death gratuity for—a member for the increased coverage of the Servicemembers' Group Life Insurance and increased amount of the death gratuity.

The conferees agree to delete language, as proposed by the Senate, which amends chapter 75 of title 10, to rename the death gratuity payable for deaths of members of the Armed Forces as ''Fallen Hero Compensation''.

The conferees agree to retain and amend section 1014, as proposed by the House and Senate, which provides that funds appropriated or made available by transfer for intelligence activities are deemed to be authorized for purposes of section 504 of the National Security Act of 1947.

The conferees agree to retain and amend section 1015, as proposed by the House and Senate, which prohibits funds provided in this Act to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees, except for certain Army ammunition programs.

The conferees agree to retain and amend section 1016, as proposed by the Senate, regarding chemical weapons demilitarization and the Assembled Chemical Weapons Alternatives program.

The conferees agree to retain and amend section 1017, as proposed by the Senate, which amends section 115 of division H of the fiscal year 2004 Consolidated Appropriations Act to provide grant authority. The conferees include language to provide grant authority for Woody Island from funds available for this purpose in ''Operation and Maintenance, Army'' in the fiscal year 2005 Defense Appropriations Act.

The conferees agree to retain section 1018, as proposed by the Senate, which transfers $19,000,000 from ''Shipbuilding and Conversion, Navy, 2005/2009'' for the LCU(X) program to ''Shipbuilding and Conversion, Navy, 1996/2008'' for the LPD–17 program; and designates this provision as an emergency requirement.

The conferees agree to retain and amend section 1019, as proposed by the Senate, which prohibits funds, made available in this Act, or by prior Acts, to be used to implement a winner-take-all strategy for the acquisition of DD(X), the next generation Navy destroyer.

The conferees agree to retain section 1020, as proposed by the Senate, which prohibits funds appropriated to the Department of Defense, by this Act or any other Act for fiscal year 2005 or any other fiscal year, from being used for any pay raise that is based on an employee's status as a career or non-career employee.

The conferees agree to retain section 1021, as proposed by the Senate, which earmarks $12,500,000 from funds made available in the Department of Defense Appropriations Act, 2005 only for industrial mobilization capacity at Rock Island Arsenal.

The conferees agree to retain and amend section 1022, as proposed by the Senate which extends the period of temporary continuation of Basic Allowance for Housing for dependents of members of the armed forces who die while on active duty, and includes a sunset provision.

The conferees agree to delete language, as proposed by the Senate, which provides sense of the Senate language concerning the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees.

The conferees agree to retain and amend section 1023, as proposed by the Senate, which prohibits the Department from charging military personnel for meals if they are undergoing medical recuperation or therapy at a military treatment facility.

The conferees agree to delete language, as proposed by the Senate, which prohibits funds to be obligated to implement or enforce certain orders and guidance, dated May 15, 2003, on the functions and duties of the General Counsel and Judge Advocate General of the Air Force.

The conferees agree to retain section 1024, as proposed by the Senate, which includes sense of the Senate language that any request for funds after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget for that fiscal year.

The conferees agree to delete language, as proposed by the Senate, requiring the President to submit to Congress reports concerning Iraqi security forces. Instead, the agreement includes a modified set of reporting requirements in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, requiring the Secretary of the Army to report to the congressional defense committees on the feasibility of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. This reporting requirement is addressed in the Statement of the Managers.

The conferees agree to retain and amend section 1025, as proposed by the Senate, which provide that funds available to the Department of the Navy in this Act will be provided for repair and maintenance. of the USS John F. Kennedy to extend the life of the carrier; prohibits funds available in this Act to be used to reduce the number of active aircraft carriers of the Navy below 12 until the Quadrennial Defense Review is submitted to Congress; and prohibits the Department of the Navy from changing command relationships to give Fleet Forces Command administrative and operational control of the Pacific Fleet.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor plates for armored vehicles, personal body armor systems, and other armor needs.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the procurement of Rapid Wall Breaching Kits for use in Operation Iraqi Freedom and Operation Enduring Freedom.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language to increase the amount of funds available for ''Operation and Maintenance, Army Reserve'' for tuition assistance programs. The conferees recommend an additional $5,000,000 for ''Operation and Maintenance, Army Reserve'' for tuition assistance programs, and address this issue in the Statement of Managers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language to make funds available from within ''Defense Health Program'' for Vaccine Health Care Centers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning Warlock and other field jamming systems, and address this elsewhere in the Statement of the Managers.

The conferees agree to retain and amend section 1026, as proposed by the Senate, which changes the application of section 411h of title 37 U.S.C. to provide through September 30, 2005 for one roundtrip to family members of seriously ill or injured military personnel hospitalized in a medical facility in or outside the United States, and family members of service members receiving treatment for injuries incurred in a combat area in a medical treatment facility in the United States; provides for funding from the services' operation and maintenance accounts; and requires the Secretary of Defense to report to the congressional defense committees on travel in any fiscal year that exceeds $20,000,000.

The conferees agree to retain section 1027, as proposed by the Senate, which prohibits the use of funds in this Act for termination of the existing joint service multiyear procurement contract for C/KC–130J aircraft.

The conferees agree to delete language, as proposed by the Senate, which provides for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs), and address this in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language to amend section 1079 of title 10, in order to increase the period of TRICARE coverage for children of servicemembers who die while on active duty.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the continuing development of the permanent magnet motor, and address this elsewhere in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the Man-Portable Air Defense (MANPAD) systems.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language that funds should be made available for the replenishment of medical supply and equipment needs of the Army, and address this in the Statement of the Managers.

The conferees agree to include a new section 1028, which prohibits funds in this Act to be used to revoke Purple Heart commendations awarded to members of the Armed Forces who have served in Operation Iraqi Freedom or Operation Enduring Freedom.

The conferees agree to include a new section 1029, which transfers $2,000,000 from ''Aircraft Procurement, Army'' to ''Research; Development, Test and Evaluation, Army'' for the Virtual Training Cockpit Optimization Program.

The conferees agree to retain and amend section 1030, as proposed by the House, which makes certain technical adjustments and directs the transfer of funds for the purpose of ensuring proper budget execution for critical force protection items previously funded.

The conferees agree to retain section 1031, as proposed by the Senate, which prohibits funds to be obligated to subject any person in custody or under the control of the United States to torture or cruel, inhuman, or degrading treatment or punishment.

The conferees agree to retain section 1032, as proposed by the Senate, which amends title 38, to provide a traumatic injury protection rider to servicemembers insured through the Servicemembers' Group Life Insurance (SGLI) under section 1967(a)(1) of title 38.

The conferees agree to include a new section 1033, which rescinds $50,000,000 from the ''Iraq Freedom Fund''.

The conferees agree to include a new section 1034, making technical corrections to Public Law 108–287 making available existing funds to the Paralyzed Veterans of America (PVA) Outdoor Sports Heritage Fund.

The conferees agree to a new section 1035 which provides an additional appropriation for ''Research, Development, Test and Evaluation, Defense- Wide'', and provides authority for certain specified activities.

Sec. 1036. The conference agreement includes a provision proposed by the Senate (Sec. 1129) to require a report on the re-use and redevelopment of military installations closed or realigned as part of BRAC 2005. The House bill contained no similar provision.

Sec. 1037. The conference agreement includes a provision proposed by the Senate

(Sec. 6055) to release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson. The House bill contained no similar provision.

The conference agreement does not include a Sense of the Senate provision (Sec. 1137) on funding for the Vaccine Health Care Centers. The House bill contained no similar provision.

The conference agreement does not include a Sense of the Senate provision (Sec. 1142) on TRICARE coverage of children. The House bill contained no similar provision.

The conference agreement does not include a Senate amendment to permit eleven employees of the Executive Office of the President to use official government vehicles for commuting between their homes and offices.

The conference agreement does not include a Senate amendment regarding federal employee pay while in active service of the National Guard.

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

Department of Agriculture

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The conference agreement includes $240,000,000 for P.L. 480 Title II grants, to remain available until expended, instead of $150,000,000, as proposed by the House and $470,000,000, as proposed by the Senate.

This appropriation shall be used to reimburse the account for funds used to address emergency food needs for individuals in need of humanitarian assistance in the Darfur region of Sudan and other parts of Africa, which would allow additional contributions to these and other critical food situations, including the mitigation of the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on individuals, households, and communities. In addition, the conferees provide that funds may be used to restore executed agreements of the Public Law Title II non-emergency sub-minimum program requirements, as proposed by the Senate.

Department of State and Related Agency

Department of State

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $734,000,000 for ''Diplomatic and Consular Programs'', instead of $748,500,000 as proposed by the House, $357,700,000, as proposed by the Senate, and $767,200,000 as contained in the request. The agreement provides 666,300,000 for the operation and security costs of the U.S. Mission in Iraq. Within the amounts included under this heading, $10,000,000 is for the enhancement of Embassy security in Iraq and Afghanistan through explosive detection technologies certified and/or deployed by the Department of Homeland Security, and $250,000 is designated for Iraqi and Afghan scholars, as proposed by the Senate. The conference agreement also includes $60,000,000 for operations and security requirements of the U.S. Mission in Kabul, Afghanistan as a result of the withdrawal of U.S. military forces. Finally, the conference agreement includes $7,700,000 for the Office of the Coordinator for Reconstruction and Stabilization, and expects these funds to support additional personnel requirements in Washington and Sudan.

The conference agreement includes $250,000 for a contribution to a scholar-rescue program designed to bring Iraqi and Afghan scholars, whose lives are in imminent danger, to the United States and match them with host universities. The conferees direct the Secretary of State to work with the Institute of International Education to implement this program.

The conferees agree that within the amounts previously appropriated for fiscal year 2005, the Secretary of State shall fund an external study of the publicly available data on foreign public opinion about the United States. This study should include a thorough analysis of the impact of foreign perceptions of the United States, and a list of concrete responses and ''best practice'' actions at the governmental level that have the potential to influence the public foreign policy debate and mitigate the impact of negative perceptions.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $592,000,000 for the construction of a new secure embassy compound in Baghdad, Iraq, including office, housing, and support facilities, infrastructure, project supervision, and construction security as proposed by both the House and Senate. The conferees expect the recommended funding level to be sufficient to ensure completion of a secure compound within 24 months of the project start date.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $680,000,000 for United States assessed contributions for international peacekeeping missions instead of $580,000,000 as proposed by the House, $533,049,000 as proposed by the Senate, and $780,000,000 as contained in the request. Of the amount provided, up to $50,000,000 may be transferred to the ''Peacekeeping Operations'' account for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $4,800,000 to expand United States broadcasting programs in local languages to Pakistan, Iran, Indonesia, and Muslim populations in Europe.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $2,500,000 to make capital improvements related to broadcasting, including broadcasting directed toward the People's Republic of China.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The conference agreement provides $90,000,000 for ''International Disaster and Famine Assistance'', instead of $94,000,000 as recommended by the House and $44,000,000 as recommended by the Senate.

The conferees intend that $40,000,000 of funds made available from this account be provided for assistance for those individuals affected by the ongoing conflict in Darfur. The conferees are also concerned about the severity of other needs in Africa, and allocate $50,000,000 of funds from this account to these other needs, including those in Ethiopia, Liberia, Uganda, and the Democratic Republic of the Congo.

The conferees include language as proposed by the Senate that provides authority to United States Agency for International Development (USAID) to use funds appropriated under this heading to reimburse accounts from which obligations were incurred prior to the enactment of this Act.

TRANSITION INITIATIVES

The conference agreement does not include funding for ''Transition Initiatives''.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement provides $24,400,000 for ''Operating Expenses of the United States Agency for International Development'' for security and extraordinary operating costs in Iraq.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The conference agreement provides $2,500,000 for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'' to audit the expenditure of funds used for relief and reconstruction in Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement provides $1,433,600,000 for the ''Economic Support Fund'', instead of $1,058,200,000 as proposed by the House and $1,636,300,000 as proposed by the Senate. These funds would remain available until September 30, 2006.

The conference agreement includes $1,086,600,000 for Afghanistan, $200,000,000 for assistance to Palestinians, of which $50,000,000 should be for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel, $20,000,000 for Haiti, $5,000,000 for Lebanon, $100,000,000 for Jordan, and $22,000,000 for Sudan.

The conference agreement provides $1,086,600,000 for Afghanistan under this heading, instead of $739,200,000 as proposed by the House and $1,309,300,000 as proposed by the Senate. The conference agreement assumes full funding for health programs and provincial reconstruction team expenses and support. The conferees direct the Department of State to consult with the Committees on Appropriations prior to the obligation of funds.

The conferees reiterate their firm commitment to the long term development of Afghanistan and note that the fiscal year 2006 budget request for that country contains an additional $920,000,000 from all accounts.

The conference agreement does not include Senate language recommending $5,000,000 for Afghan women's organizations. However, the conferees believe that USAID needs to be more proactive in assisting women-led nongovernmental organizations in Afghanistan, particularly those that defend women's rights and support women's efforts to participate in the political process. The conferees recommend that $5,000,000 be made available to strengthen the capacity of these organizations.

The conference agreement includes language similar to a Senate. amendment that provides $5,000,000 for assistance for displaced persons in Afghanistan. The conferees intend that these funds be used to address the needs of displaced Afghans, but that none of these funds are to be used to support a satellite city housing project. The conferees request to be consulted prior to the obligation of these funds.

The conference agreement does not include a reporting requirement on Afghan security forces training, as proposed by the Senate in section 2108. However, the conferees direct the Department of State to submit such a report to the Committees on Appropriations no later than 90 days after enactment of this Act.

The conference agreement includes $22,000,000 to support emergency needs in the implementation of the Comprehensive Peace Agreement in southern Sudan. These needs include the development of southern governmental institutions and support for the commissions established in the North-South peace accords.

The conferees recognize the importance of adequate health care for Palestinian women and children and recommend $3,500,000 to support the activities of the Holy Family Hospital in Bethlehem and $2,000,000 to support the healthcare activities of Hadassah, the Women's Zionist Organization of America.

The conferees agree that the budget request and the recommendation contained in this Act do not provide specific direct financial support for the Palestinian Authority.

The conferees reiterate that the conditions and restrictions on assistance for the West Bank, Gaza, and Palestinian Authority contained in the General Provisions section of division D of Public Law 108–447 apply to assistance for the West Bank and Gaza recommended under this heading, as well as the separate account requirement contained in section 529 of that law. The conferees further agree that the waiver detailed in Presidential determination 2005–10 shall not be extended to funds appropriated under this Chapter.

The conference agreement includes a provision providing $50,000,000 for assistance for Israel to help improve the movement of people and goods in and out of Israel, as proposed by the Senate. The conferees are aware that infrastructure will be needed on both the Palestinian and Israeli sides of the separation lines and intend that these funds be used to meet the great need in developing this infrastructure. The resulting flow of goods and people should greatly improve the economic well-being of the Palestinian people while building the revenue base of the Palestinian Authority.

The $200,000,000 provided in this account shall only be allocated as requested and detailed in the following table. The Administration may reallocate, only within the projects listed here, up to 10 percent of any of the following allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent. Any reallocations shall be subject to prior consultations with the Committees on Appropriations.

[In thousands of dollars]

Economic Revitalization	
Palestinian agriculture and agribusiness production and marketing	$15,000
Trade promotion and capacity building	24,000
Home construction financing	1,000
Job creation, with an emphasis on construction of schools and community centers	20,000
Improved flow of people and goods into Israel	50,000
Subtotal, Economic Revitalization	110,000
Infrastructure Development	
Roads and water	50,000
Democratic reform and the rule of law	16,000
Community Policing	3,000
Education, including vocational training	8,000
Health care and food assistance	13,000
Subtotal, Infrastructure Development	90,000
Total	$200,000,000

The conference agreement provides $20,000,000 for assistance for Haiti, of which $2,500,000 is for criminal case management, case tracking and the reduction of pre-trial detention. The conferees are concerned with the prolonged detention of Haitians, many of whom have not been charged with any crime, which is both illegal and life threatening. The conferees intend that USAID will take immediate steps to address this potentially explosive situation. The conferees expect the balance of funds to be made available to address urgent and pressing needs for additional election assistance, employment and public works projects, and police assistance. The conferees direct that the obligation of funds be subject to prior consultation with the Committees on Appropriations.

The conferees note recent political developments in Lebanon and provide $5,000,000 for support of democracy activities and programs. The conferees expect these funds to be managed by Bureau of Democracy, Human Rights and Labor at the Department of State.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference report includes $70,000,000 for ''Assistance for the Independent States of the Former Soviet Union'', as proposed by the Senate, instead of $33,700,000 as proposed by the House.

Funds in this account are allocated in the following table and, as stipulated in section 2111, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Assistance for the Independent States of the Former Soviet Union

[In thousands of dollars]

Ukraine	$60,000
North Caucasus	5,000
Belarus	5,000
Total	$70,000

The conferees are encouraged by recent political developments in Ukraine and recommend $60,000,000 for assistance for that country. This funding should be used for programs to further political and economic reforms and to strengthen democracy and the rule of law.

The conference agreement provides $5,000,000 for humanitarian, conflict mitigation, and relief and recovery assistance for needy families and communities in Chechnya, Ingushetia, and elsewhere in the North Caucasus. The conferees intend these funds to be administered by USAID's Moscow Mission and Office of Conflict Management and Mitigation, in consultation with the Committees on Appropriations.

The conferees expect that of the funds made available for democracy assistance for Belarus, $2,500,000 will be made available to the Bureau of Democracy, Human Rights and Labor, Department of State, for political party development activities. The conferees recommend that the balance of funds be used to support independent media and civil society in Belarus.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement includes $620,000,000 for ''International Narcotics Control and Law Enforcement'', instead of $594,000,000 as proposed by the House and $660,000,000 as proposed by the Senate. These funds remain available for obligation until September 30, 2007.

The conferees expect that of the funds provided under this heading, $260,000,000 shall be made available for counternarcotics programs and activities.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides $120,400,000 for ''Migration and Refugee Assistance'' instead of$103,400,000 as proposed by the House or $108,400,000 as proposed by the Senate. Of the total, the conferees include $48,400,000 for assistance to those individuals affected by the ongoing conflict in Darfur, $5,000,000 for easing the flow of refugees returning to southern Sudan, $26,000,000 to help the Administration meet its fiscal year 2005 refugee protection goals, and $41,000,000 for assistance needs in Africa other than in southern Sudan and Darfur.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement provides $24,600,000 for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' instead of $17,100,000 as proposed by the House and $32,100,000 as proposed by the Senate. The conferees intend for the funds to be used as follows: $17,100,000 for the protection of Afghan President Karzai, as requested, and $7,500,000 for the Non-proliferation and Disarmament Fund. These funds remain available until September 30,2006.

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

GLOBAL WAR ON TERROR PARTNERS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include funding for the Global War on Terror Partners Fund. The House did not recommend funding for this account, and the Senate proposed $25,500,000. Funding for the purposes of the Solidarity Initiative is addressed under ''Peacekeeping Operations''.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes $250,000,000 for ''Foreign Military Financing Program'', as proposed by the House and Senate and as contained in the request. The conferees recommend $150,000,000 for Pakistan and $100,000,000 for Jordan.

PEACEKEEPING OPERATIONS

The conference agreement includes $240,000,000 for ''Peacekeeping Operations'' instead of $10,000,000 as proposed by the House and $210,000,000 as proposed by the Senate. Of these funds, $10,000,000 is for the reform of security forces in southern Sudan, up to $200,000,000 for assistance to coalition allies with troops in Iraq and Afghanistan, and up to $30,000,000 that may be used pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism. This funding could be used, for example, for training and equipment of foreign counter-terrorism forces or border security forces. The conferees commend the President's Solidarity Initiative.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2101. The conference agreement includes a general provision proposed by the Senate, and similar to that proposed by the House, that amends section 37(a) of the Foreign Assistance Act of 1961 by striking ''Iraq'' from the list of countries for which the United States would otherwise be required to withhold voluntary contributions.

Sec. 2102. The conference agreement includes a general provision as proposed by the House and Senate that rescinds previously appropriated funds for Turkey in P.L. 108–11. The conferees intend that any costs associated with the rescission of funds, and termination of planned programs, may be funded from within the subject unexpended balances.

Sec. 2103. The conference agreement includes a general provision proposed by the House bill, regarding audit requirements for

U.S. bilateral assistance made available under ''Economic Support Fund'' for assistance for the West Bank and Gaza and assistance for the Palestinian Authority.

Sec. 2104. The conference agreement includes a general provision proposed by the House that establishes financial reporting requirements for funds appropriated in this chapter prior to their obligation. The purpose of the financial plan is to ensure that the Committees on Appropriations have a complete and detailed understanding of how agencies intend to use the resources provided in this chapter. The provision allows 15 percent of funds to be obligated prior to the submission of the financial report, which is due 30 days after enactment. This restriction on new obligations does not apply to funds used to reimburse accounts for obligations made prior to enactment.

Sec. 2105. The conference agreement includes a general provision, as proposed by the House, that establishes certain auditing requirements for counternarcotics and alternative development funding in fiscal year 2005 in Afghanistan.

Sec. 2106. The conference agreement includes a provision, similar to that proposed by the House and Senate, regarding a reporting requirement regarding the Palestinian Authority, and provides that up to $5,000,000 from funds provided for the West Bank and Gaza may be used for an independent audit of Palestinian Authority expenditures and accounting procedures.

Sec. 2107. The conference agreement includes a provision allowing certain amounts in the fiscal year 2005 State Department Appropriations Act to be subject to certain reprogramming requirements, as proposed by the Senate.

Sec. 2108. The conference agreement includes a general provision similar to that proposed by the Senate, which earmarks $20,000,000 provided in Public Law 108–106 under the heading ''Iraq Relief and Reconstruction Fund'' for assistance for families and communities of innocent Iraqi victims of the military operations. This assistance is designated as the ''Marla Ruzicka Iraqi War Victims Fund'', in memory of Marla Ruzicka who on April 16, 2005, died at the age of 28 in a car bomb attack in Baghdad. Marla Ruzicka inspired the creation of this program and a similar program in Afghanistan.

Sec. 2109. The conference agreement includes a general provision, as proposed by the Senate, that makes a technical change to the Millennium Challenge Authorization Act, 2003.

Sec. 2110. The conference agreement includes a provision, similar to that proposed by the House, requiring that recipients of United States emergency humanitarian assistance establish a code of conduct consistent with internationally accepted principles established to protect victims of disasters from exploitation.

Sec. 2111. The conference agreement includes a new provision requiring that funds in the following accounts be allocated as indicated in the statement of managers accompanying this Act: ''Economic Support Fund'' and'' Assistance for the Independent States of the Former Soviet Union''. Any change to these allocations is subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement does not include Senate sections 2104, 2107, 2108, and 2111.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

Department of Energy

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $84,000,000 for defense nuclear nonproliferation, of which $55,000,000 is to address urgent priorities outside of the former Soviet Union to secure nuclear materials from diversion or theft by terrorists or states of concern, and $29,000,000 is for the deployment of radiation detection equipment and the training of law enforcement officials in overseas ports to provide them with the technical means to detect, deter, and interdict illicit trafficking in nuclear and other radioactive materials through the MegaPorts program.

CHAPTER 2

Department of Homeland Security

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees provide $124,425,000 for costs associated with hiring, training, equipping and supporting 500 Border Patrol agents, instead of $105,451,000 as proposed by the Senate and no funding as proposed by the House. Funds are to remain available until September 30, 2006. Of this amount, $49,075,000 in new funding is provided and designated an emergency requirement. The conferees have included bill language that requires the Secretary of Homeland Security to provide the Committees on Appropriations a plan not later than June 15, 2005, for the expeditious implementation and execution of these funds.

The conferees are concerned that the amounts appropriated in Public Laws 107–117 and 108–11 for ''Customs and Border Protection'' have not been fully obligated. The conferees direct the Secretary of Homeland Security to immediately utilize the remaining funds for the purposes appropriated. The conferees further direct the Secretary to submit, within 30 days of enactment of this Act, a plan for the obligation of these funds.

CONSTRUCTION

The conferees provide $51,875,000 for construction costs associated with hiring an additional 500 Border Patrol agents, instead of $41,500,000 as proposed by the Senate, and no funding proposed by the House. Funding is to remain available until September 30, 2006. The conferees have included bill language that requires the Secretary of Homeland Security to provide the Committees on Appropriations a plan not later than June 15, 2005, for the expeditious implementation and execution of these funds. This funding is designated an emergency requirement.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees provide a total of $454,250,000 for Immigration and Customs Enforcement, Salaries and Expenses, as opposed to $276,000,000 proposed by the Senate and no funding as proposed by the House. Of these funds, $349,050,000 is designated as an emergency requirement. Of this amount, $93,050,000 is made available to fund an additional 50 criminal investigator positions, 168 Immigration Enforcement Agents and Deportation Officers, and 1,950 additional detention beds; and not less than $11,000,000 is made available to immediately lift the hiring freeze. The conferees do not provide the $389,613,000 in non-emergency funding that was proposed by the Senate.

The conferees endorse the views expressed in the Senate Committee report (Senate Report 109–152), and direct Immigration and Customs Enforcement (ICE) to realign its Detention and Removal Operation Program, by program, project, and activity, as set forth on pages 51 and 52 of that report. The conferees also direct ICE to make available additional user fees as set forth on page 52 of that report. Because the conferees have included funds above the realigned amounts referenced above, in lieu of the Senate reporting requirement, the conferees direct the Secretary to submit a detailed report by June 15, 2005, to the Committees on Appropriations on the Department's plan for an expeditious implementation of the hiring and spending authorized in this Act, showing the on-board level of FTEs for each individual office by location; the number of vacant FTEs; and the new hires planned by week for each office beginning the week after enactment of this Act through September 30, 2005.

The conferees are aware that ICE has been unable to obligate for fiscal year 2005 enhancements and initiatives due to the uncertainty of its financial condition and its pending reprogramming. The conferees wish to ensure that these programs are initiated in an orderly way, that requisite funds do not lapse, and that continuity of funding is assured. Therefore, within the total amounts provided, the conferees include $85,200,000, offset by a rescission, and direct the Department to include funding required to annualize and continue activities supported with these funds in its fiscal year 2007 budget.

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conference agreement includes $111,950,000 for U.S. Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom as proposed by both the House and the Senate. The entire amount is designated as an emergency requirement.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $49,200,000 as proposed by the House and the Senate, to remain available until September 30, 2007. The conferees agree that the funds may be used for procurement of new U.S. Coast Guard 110-foot patrol boats or major refits, renovation, and subsystem replacement for these boats, as proposed by the House. The Senate proposed this funding be used only for renovation and subsystem replacement. The entire amount is designated as an emergency requirement.

By July 1, 2005, or prior to the obligation of funds, the Coast Guard is directed to provide to the House and Senate Appropriations Committees an analysis of the costs and benefits of procuring new 110–foot or 123–foot patrol boats versus renovating the existing 110-foot patrol boats. This analysis is to include the expected available patrol boat mission hours over the next 10 years. with the existing fleet versus the yearly mission hours conducted since 9/11 and the 10–year projected mission hour needs. The analysis should explain how the Coast Guard intends to meet the mission needs filled by the 110-foot patrol boat. The conferees note that this information was first requested in 2004 as part of the statement of managers accompanying Public Law 108–334. The report was due on February 10, 2005, but has not been received to date.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees provide funding for the Federal Law Enforcement Training Center salaries and expenses of $2,568,000 and make the funding available until September 30, 2006, accommodate the training for new Border Patrol Agents and Immigration and Customs Enforcement agents and officers.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS/ AND RELATED EXPENSES

The conferees provide $1,882,000 for facilities, to remain available until September 30, 2006, for costs associated with additional Border Patrol and ICE training.

CHAPTER 3

Department of Justice

GENERAL ADMINISTRATION

DETENTION TRUSTEE

The conference agreement includes $184,000,000 for the Detention Trustee account. Funding is provided in lieu of any previous transfers made into this account in fiscal year 2005 from the Asset Forfeiture Fund.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $40,000,000 from unobligated balances in this account.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement provides $11,935,000 for the United States Marshals Service (USMS) as proposed by the Senate. Recent events prove a need for increased judicial security outside of courthouse facilities to better detect, assess and respond to threats and inappropriate communications made to judges. The conference agreement provides this funding for off-site security enhancements for judges, such as home intrusion detection systems.

In coordination with the Administrative Office of the United States Courts, the USMS shall submit a spending plan to the Committees on Appropriations prior to the obligation of any of these funds. The conferees also believe the USMS should reevaluate existing policies governing judicial protection and direct the USMS to submit a report on its updated policies to the Committees. on Appropriations no later than July 30, 2005.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides $73,991,000 for the Federal Bureau of Investigation (FBI), instead of $78,970,000 as proposed by the House and $66,512,000 as proposed by the Senate. The conferees strongly support the FBI's deployment in Iraq and the operations of the Terrorist Screening Center. However, the conferees are disappointed that the fiscal year 2005 budget request did not include sufficient funding for these critical ongoing operations. If additional resources are needed for either of these activities, the conferees will support a reprogramming of funding from lower priority programs.

Iraqi Operations.—The conference agreement includes $34,531,000 for operations in Iraq instead of $40,000,000 as proposed by the House and $29,062,000 as proposed by the Senate.

Terrorist Screening Center (TSC).—The conference agreement includes $35,210,000 for TSC instead of $38,970,000 as proposed by the House and $31,450,000 as proposed by the Senate. The conference agreement adopts the House and Senate report language expressing concern about TSC's continued reliance on temporary duty staff to perform this critical mission.

The conference agreement adopts the House report language requiring the Office of Inspector General to evaluate TSC's plan to support the Secure Flight program. The report to the House and Senate Appropriations Committees shall be submitted by August 1, 2005. The conference agreement adopts the Senate report language requiring submission of a long-term plan for TSC to be submitted no later than September 1,2005. The report shall include the following: (1) a five year staffing and spending plan for TSC; (2) a list of TSC's existing and projected users, their sponsoring agency, and that agency's financial and in-kind contributions to TSC; (3) a comprehensive description and direct cost estimate of the unique needs of these users by agency, fiscal year, project, program and activity; (4) an estimated cost on a by-user basis (including a listing of each user agency); and (5) any additional TSC requirements and the costs associated with those requirements.

Office of Inspector General.—The conference agreement includes $1,250,000 to be transferred to the Office of Inspector General (OIG) to support the OIG's review of the TSC and other counterterrorism activities.

Special Technologies and Applications Section (STAS).—The conference agreement includes $3,000,000 for STAS, instead of no funding as proposed by the House and $6,000,000 as proposed by the Senate. This funding is provided to accelerate the development and deployment of intelligence analysis tools.

The conferees are aware of the unique space requirements of the STAS and direct STAS to work with the General Services Administration and to use existing resources to lease up to 175,000 square feet of additional facility space within its immediate surrounding area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $7,648,000 as proposed by the House and Senate, for the Drug Enforcement Administration's counternarcotics efforts to reduce poppy and heroin production in Afghanistan.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conferees recommend $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), instead of $5,100,000 as proposed by the Senate. The House did not propose any funding for this account.

This funding is provided to support ATF's on-going activities in the Iraq theater of operations, including assistance to the U.S. military. Within the amount provided, $2,100,000 shall be for expenditures in direct support of explosives enforcement and firearms tracking in Iraq; $400,000 shall be for a Combined Explosives Exploitation Cell to provide improvised explosive device (IED) technical support to the Department of Defense components in Iraq; and $1,500,000 for operations to track explosives incidents in Iraq in a centralized database and to provide technical expertise in the exploitation of IED's. The conferees direct that, prior to the obligation of the funds for a centralized database, the ATF shall submit a plan to the Committees on Appropriations that identifies the timetable, requirements, scope and costs related to its creation.

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement includes the customary death gratuity to Doris K. Matsui, widow of Robert T. Matsui, late a Representative from the State of California.

SALARIES AND EXPENSES

The conference agreement includes $39,000,000 for House operations related to Business Continuity/Disaster Recovery, secure and digital mail, and information system security.

ADMINISTRATIVE PROVISIONS

The conference agreement includes an administrative provision related to the deposit of fees. In addition, language is included making a technical correction for the chair of the Committee on Appropriations, or his designee, of the House of Representatives to be a member of the Joint Committee on the Library and the Board of Trustees of the Open World Leadership Program.

CAPITOL POLICE

GENERAL EXPENSES

The conference agreement provides an additional amount of $11,000,000 for General Expenses, Capitol Police. This includes $2,600,000 for technical counter measures during the construction of the Capitol Visitor Center. The conferees direct the Capitol Police to purchase the necessary equipment for the Security Services Bureau with available unobligated balances. In addition, $8,400,000 is provided for the purchase of escape hoods for the Capitol Complex. The conference agreement does not provide funding for radio system repairs and security infrastructure for the Fairchild Building, as proposed by the Senate. The Capitol Police are directed to fund these items with available unobligated balances.

ARCHITECT OF THE CAPITOL

CAPITOL GROUNDS

The conference agreement provides an additional amount of $8,200,000, to remain available until September 30, 2006, to complete perimeter security for the Capitol Square.

CAPITOL POLICE BUILDINGS AND GROUNDS

The conferees have agreed to provide $2,500,000 for an Interim Offsite Delivery/Screening Facility and $1,600,000 for design of a permanent Offsite Delivery/Screening Facility, both to be located at DC Village. The conferees expect that the Architect will move expeditiously to complete this critical project and keep the Committees apprised of progress on a regular basis.

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $656,000,000 for emergency relief, rehabilitation and reconstruction aid to countries affected by the tsunami of December 26, 2004 and the earthquakes of December 2004 and March 2005, as proposed by the Senate instead of $659,000,000 as proposed by the House.

The conference agreement authorizes the Secretary of State to transfer funds to any Federal agency or account for activities authorized under the Foreign Assistance Act of 1961 or under the Agricultural Trade Development and Assistance Act of 1954. Of these funds, up to $17,500,000 may be transferred to USAID's operating expenses and $1,000,000 may be transferred to USAID's Office of Inspector General to cover the unexpected costs of administering and auditing the assistance.

The conference agreement includes authority, as proposed by the Senate, to use funds appropriated under this heading to address the potential health crisis should the avian influenza virus become pandemic in Southeast Asia. The Committees on Appropriations expect to be consulted prior to the obligation or expenditure of such funds.

The conference agreement allows $10,000,000 to be transferred to and consolidated with USAID's ''Development Credit Authority'' for the cost of direct loans and loan guarantees. An additional $5,000,000 may be transferred to and consolidated with the State Department's ''Emergencies in the Diplomatic and Consular Service'' account.

The conference agreement provides authority for the United States to participate with

other countries in a multilateral agreement to defer and reschedule the debt owed to United States Government agencies by the governments of countries affected by the tsunami and earthquakes. To get their debt rescheduled, the governments of these countries must commit to provide an equivalent amount of resources to the victims of the natural disasters. To ensure transparency, the Secretary of State is required to arrange for an outside independent evaluation of each country's compliance with the commitment.

The conference agreement provides $5,000,000 to support environmental recovery activities in tsunami-affected countries.

The conference agreement provides $10,000,000 for programs and activities that create new economic opportunities for women. The conferees recommend $10,000,000 for small grants to support training and equipment for women-led, local non-governmental organizations.

The conference agreement provides $1,500,000 to support initiatives for the protection of women and children from violence, trafficking and exploitation.

The conference agreement provides $1,500,000 for programs to address the needs of people with disabilities resulting from injuries and trauma caused by the tsunami, instead of $12,000,000 as proposed by the Senate.

The conference agreement provides that $12,500,000 should be made available to support initiatives that focus on the immediate and long-term needs of children.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4101. The conference report includes a general provision proposed by both the House and Senate that provides that amounts provided under this chapter shall be in addition to amounts that may be obligated in fiscal year 2005 under section 492(b) of the Foreign Assistance Act of 1961.

Sec. 4102. The conference agreement includes a general provision proposed by the House that establishes financial reporting requirements for funds appropriated in this chapter prior to their obligation. The purpose of the financial plan is to ensure that the Committees on Appropriations have a complete and detailed understanding of how agencies intend to use the resources provided in this chapter. The provision allows 15 percent of funds to be obligated prior to the submission of the financial report, which is due 30 days after enactment. This restriction on new obligations does not apply to funds used to reimburse accounts for obligations made prior to enactment. The Senate bill did not address this provision.

Sec. 4103. The conference agreement includes a general provision similar to that proposed by both the House and Senate that allows funds appropriated to be obligated and expended notwithstanding section 15 of the State Department Basic Authorization Act, section 313 of the Foreign Relations Authorization Act, section 10 of Public Law 91–672, and section 504(a)(1) of the National Security Act of 1947.

Sec. 4104. The conference agreement includes a general provision, similar to language proposed by the Senate, providing $25,000,000 to combat the spread of the avian influenza virus. The conferees are gravely concerned by the current outbreak in Southeast Asia, and therefore initiate a coordinated inter-agency program to prevent and control the spread of this virus. The conferees understand that the Centers for Disease Control and Prevention (CDC) of the Department of Health and Human Services have the necessary expertise to implement the bulk of these activities and have accordingly transferred $15,000,000 to CDC for use in combating the spread of the avian influenza virus in Southeast Asia. The conferees appreciate the valuable role the World Health Organization (WHO) played in combating the SARS outbreak and expect that the United States agencies will work closely with both the WHO and the Food and Agricultural Organization to address the human and animal components of this outbreak of the avian influenza virus. The conferees recognize that, given the variety of specialties necessary to mount such a program, an inter-agency taskforce and plan will be developed and implemented. The Committees on Appropriations expect to be consulted by this taskforce not later than 30 days following enactment of this Act on the status and implementation of such a plan.

The conference agreement does not include House section 5003 or Senate sections 6052 and 6054.

The conference agreement does not include Senate language regarding the protection of the Galapagos. However, the conferees endorse the findings of that amendment and strongly urge the Government of Ecuador to (1) refrain from actions that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve; (2) select the directorship of the Galapagos National Park Service through a transparent process based on merit; (3) enforce the Galapagos Special Law in its entirety; and (4) prohibit long-line fishing.

The conference agreement does not include sense of the Senate language regarding Nepal. However, the conferees deplore the February 1, 2005 action by the King of Nepal dissolving the multi-party government, and call for the immediate release of all political detainees, the restoration of constitutional liberties, and good faith negotiations with Nepal's political party leaders to restore democracy.

CHAPTER 2

Department of Defense—Military

The conference agreement recommends $225,650,000, as proposed by the House and Senate to reimburse the Department of Defense accounts for Indian Ocean Tsunami Relief costs, as follows:

[In thousands of dollars]

Account	Request	House	Senate	Conference
Operation and Maintenance				
O&M, Navy	124,100	124,100	124,100	124,100
O&M, Marine Corps	2,800	2,800	2,800	2,800
O&M, Air Force	30,000	30,000	30,000	30,000
O&M, Defense-Wide	29,150	29,150	29,150	29,150
Overseas Humanitarian, Disaster, and Civic Aid	36,000	36,000	36,000	36,000
Total O&M Defense	222,050	222,050	222,050	222,050
Other Department of Defense Programs				
Defense Health Program	3,600	3,600	3,600	3,600
Total Department of Defense	225,650	225,650	225,650	225,650

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conference agreement provides $350,000 to fund the incremental cost of the U.S. Coast Guard's air operations in support of tsunami relief efforts in Southeast Asia, as proposed by both the House and the Senate. The entire amount is designated as an emergency requirement.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $8,100,000 for surveys, investigations, and research, as proposed by both the House and the Senate, to provide increased earthquake and tsunami detection through expansion of the Global Seismographic Network and the National Earthquake Information Center.

CHAPTER 5

Department of Commerce

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,070,000 for ''Operations, Research, and Facilities,'' as proposed by the Senate, instead of $4,830,000 as proposed by the House. The conference agreement includes, by reference, language in the House report regarding the submission of an implementation plan and timetable and regarding Native American communities living near the Cascadia subduction zone, and language in the Senate report regarding inundation mapping.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $10,170,000 under this account as proposed by the Senate, instead of $9,670,000 as proposed by the House, to support the improvement of seismic measurements and the acquisition and deployment of 32 additional tsunami-reporting buoys. The conferees encourage NOAA to develop buoys with capabilities beyond the single purpose of tsunami reporting. The conference agreement includes, by reference, language in the Senate report regarding the submission of a spending plan.

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Asian Soybean Rust.—The conferees are aware that Asian Soybean Rust has been identified in the United States and that great harm to soybean production and rural economies may result. It is important that the Department of Agriculture initiate an immediate and strong response to meet this threat. The conferees urge the Secretary to utilize funding from available sources, including contingency and CCC resources, to concentrate research, outreach, and regulatory activities in those areas where Asian Soybean Rust has been identified and where the greatest risk for disease expansion is evident.

(i) Common Computing Environment.—The conferees direct that of the funds made available to the Administrator of the Farm Service Agency, not less than $33,000,000 shall be available for Geographic Information Systems, of which not less than $23,500,000 shall be available to the National Agricultural Imagery Program.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE RESEARCH AND EDUCATION ACTIVITIES

The conference agreement does not include $3,000,000 for a grant to the College of Tropical Agriculture and Human Resources in Hawaii, as proposed by the Senate.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

The conference agreement provides $104,500,000 for eligible work identified in the Emergency Watershed Protection Program, Recovery Projects Unfunded list, including full funding for eligible needs in the state of Utah. The Senate proposed $103,000,000 for this account and the House proposed no funding. The conference agreement directs the Secretary of Agriculture to count certain local financial and technical resources contributed toward flood recovery in Utah toward local matching requirements, as proposed by the Senate.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 5101. The conference agreement includes a provision to transfer unobligated amounts available under the Department of Agriculture, Rural Housing Insurance Fund Program Account to the Rental Assistance Account, for projects in North Carolina, as proposed by the Senate.

Sec. 5102. The conference agreement includes language regarding the eligibility of the Village of New Miami, Ohio, for grants funded through the Rural Housing Assistance Grants account within the Department of Agriculture, as proposed by the Senate.

Senate Sec. 5103. The conference agreement does not include funding for financial and technical assistance related to the Manoa Watershed in Hawaii, as proposed by the Senate.

Sec. 5103. The conference agreement includes language allowing for a transfer of Department of Agriculture funds from the Lost River watershed project in West Virginia to the Upper Tygart watershed project in West Virginia, as proposed by the Senate.

Sec. 5104. The conference agreement includes language providing the Secretary of Agriculture flexibility in administering an existing grant to Alaska dairy farmers, as proposed by the Senate.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $3,000,000 in emergency appropriations for salaries and expenses as proposed by the Senate instead of no funding as proposed by the House.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $24,390,000 in emergency appropriations for capital improvement and maintenance instead of $31,980,000 as proposed by the Senate and no funding as proposed by the House. The managers have included the $2,410,000, recommended by the Senate in the national forest system account, in this account to provide management flexibility to use these emergency funds for the most urgent priorities. Funding is provided for the repair of national forest facilities and lands damaged by severe storms in southern California, including the Angeles, Cleveland, Los Padres and San Bernardino National Forests.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

The conference agreement includes modified language proposed by the Senate providing $10,000,000 for a grant to Pocono Township, Tannersville, Pennsylvania to assist in the expansion of the only existing injectable influenza vaccine production facility in the United States, which is located in Swiftwater, Pennsylvania. The conferees are agreed that this emergency appropriation is in the nation's interest because of the national need to increase the supply of domestically produced influenza vaccine and to decrease the likelihood of another influenza vaccine shortage. The agreement includes five rescissions of inactive Department of Health and Human Services (HHS) funds to offset the spending. The funding and rescissions were included in the Senate bill. The House bill included neither the appropriation nor the rescissions.

The conference agreement also includes a new paragraph providing an additional $58,000,000 to the Public Health and Social Services Emergency Fund to be transferred to the Centers for Disease Control and Prevention for the purchase of influenza countermeasures for the Strategic National Stockpile. The conferees understand that influenza countermeasures include, but are not limited to, antiviral medications and vaccines. The conferees believe these funds are urgently needed to enhance our nation's preparedness to respond to a severe influenza outbreak, particularly in light of the current reports of Avian influenza activity in Southeast Asia.

This additional funding is offset by a rescission of $58,000,000 of the cancer hospital loan fund created by section 1016 of the Medicare Modernization Act of 2003.

RELATED AGENCY

INSTITUTE FOR MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

The conference agreement does not include $10,000,000 in emergency funding for the University of Hawaii Library as proposed by the Senate. The House bill did not include a similar provision.

CHAPTER 4

THE JUDICIARY

COURTS OF APPEALS DISTRICT COURTS AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include additional funds for the Judiciary, as proposed by the Senate. The House did not include a similar provision.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes the rescission and reappropriation of fiscal year 2005 funds in this account in order to provide two-year availability, as proposed by the Senate. The House did not include a similar provision.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $5,000,000 in additional funds for the Office of Federal Housing Enterprise Oversight (OFHEO), as proposed by the Senate, with modifications. The House did not include a similar provision. These additional funds have been made available to ensure OFHEO has enough resources to complete all necessary audits and to pay for any litigation costs, as necessary. However, by undertaking

an assessment without first seeking an appropriation and prior to receiving an appropriation, OFHEO has placed the conferees in an untenable situation of appropriating funds after the necessary offstting receipts have been collected. Hence, without significant amendments the conferees would have been scored for any appropriation subsequent to the assessment. To have made the assessment without informing the Committees on Appropriations demonstrates an ignorance of budgetary rules, an arrogance in program implementation and a serious attempt by OFHEO to ignore statutory intent.

In providing these funds, the conferees require that prior to any use of these appropriations, OFHEO must provide the Committees on Appropriations with a detailed operating plan and henceforth must provide quarterly reports on the use of all funds appropriated to OFHEO.

GENERAL PROVISION, THIS CHAPTER

The conference agreement does not include a provision providing $10,000,000 in new funds to cover the costs of repairs at the University of Hawaii, as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Sec. 6001. The conference agreement includes a provision concerning the availability of funds, as proposed by both the House and the Senate.

Sec. 6002. The conference: agreement includes a provision clarifying the application of designations within this Act pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Sec. 6003. The conference agreement includes language regarding Department of Agriculture business and industry loans, as proposed by the Senate. The language directs that such assistance may not be denied due to the failure of the Secretary of Labor to certify the assistance within the time frame specified in the authorization.

Sec. 6004. The conference agreement includes a provision related to the McClellan-Kerr Arkansas River navigation project that corrects a citation to a public law under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447.

Sec. 6005. The conference agreement includes a technical correction to a provision in title I of division C of Public Law 108–447 relating to credits and reimbursements and per state limitations on environmental infrastructure programs.

Sec. 6006. The conference agreement includes a provision increasing the project cost estimate for the DeSoto County, Mississippi, project described in Section 219(f)(30) of(106 Stat. 4835; 106 Stat. 3737; 113 Stat. 334), and allowing the Secretary to reimburse the non-Federal sponsor for incurred costs.

Sec. 6007. The conference agreement includes a provision to increase the project cost estimate for the Fort Peck Fish Hatchery project in Montana, as described in Section 325(f)(1)(A) of Public Law 106–541, to allow for the expenditure of funds appropriated by Congress for fiscal year 2005.

Sec. 6008. The conference agreement includes a provision relating to the authorized project cost and the non-federal reimbursement regarding the SR–1 Bridge in Delaware.

Sec. 6009. The conference agreement includes a provision relating to valuation of fabrication ports when analyzing economic benefits for navigation projects.

Sec. 6010. The conference agreement includes a provision relating to Environmental Infrastructure projects.

Sec. 6011. The conference agreement includes a provision relating to the authorization of the Indiana Harbor and Canal, Confined Disposal Facility, Indiana. The operation and maintenance of the completed project shall remain a local responsibility, consistent with the existing Project Cooperation Agreement.

Sec. 6012. The conference agreement includes a provision relating to the mitigation credit for the Big Cypress Seminole Reservation Water Conservation Plan Project in Florida.

Sec. 6013. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund in Title II of division C of Public Law 108447 relating to the deposition of a previous appropriation in the San Gabriel Basin Restoration Fund and the authorized uses of the San Gabriel Basin Restoration Fund.

Sec. 6014. The conference agreement includes a provision authorizing the Bureau of Reclamation to expend funds in meeting the terms of the Biological Opinion 2003 for the Rio Grande River.

Sec. 6015. The conference agreement includes a provision that extends Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) to allow for the expenditure of funds appropriated by Congress.

Sec. 6016. The conference agreement includes a provision providing $2,000,000 for the National Center for Manufacturing Sciences in Michigan, and $825,000 for a research and development project in California to advance the state of metal hydride hydrogen storage using a technologically feasible and commercially viable approach.

Sec. 6017. The conference agreement includes a provision providing, within available funds for the Office of Science, $2,000,000 for continuation of project DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating, and Power and Biofuel Application Center in Mississippi, $3,000,000 for the University of Texas Southwestern Medical Center, Dallas Metroplex Comprehensive Imaging Center, $500,000 for desalination technology at University of Nevada-Reno, $500,000 for the Oral History of the Negotiated Settlement project at UNR, $4,000,000 for the Fire Sciences Academy in Elko, Nevada, and $2,000,000 for the upgrade of chemistry laboratories at Drew University, New Jersey.

Sec. 6018. The conference agreement includes a provision providing $1,000,000, within available funds for Fossil Energy Research and Development, for remediation of natural gas leaks in the Borough of Versailles, Pennsylvania.

Sec. 6019. The conference agreement includes a provision making a technical correction to allow for the transfer of $10,000,000 to carry out the purpose of section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375, regarding the Pajarito Plateau Homesteader claims, and a provision relating to cybersecurity at DOE laboratories.

Sec. 6020. The conference agreement includes a provision allowing the transfer of funds from the Defense Site Acceleration Completion account to ensure that projects within Defense Environmental Services are funded without unduly impacting mission activities and statutory requirements, and provides $2,000,000, from within available funds, for the Tularosa Basin Desalination facility.

Sec. 6021. The conference agreement includes a provision allowing the transfer of up to $4,000,000 from Defense Site Acceleration Completion to Weapons Activities to carry out environmental cleanup of lands transferred from Los Alamos National Laboratory.

Sec. 6022. The conference agreement includes a provision to clarify Department of Energy small business contracting requirements.

Sec. 6023. The conference agreement includes a provision making technical corrections regarding nuclear waste disposal in Title III of division C of Public Law 108–447.

Sec. 6024. The conference agreement modifies a Senate provision related to the ''Department of Homeland Security Working Capital Fund''. The conferees are displeased with the Department's use of the Working Capital Fund (WCF). The Department of Homeland Security has not complied with the requirements of the fiscal year 2005 Appropriations Act or the statement of managers accompanying the conference report with respect to the WCF. The Department has used the WCF for projects and activities about which Congress has not been informed, or for which Congress has not provided appropriations. While the WCF can be a useful management tool, it will only exist if the rules detailed in the annual appropriations acts and reports are strictly adhered to. The Department must comply with statutory reprogramming notification requirements, regardless of the source of funds, and notify the House and Senate Appropriations Committees prior to initiating a new project, whether it is run through the WCF, reimbursable agreements, the Economy Act, or within any single component of the Department.

The conferees understand that the Operation Integration Staff (I-Staff) has been removed from the WCF, but that funds have been obligated for this purpose in fiscal year 2005. In the past, the Committees objected to the use of the WCF for the I-Staff. The conferees direct a full and complete reporting, within 15 days of enactment of this Act, of all funds obligated in fiscal years 2004 and 2005 for the I-Staff, including funding sources, the number and source of all detailees, and a description and explanation of all travel and contracts. The conferees also understand that the Homeland Secure Data Network (HSDN) has been funded through the WCF. This program is further addressed in this statement of managers. No further obligations for the I-Staff and HSDN shall occur unless an official reprogramming notification is provided to and approved by the House and Senate Appropriations Committees.

Sec. 6025. The conference agreement includes a new general provision requiring annual appropriations justifications for the WCF, and requiring that justifications for each component of the Department carry explicit information about WCF charges, reimbursable agreements, and uses of the Economy Act.

Sec. 6026. The conference agreement includes and modifies a provision, as proposed by the Senate, related to the Chief Information Officer (CIO). The conferees withhold from obligation $5,000,000 of the CIO's salaries and expenses until the CIO submits an expenditure plan for information technology projects funded by the CIO or funded through the use of reimbursable agreements.

The conferees remind the Department of Homeland Security that it is failing to abide by the statutory requirements for the reprogramming and transfer of funds, and the initiation of new programs, projects or activities. Pursuant to law, advanced notification to the House and Senate Appropriations Committees is required prior to the CIO initiating any new information technology project. The conferees direct the CIO to submit a list of every project underway or planned for fiscal year 2005; a complete list of all legacy systems in operation as of March 1, 2003; the operating status of those systems; and plans for continued operation or termination of each system. The conferees direct the CIO to submit an expenditure plan for all on-going or planned projects, to include but not be limited to: total project

costs, key milestones, obligations to date, contracts entered into, and a list of all funding sources specifying the exact dollar amount.

In addition, the conferees direct the Department to submit a report detailing all reimbursable agreements between the CIO's office and other departmental organizations in effect or planned for fiscal year 2005, as well as all of those anticipated for fiscal year 2006.

The CIO is directed to submit to the House and Senate Appropriations Committees an analysis demonstrating that the Homeland Secure Data Network (HSDN) is more cost effective than other alternatives that were considered prior to the initiation of the project. The report on the HSDN should accompany the expenditure plan required by this Act. The conferees have no bias towards development of the HSDN, but are extremely concerned by the lack of any presentation on the need for this project in the fiscal year 2004 or 2005 appropriations justifications. The conferees note, for example, that the contract for the development and implementation of the HSDN was awarded on April 12, 2004, yet the fiscal year 2004 project plans for the CIO's office were submitted April 20, 2004, with no mention of the HSDN project.

Sec. 6027. The conference agreement includes a provision rescinding funds appropriated by Public Law 108–334.

Sec. 6028. The conference agreement includes a provision rescinding unobligated balances in the ''Department of Homeland Security Working Capital Fund.''

Sec. 6029. The conference agreement includes a legislative provision, as proposed by the Senate, that requires all Department of Homeland Security funding contained in this supplemental Act to be subject to the reprogramming and transfer guidelines outlined in Public Law 108–334.

Sec. 6030. The conference agreement includes a technical correction to the fiscal year 2005 appropriations Act, as proposed by the House and the Senate, dealing with a land transfer by the Bureau of Land Management.

Sec. 6031. The conference agreement includes a transfer of funds in the Forest Service from the capital improvement and maintenance account to the State and private forestry account, as proposed by the Senate. This is a technical correction to the fiscal year 2005 appropriations Act.

Sec. 6032. The conference agreement includes a provision, as proposed by the Senate, permitting the National Park Service to use appropriated funds for the construction, operation, and maintenance of an expansion to the West Yellowstone Visitor Information Center at Yellowstone National Park in Montana.

Sec. 6033. The conference agreement includes a limitation on the use of funds, as proposed by the Senate, specifying that none of the funds in this or any other appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

Sec. 6034. The conference agreement modifies a provision, proposed by the Senate, dealing with oil and gas mineral activities at Gulf Islands National Seashore in Mississippi. The modification clarifies the specific lands upon which certain activities are authorized and makes other technical changes to the language.

Sec. 6035. The conference agreement includes a provision, proposed by the Senate, extending the authorization for section 402(b) of the Surface Mining Control and Reclamation Act of 1977 through September 30, 2005.

Sec. 6036. The conference agreement includes the Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005 as proposed by the Senate.

Sec. 6037, Sec. 6038, and Sec. 6039. The conference agreement includes several technical corrections to State and Tribal Assistance Grants projects in the Environmental Protection Agency.

TRANSFER AUTHORITY

Section 6040. The conference agreement modifies a general provision as proposed by the Senate (section 6035) pertaining to the repeal of transfer authority for the Departments of Labor and Health and Human Services. The House bill contained no similar provision. The conference agreement repeals the Department of Labor transfer authority provided in section 102 of Public Law 108–447, and specifies that the general transfer authority for the Department of Health and Human Services shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity for which no funds were provided in division F of Public Law 108–447.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

Sec. 6041. The conference agreement includes modified language, similar to that proposed by the Senate (section 6036) making technical corrections to projects provided in Public Law 108–447 in the Fund for the Improvement of Education for fiscal year 2005. The House bill included similar language in section 5009.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

Sec. 6042. The conference agreement includes modified language, similar to that proposed by the Senate (section 6037), making technical corrections to projects provided in Public Law 108–447 in the Fund for the Improvement of Postsecondary Education for fiscal year 2005. The House bill included similar language in section 5010.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

Sec. 6043. The conference agreement includes a provision proposed by the Senate (section 6038) making a technical correction to a project provided in Public Law 108–199 in the Fund for the Improvement of Education for fiscal year 2004. The House bill did not include similar language.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

Sec. 6044. The conference agreement includes a provision as proposed by the Senate (section 6039) making a technical correction to the appropriation for the Corporation for National and Community Service. The House bill contained the same provision (section 5011).

MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

Sec. 6045. The conference agreement includes a provision as proposed by the Senate (section 6049) that clarifies the eligibility of institutions that may apply for the cancer hospital loan fund that was created by the Medicare Modernization Act of 2003, and exempts the Secretary's decisions on the program from judicial and administrative review. The House bill contained no similar provision.

APPLICATION PROCESSING AND ENFORCEMENT FEES

Sec. 6046. The conference agreement includes a new provision amending the Immigration and Nationality Act to restore the authority of the Secretary of Labor to use a portion of the proceeds from the application fee for the H–IB temporary visa program to process applications for permanent labor certifications.

TECHNICAL CORRECTION—HIGHER EDUCATION

(INCLUDING RESCISSION OF FUNDS)

Sec. 6047. The conference agreement includes a new provision making a technical change to a project provided in Public Law 108–447 in the Fund for the Improvement of Postsecondary Education for fiscal year 2005. Neither the House nor Senate bills included this provision.

DETROIT LABOR BUILDING

The conference agreement deletes without prejudice a provision proposed by the Senate to transfer the full title on the Detroit Labor Building to the State of Michigan. The conferees understand this provision is not necessary to complete the sale of the building. The House bill contained no similar provision.

Sec. 6048. The Conference agreement includes language which authorizes using royalty fees and payments for the Library of Congress, Copyright Office, Copyright Royalty Judges program.

Sec. 6049 makes a technical correction to Public Law 107–68, regarding the Capitol Visitor Center.

Sec. 6050 makes a technical correction to Public Law 108–7, regarding Senate accounts.

Sec. 6051. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Sec. 6052. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Sec. 6053. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Sec. 6054. The conference agreement includes a provision, as proposed by the House, making a technical correction for the purpose of a grant.

Sec. 6055. The conference agreement includes a provision, as proposed by the House, making a technical correction to the name of a grant recipient.

Sec. 6056. The conference agreement includes a provision, as proposed by the House, making two technical corrections to a grant recipient.

Sec. 6057. The conference agreement includes a new provision making two technical corrections to the name of a grant recipient.

Sec. 6058. The conference agreement includes a provision, modified from the Senate bill, providing a technical correction to the bankruptcy fee collection authorities.

Sec. 6059. The conference agreement includes a provision regarding a Department of Commerce activity.

Sec. 6060. The conference agreement includes a provision making a technical correction regarding the 9/11 Heroes Medal of Valor.

Sec. 6061. The conference agreement includes a provision making technical corrections to grants under the heading ''Capital Investment Grants'' in P.L. 108–447, as proposed by the Senate.

Sec. 6062. The conference agreement includes a new provision that modifies a project in Massachusetts contained in P.L. 105–178.

Sec. 6063. The conference agreement includes a technical correction to P. L. 108–447 with regard to the Oklahoma City urbanized area, as proposed by the House.

Sec. 6064. The conference agreement includes a new provision that authorizes the Secretary of Transportation to access overflight fees beyond the authorized level of

$50,000,000 for the purpose of maintaining existing services under the essential air service program. Should the total amount of overflight fees collected not be sufficient to meet all the funding needs of the program in this fiscal year, then the Secretary is authorized to transfer funds from the available balances of any program appropriated to, or directly administered by, the Office of the Secretary to the essential air service program. The Conferees expect the Office of the Secretary to consult with the Committees on Appropriations of the Senate and of the House of Representatives if such a transfer is necessary and identify the source of the funds of said transfer subject to normal reprogramming guidelines.

Sec. 6065. The conference agreement includes a new provision that reiterates the application of current law regarding U.S. cargo preference requirements to assistance provided in this Act.

Sec. 6066. The conference agreement includes a provision making technical corrections to certain judiciary fees, as proposed by both the House and the Senate.

Sec. 6067. The conference agreement includes a provision that corrects the amount provided in P.L. 108–447 for the Las Cruces United States Courthouse to read $60,600,000 instead of $60,000,000, as proposed by the Senate.

Sec. 6068. The conference agreement includes a provision that corrects a citation in P.L. 108–447 to read ''572(a)(2)(A)(ii)'', as proposed by the Senate.

Sec. 6069. The conference agreement includes a provision making technical corrections to three grants under the heading ''Community Development Fund'' in P.L. 108–447.

Sec. 6070. The conference agreement includes a provision making technical corrections to two grants under the heading ''Community Development Fund'' in P.L. 108–7.

Sec. 6071. The conference agreement includes a provision making technical corrections to eight grants under the heading ''Community Development Fund'' in P.L. 108–199.

Sec. 6072. The conference agreement includes a provision making technical corrections to seven grants under the heading ''Community Development Fund'' in P.L. 108–447.

Sec. 6073. The conference agreement includes a technical correction to Section 222 of Title II, Division I of P.L. 108–447, as proposed by the Senate.

Sec. 6074. The conference agreement includes a new provision that raises the ceiling on the number of Home Equity Conversion Mortgages that FHA may insure from 150,000 to 250,000.

Sec. 6075. The conference agreement includes a new provision that permits HUD to use 2005 appropriations to run Public Housing Authorities that are placed under Federal receivership in 2005.

Sec. 6076. The conference agreement includes a provision that prohibits executive branch agencies from creating prepackaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency. This provision confirms the opinion of the Government Accountability Office dated February 17, 2005 (B–304272).

Sec. 6077. The conference agreement includes a provision amending the use of District of Columbia local funds, as proposed by both the House and the Senate.

Sec 6078. The conference agreement includes a provision proposed by the House (Sec. 5012) to amend section 114 of title I of division I of Public Law 108–447 to restrict the use of funds for medical preparedness centers by the Department of Veterans Affairs. The Senate bill contained no similar provision.

Sec. 6079. The conference agreement includes a provision proposed by the House (Sec. 5013) to amend section 117 of title I of division I of Public Law 108–447 to allow for the direct deposit of funds into the two construction accounts of the Department of Veterans Affairs. The Senate bill contained no similar provision.

Sec. 6080. The conference agreement includes a modified provision proposed by the House (Sec. 5014) to make certain funds available without fiscal year limitation. The Senate bill contained no similar provision.

Sec. 6081. The conference agreement includes a provision proposed by the Senate (Sec. 1128) to amend Public Law 108–422, adding to the definition in the law concerning ''medical center.'' The House bill contained no similar provision. The conferees are cognizant of the concerns of the Department of Veterans Affairs. As such, the conferees direct the Department to report to the Committees on Appropriations of the House and Senate any significant cost and schedule implications at the affected locations. If such implications are significant, the Committees may address these issues in the fiscal year 2006 regular appropriations bill.

The conferees note that the Government Accountability Office is required by statute to report to Congress on the expenditures of independent counsels' offices every six months. These reports are submitted to the House and Senate Appropriations Committees, the House and Senate Judiciary Committees and the House Government Reform Committee and the Senate Homeland Security and Governmental Affairs Committee. The conferees expect this reporting to continue for all ongoing independent counsel activities.

The conference agreement does not include language proposed as Senate Section 6047 expressing the Sense of the Senate regarding timely enactment of appropriations for the United States Armed Forces. The House did not include similar language.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, comparisons to the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollar]

Budget estimates of new (obligational) authority, fiscal year 2005	82,042,628
House bill, fiscal year 2005	81,366,878
Senate bill, fiscal year 2005	81,219,945
Conference agreement, fiscal year 2005	82,041,478
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2005	−1,150
1House bill, fiscal year 2005	+674,600
Senate bill, fiscal year 2005	+821,533'

DIVISION B—REAL ID ACT OF 2005

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

Section 101 of the conference agreement includes language modified from language proposed in section 101 of division B of the House bill. The Senate did not include similar language.

Asylum Reform: As the staff of the 9/11 Commission determined, terrorist aliens have exploited our asylum laws to enter and remain in the United States.

Aliens who pose a danger to the national security of the United States have been barred from receiving asylum and withholding of removal by regulation since 1990. In 1996, Congress amended the Immigration and Nationality Act (INA) to explicitly bar aliens who are inadmissible or deportable under terrorism provisions from receiving asylum and withholding. Despite these bars to dangerous aliens receiving asylum, however, the 9/11 Terrorist Travel monograph notes that ''[a] number of terrorists [have] . . . abused the asylum system.'' Mono. at 106.

For example, Ramzi Yousef and Ahmad Ajaj, plotters of the first World Trade Center bombing, ''concocted bogus political asylum stories when they arrived'' to remain in the United States in 1992. Id. at 50. Similarly, the Blind Sheikh, Sheikh Abdul Rahman, ''avoided being removed from the United States by filing an application for asylum and withholding of deportation to Egypt in . . . 1992.'' Id. at 55.

In addition to these aliens whose asylum abuse was specifically described in the Terrorist Travel Monograph, other alien terrorists have abused our generous asylum laws. In January 1993, 11 months after he applied for asylum, Mir Aimal Kansi, also known as Mir Aimal Kasi, killed two CIA employees in front of CIA headquarters in Langley, Virginia. Camarota, Steven, ''The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States, 1993–2001,'' Center for Immigration Studies, May 2002, at 7, www.cis.org/articles/2002/Paper21/terrorism2.html>; see also Border Security and Enforcement: The 9/11 Commission Staff Report on Training for Border Inspectors, Document Integrity, and Defects in the U.S. Visa Program Before the Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology, and Homeland Security of the Senate Judiciary Committee, 108th Cong., 1st Sess. (2005) (statement of Janice Kephart). Kansi had been a visa overstay for almost a year before filing that application. ''The Open Door'', at 7. Hesham Hedayet killed two in a shooting spree at LAX on July 4, 2002. Immigration and Naturalization Service's (INS's) Interactions with Hesham Mohamed Ali Hedayet Before the Subcommittee on Immigration, Border Security and Claims of the House Judiciary Committee, 107th Cong., 2d Sess. at 7 (statement of William Yates, Deputy Executive Associate Commissioner, INS) (2002). He entered the United States in 1992, and extended his stay by filing an asylum application one month before his stay ended. Id. His application was administratively denied, but he adjusted his status 17 months later after his wife won the visa lottery. Id. at 7–8.

Nor did the reforms in the mid–1990s end such abuse. In February 1997, for example, Gazi Ibrahim Abu Mezer was released after entering the United States illegally and after stating that he would be applying for asylum. Special Report of the United States Department of Justice, Office of the Inspector General, ''Bombs in Brooklyn: How the Two Illegal Aliens Arrested for Plotting to Bomb the New York Subway Entered and Remained in the United States'' (March 1998). In April 1997, he filed an asylum application in which he claimed that ''the Israeli government continuously persecuted him.'' Id. On July 31, 1997, Mezer was arrested in a Brooklyn apartment for allegedly planning to bomb the New York City subway system. Id.

In January 1999, Somali national Nuradin Abdi was granted asylum. Government's Motion to Detain Defendant and Memorandum in Support at 4, *United States* v. *Nuradin M.*

Abdi (S.D. Ohio 2004) (No. 2:04cr88). Abdi purportedly used that status to apply for a travel document to facilitate an act of international terrorism. See Indictment, *United States* v. *Nuradin M. Abdi* (S.D. Ohio 2004) (No. 2:04cr88). After he returned to the United States, he was charged with conspiring to provide material support to al Qaeda, and the Justice Department claims ''that Abdi, along with admitted al Qaeda operative Iyman Ferris and other co-conspirators, initiated a plot to blow up a Columbus [Ohio] area shopping mall.'' Press Release of the United States Department of Justice, ''Ohio Man Indicted for Providing Material Support to Al Qaeda, Falsely Obtaining and Using Travel Documents (June 14, 2004), at 2. The government has revoked his asylum because ''with the exception of some minor biographical data, every aspect of [Abdi's] asylum application . . . was false.'' Government's Motion to Detain Defendant and Memorandum in Support at 4, *United States* v. *Nuradin M. Abdi* (S.D. Ohio 2004) (No. 2:04cr88).

Section 101 of Division B responds to terrorist abuse of our asylum laws by amending the INA to limit fraud.

As there are no explicit evidentiary standards for granting asylum in the INA, standards for determining the credibility of an asylum applicant and the necessity for evidence corroborating an applicant's testimony have evolved through the case law of the Board of Immigration Appeals (BIA) and federal courts. Because these standards are not consistent across federal appellate courts, different results have been reached in similar cases, depending on the court that hears the case.

With regard to sufficiency of the evidence, for example, the BIA and the federal courts agree that credible testimony alone may suffice to sustain the applicant's burden of proof in some cases, but disagree on when credible testimony alone can meet the burden and when corroboration is needed. The BIA has held that: ''Because the burden of proof is on the alien, an applicant should provide supporting evidence, both of general country conditions and of the specific facts sought to be relied on by the applicant, where such evidence is available. If such evidence is unavailable, the applicant must explain its unavailability, and the Immigration Judge must ensure that the applicant's explanation is included in the record.'' *Matter of S-M-J-*, 21 I&N Dec. 722 (BIA 1997).

Section 101 resolves conflicts between administrative and judicial tribunals with respect to standards to be followed in assessing asylum claims. In addition, it makes similar amendments to the standards governing other forms of relief from removal. Finally, this sections corrects references within the asylum provisions to reflect changes in the INA generally.

Authority: Subsection 101(a) of Division B would amend paragraph 208(b)(1) of the INA to clarify that the Secretary of Homeland Security and the Attorney General both have authority to grant asylum. Because both the Secretary of Homeland Security and the Attorney General may now exercise authority over asylum depending on the context in which asylum issues arise, paragraphs 101(a)(1) and (2) of Division B would accordingly amend paragraph 208(b)(1) of the INA to insert references to both the Attorney General and the Secretary of Homeland Security.

Paragraph 101(g)(1) of Division B would provide that the references to the authority of the Secretary of Homeland Security would take effect as if enacted on March 1, 2003, which was the official date of transfer of immigration enforcement functions from the INS to the Department of Homeland Security under the Reorganization Plan.

Burden of Proof and Central Reason: Paragraph 101(a)(3) codifies case law standards for granting asylum, both to resolve conflicts between fora and to codify precedential rules.

First, that paragraph would create a new clause 208(b)(1)(B)(i) in the INA. This clause codifies existing regulations and case law standards stating that the burden of proof is on the asylum applicant to establish eligibility as a refugee. This clause also will clarify the standard that an asylum applicant must meet to establish the motivation for persecution claimed.

The INA requires all aliens seeking asylum to establish that they suffered or fear persecution ''on account of'' one of five factors: race, religion, nationality, membership in a particular social group, or political opinion. As the Supreme Court has held: ''since the statute makes motive critical, [an asylum applicant] must provide some evidence of it, direct or circumstantial.'' *INS* v. *Elias-Zacarias*, 502 U.S. 478, 483 (1992).

In explaining the Supreme Court's decision, the Ninth Circuit stated: ''[I]n those cases in which a persecuted activity could stem from many causes, some protected by the statute and others unprotected, the victim must tie the persecution to a protected cause. To do this, the victim needs to show the persecutor had a protected basis (such as the victim's political opinion) in mind in undertaking the persecution.'' *Canas-Segovia* v. *INS*, 970 F.2d 599, 601 (9th Cir. 1992). The BIA has explained the alien's burden as follows: an asylum applicant ''bear[s] the burden of establishing facts on which a reasonable person would fear that the danger arises on account of'' one of the five protected factors. *Matter of Fuentes*, 19 I & N Dec. 658, 662 (BIA 1988).

The main issue in assessing motivation in an asylum context occurs in so-called ''mixed motive'' cases, where there is more than one possible motive for harm, one protected, others not. In requiring an asylum applicant to establish that at least one central reason for persecution was or will be one of the five factors for asylum relief, this subsection calls for an evaluation of whether the protected characteristic is central to the persecutor's motivation to act.

Similar language has been advanced as a uniform standard for assessing motivation previously. In the proposed rule dealing with Asylum and Withholding Definitions (the so-called ''R-A-'' rule dealing with domestic violence cases), former Attorney General Janet Reno proposed to amend the asylum regulations to implement an almost identical proposal, explained as follows:

> This rule proposes new language . . . that would require an applicant to show that the protected characteristic is central to the persecutor's motivation to act. Consistent with current law, this language allows for the possibility that a persecutor may have mixed motives. It does not require that the persecutor be motivated solely by the victim's possession of a protected characteristic. It does, however, require that the victim's protected characteristic be central to the persecutor's decision to act against the victim. For example, under this definition it clearly would not be sufficient if the protected characteristic was incidental or tangential to the persecutor's motivation.

65 Fed. Reg. 76588, 76592 (Dec. 7, 2000).

Because this standard has not yet been adopted, there is currently no uniform standard for assessing motivation. This statutory standard is, however, in keeping with decisions of reviewing courts. See *Girma* v. *INS*, 283 F.3d 664, 668 (5th Cir. 2002) (affirming BIA's finding of no persecution on account of qualifying ground, because in mixed motive case ''applicant . . . must present evidence sufficient for one to reasonably believe that the harm suffered was motivated in meaningful part by a protected ground''); *Ambartsoumian* v. *Ashcroft*, 388 F.3d 95, 91 (3d Cir. 2004) (applicant failed to show persecution on account of ethnicity, where police harassment was ''mainly because he had failed to obtain proper legal documents and permission, and not because of his ethnicity''); *Useinovic* v. *INS*, 313 F.3d 1025, 1033 (7th Cir. 2002) (applicant failed to show persecution on account of political opinion based on robbery, where no showing that robbery ''was primarily aimed at him personally and not at [stealing] valuables.''). Ninth Circuit decisions in *Borja* v. *INS*, 175 F.3d 732 (9th Cir.1999) and *Briones* v. *INS*, 175 F.3d 727 (9th Cir.1999) and other cases have substantially undermined a proper analysis of mixed motive cases, however.

Adopting this standard will address another anomaly in the law that has been created by the Ninth Circuit, one that improperly favors asylum applicants who claim that they have been accused of engaging in terrorist, militant, or guerrilla activity. In Singh v. Ilchert, 63 F.3d 1501, 1509 (9th Cir. 1995), the Ninth Circuit equated the ''investigation of and reaction against those thought, rightly or wrongly, to be militants seeking the violent overthrow of the government'' with ''a classic example of imputed political opinion,'' rendering the applicant eligible for asylum. The court there also recognized a presumption of persecution on account of political opinion in the absence of evidence of what it termed a ''legitimate government prosecution'' of a suspected militant. See id. at 1509 (''In this case, Singh was not the target of any legitimate government prosecution. As in *Blanco-Lopez*, '[w]e find no evidence in the record . . . that an actual, legitimate, criminal prosecution was initiated against [the applicant.]'*Blanco-Lopez* [v. *INS*], 858 F.2d [531], 534 [(9th Cir. 1988)]. If 'there is no evidence of a legitimate prosecutorial purpose for a government's harassment of a person . . . there arises a presumption that the motive for harassment is political.' *Hernandez-Ortiz* v. *INS*, 777 F.2d 509, 516 (9th Cir.1985) ('When a government exerts its military strength against an individual or a group within its population and there is no reason to believe that the individual or group has engaged in any criminal activity or other conduct that would provide a legitimate basis for governmental action, the most reasonable presumption is that the government's actions are politically motivated.' '')).

This presumption violates the Supreme Court precedent Elias-Zacarias, which requires asylum applicants to provide evidence of motivation. Further, this presumption effectively, but improperly, shifts the burden to the government to prove either a ''legitimate purpose'' for the foreign government's interest in the alien, or that the alien's claim is not credible, or that the alien is barred from asylum relief because, for example, that alien actually is a terrorist or a persecutor.

Plainly, an alien who is a terrorist could more easily fabricate a claim that his home government believes erroneously that he is a terrorist. This is suggested by the case of Gazi Ibrahim Abu Mezer, who was sentenced to life imprisonment for planning to bomb the New York subway system in 1997. See *United States* v. *Khalil*, 214 F.3d 111, 115 (2d Cir. 2000), cert. denied, 531 U.S. 937 (2000). Mezer was free in the United States after he was arrested in Washington State by the Border Patrol, which initiated formal deportation proceedings against him. Special Report of the United States Department of Justice, Office of the Inspector General, ''Bombs

in Brooklyn: How the Two Illegal Aliens Arrested for Plotting to Bomb the New York Subway Entered and Remained in the United States'' (March 1998). While in proceedings, Mezer was released on a $5,000 bond and filed an application for political asylum in the United States. Id. In his asylum application, Mezer claimed that Israeli authorities had persecuted him because they wrongly believed he was a member of Hamas. Id. In support of his claim that Israel authorities had detained him twice without cause, Mezer attached two documents from the International Committee of the Red Cross. Id. One document reflected that Mezer was arrested on July 31, 1990, and held for 42 days for a ''security'' violation. Id. The second document indicated that Mezer was arrested on November 25, 1990, and held for approximately 90 days for ''administrative'' reasons. Id.

According to the investigation of the case by the Justice Department's Inspector General, the judge who received that application ''did not notice that Mezer had said he was suspected of being a terrorist in Israel. She added that the assertion about Hamas, in itself, was not persuasive evidence that Mezer was a terrorist or that he should be detained, particularly because Mezer denied the assertion and also because he returned for this hearing after he had posted bond.'' Id. (emphasis added). The Inspector General continued:

INS trial attorneys whom we interviewed discussed some of the reasons that immigration judges do not normally detain aliens based only on their statements that they had been falsely accused of membership in a terrorist organization. First, they said that it was common for aliens to make such claims in support of asylum applications. INS Trial attorney Tammy Fitting estimated that on average, she saw one such claim each day during her work as a trial attorney.

Id. The burden that the government must bear in responding to such claims is compounded by two other issues. First, a regulation that bars the disclosure of information contained in an asylum application, or even the fact that an alien has applied for asylum, hinders the government's ability to confirm the veracity of asylum claims, or to obtain evidence that contradicts an alien's asylum claims. See 8 CFR §208.6. Second, information that ties a specific alien to terrorism is likely to be classified. The use of classified information in section 240 removal proceedings is disfavored, however. See e.g., *Haddam* v. *INS*, 54 F. Supp. 2d 588, 598 (E.D.Va. 1999) (''The use of secret evidence against a party, evidence that is given to, and relied on, by the IJ and BIA but kept entirely concealed from the party and the party's counsel, is an obnoxious practice, so unfair that in any ordinary litigation context, its unconstitutionality is manifest.'').

The ''central reason'' standard will eliminate this presumption, and require aliens who allege persecution because they have been erroneously identified as terrorists to bear the same burden as all other asylum applicants, that is, they will have to offer direct or circumstantial evidence of motive, in accordance with Supreme Court precedent.

Finally, with respect to so-called ''mixed-motive'' claims, under this amendment, asylum may be granted where there is more than one motive for mistreatment, as long as at least one central reason for the mistreatment is on account of race, religion, nationality, membership in a particular social group, or political opinion.

Corroboration and Credibility. Clauses 208(b)(1)(B)(ii) and (iii), added by paragraph 101(a)(3) of Division B, will bring clarity and consistency to evidentiary determinations by codifying standards for determining the credibility of applicant testimony, and determining when corroborating evidence may be required.

Corroboration: As a preliminary matter, new clause 208(b)(1)(B)(ii) of the INA codifies the BIA case law standard that the testimony of an asylum applicant can be sufficient to sustain the asylum applicant's burden of proof without corroboration, where the adjudicator determines that such testimony is credible, persuasive, and refers to specific facts demonstrating refugee status. Many aliens validly seeking asylum arrive in the United States with little or no evidence to corroborate their claims. This clause recognizes that a lack of extrinsic or corroborating evidence will not necessarily defeat an asylum claim where such evidence is not reasonably available to the applicant.

Codifying the BIA's corroboration standards, new clause 208(b)(1)(B)(ii) in the INA states that if an adjudicator determines that an asylum applicant should provide corroborating evidence for otherwise credible testimony, such corroborating evidence must be provided unless the applicant does not have it and cannot reasonably obtain it. Although this provision makes it possible for an alien to prove eligibility for asylum without corroborating evidence, the inability to obtain corroborating evidence does not relieve the applicant from sustaining the burden of proof, that is, the alien must satisfy his burden through other evidence.

This provision is based upon the standard set forth in the BIA's decision in *Matter of S–M–J–*, 21 I&N Dec. 722. The BIA held there:

Because the burden of proof is on the alien, an applicant should provide supporting evidence, both of general country conditions and of the specific facts sought to be relied on by the applicant, where such evidence is available. If such evidence is unavailable, the applicant must explain its unavailability, and the Immigration Judge must ensure that the applicant's explanation is included in the record. Moreover, general country condition information may be necessary to support an applicant's testimony where the alien's claim is based on allegations which may be independently verified. ''(W)hen the basis of an asylum claim becomes less focused on specific events involving the respondent personally and instead is more directed to broad allegations regarding general conditions in the respondent's country of origin, corroborative background evidence that establishes a plausible context for the persecution claim (or an explanation for the absence of such evidence) may well be essential.''

Id. at 724 (internal citations omitted). With respect to evidence to support the applicant's specific claim, the BIA explained:

Unreasonable demands are not placed on an asylum applicant to present evidence to corroborate particular experiences (e.g., corroboration from the persecutor). However, where it is reasonable to expect corroborating evidence for certain alleged facts pertaining to the specifics of an applicant's claim, such evidence should be provided. That is, an asylum applicant should provide documentary support for material facts which are central to his or her claim and easily subject to verification, such as evidence of his or her place of birth, media accounts of large demonstrations, evidence of a publicly held office, or documentation of medical treatment. If the applicant does not provide such information, an explanation should be given as to why such information was not presented. . . . The absence of such corroborating evidence can lead to a finding that the applicant has failed to meet her burden of proof.

Id. at 725–26. Congress anticipates that the standards in *Matter of S–M–J–*, including the BIA's conclusions on situations where corroborating evidence is or is not required, will guide the BIA and the courts in interpreting this clause.

Credibility: Proposed new clause 208(b)(1)(B)(iii) of the INA codifies factors identified in case law on which an adjudicator may make a credibility determination, including demeanor, candor, responsiveness, inherent plausibility of the account, consistency between the written and oral statements (regardless of when it was made and whether it was under oath, and considering the circumstances under which the statements were made), internal consistency of a statement, consistency of statements with the country conditions in the country from which the applicant claims asylum, and any inaccuracies or falsehoods in such statements. This section reiterates the rule that an asylum adjudicator is entitled to consider credible testimony along with other evidence.

Again, the creation of a uniform standard for credibility is needed to address a conflict on this issue between the Ninth Circuit on one hand and other circuits and the BIA. In *Elias-Zacarias*, 502 U.S. 478, the Supreme Court rejected the notion that a reviewing court may overturn a determination of the BIA in an asylum case whenever the court believes that the evidence supports a conclusion different from that of the BIA. It explained that ''[t]o reverse the BIA finding we must find that the evidence not only supports that conclusion, but compels it.'' Id. at 481 n.1. Thus, an asylum applicant who ''seeks to obtain judicial reversal of the BIA's determination . . . must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution.'' Id. at 483–484.

In 1996, as part of IIRIRA, Congress codified the principles that the Court articulated in *Elias-Zacarias*. Congress directed that a court of appeals reviewing an order of removal must confine its review to the administrative record before the agency and must accept the BIA's findings of fact as ''conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.'' Sections 242(b)(4)(A) and (B) of the INA.

This clause will allow Immigration Judges and the BIA to follow commonsense standards in assessing the credibility of asylum applicants better allowing them to identify and reject fraudulent claims. It should be noted, however, that although clause 208(b)(1)(B)(iii) would allow an adjudicator to base an adverse credibility determination on any of the factors set forth therein, such a determination must be reasonable and take into consideration the individual circumstances of the specific witness and/or applicant.

While the trier of fact is not required to state expressly that the trier has considered each factor in assessing credibility, Congress expects that the trier of fact will describe those factors that form the basis of the trier's opinion. This is true even where the trier of fact bases a credibility determination in part or in whole on the demeanor of the applicant.

Courts have recognized the expertise that Immigration Judges bring to this task. As the Ninth Circuit has held, for example: ''An immigration judge alone is in a position to observe an alien's tone and demeanor, to explore inconsistencies in testimony, and to apply workable and consistent standards in the evaluation of testimonial evidence. He is, by virtue of his acquired skill, uniquely qualified to decide whether an alien's testimony has about it the ring of truth.'' *Sarvia-*

Quintanilla v. *INS*, 767 F.2d 1387, 1395 (9th Cir.1985).

In assessing an applicant's demeanor for purposes of making a credibility assessment, Congress anticipates that triers of fact will rely on those aspects of demeanor that are indicative of truthfulness or deception. For example, in explaining why it ''granted special deference to the IJ's eyewitness observations regarding demeanor evidence,'' the Ninth Circuit cited to an explanation that it had given ''in the context of a similarly-situated administrative law judge,'' holding: ''Weight is given to the administrative law judge's determinations of credibility for the obvious reason that he or she sees the witnesses and hears them testify, while the Board and the reviewing court look only at cold records.' All aspects of the witness's demeanor—including the expression of his countenance, how he sits or stands, whether he is inordinately nervous, his coloration during critical examination, the modulation or pace of his speech and other non-verbal communication—may convince the observing trial judge that the witness is testifying truthfully or falsely.'' *Mendoza Manimbao* v. *Ashcroft*, 329 F.3d 655, 662 (9th Cir. 2003). As noted, a credibility determination should follow an examination of all relevant circumstances, including the circumstances of the individual applicant.

Finally, this provision makes it clear that there is no presumption of credibility, but if no adverse credibility determination is explicitly made, the applicant or witness has a rebuttable presumption of credibility on appeal.

Effective Dates. Paragraph 101(g)(2) would provide that the asylum standards established in paragraph 101(a)(3) of Division B shall take effect on the date of enactment and apply to asylum applications made on or after such date, therefore, the standards would not apply by statute to asylum applications filed before the date of enactment, although such standards in existing case law would apply.

Standards for Granting Withholding of Removal. Paragraph 241(b)(3) of the INA places restrictions on removal to a country where an alien's life or freedom would be threatened. Withholding is a form of protection similar to asylum, with some critical differences. Asylum is a discretionary form of relief, for which the standard is a ''well-founded fear of persecution.'' Withholding of removal, on the other hand, is mandatory protection from removal for those who can satisfy the higher standard of a ''clear probability of persecution,'' also expressed as ''more likely than not'' that an alien would be persecuted. There are other key differences between the two forms of relief. A person who has been granted asylum has been admitted into the United States, although the status is not a right to reside permanently in the United States. An alien who is granted withholding has not been granted legal entry into the United States and may be removed to his country when there is no longer any threat to his life or freedom. Withholding of removal is only specific to a particular country and therefore does not preclude removal to another country. An alien granted withholding of removal may not adjust to the status of a lawful permanent resident and the alien's family members are not eligible to come to the United States via the alien's status in the United States.

In contrast, an alien granted asylum may adjust status under subsection 209(b) of the INA after being present in the United States for one year after the grant of asylum if the alien still meets the definition of refugee, is not firmly resettled in any other country and is otherwise admissible as an immigrant (with exemptions from certain grounds of inadmissibility). Additionally, under paragraph 208(b)(3) of the INA, the spouse and children of an alien granted asylum, if not otherwise eligible for asylum, may be granted asylum themselves if accompanying or following to join the alien. Aside from the higher standard for burden of proof, withholding of removal involves similar consideration of credibility and corroboration factors and some of the same issues regarding Ninth Circuit jurisprudence.

Subsection 101(c) of Division B would amend paragraph 241(b)(3) of the INA by applying to and codifying for withholding of removal applications the same standards for sustaining the applicable burden of proof and for assessing credibility that would be used for asylum adjudications under clauses 208(b)(1)(B)(ii) and (iii) of the INA, as added by paragraph 101(a)(3) of Division B.

Subsection 101(h)(2) of Division B would provide that the withholding of removal standards established in subsection 101(c) take effect on the date of enactment and apply to withholding applications made on or after such date. Accordingly, those standards would not apply by statute to applications filed before the date of enactment, although such standards in existing case law would apply.

Other Applications for Relief. Subsection 101(d) of Division B would add a new paragraph 240(c)(4) to the INA. This paragraph would apply the credibility and corroboration standards in section 101(a)(3) of Division B to other applications for relief and protection from removal. The new paragraph also codifies the current requirement that an alien applying for relief or protection, and also that he or she merits that relief as a matter of discretion, if the relief is discretionary.

Subsection 101(h)(2) of Division B would provide that the standards established in subsection 101(d) shall take effect on the date of enactment and apply to withholding applications made on or after such date. Accordingly, those standards would not apply by statute to applications filed before the date of enactment, although such standards in existing case law would apply.

Judicial Review of Corroboration Determinations: Subsection 101(e) of Division B would amend paragraph 242(b)(4) of the INA by establishing a specific standard of review for reversal of determinations concerning the availability of corroborating evidence by an adjudicator considering an application for asylum, withholding of removal, or other applications for relief or protection. This subsection would apply the prevailing standard of review for factual determinations in subparagraph 242(b)(4)(B) of the INA to determinations about the availability of corroborating evidence, itself a factual determination. This provision underscores that the appropriate standard of review for such determinations is the deferential factual review standard.

Subsection 101(g)(3) of Division B would provide that the standards established in subsection 101(e) shall take effect on the date of enactment and apply to all cases in which the final removal order was issued before, on, or after such date.

Clarification of Discretionary Relief Provision: Subsection 101(f) would amend subparagraph 242(a)(2)(B) of the INA by clarifying that the provision barring judicial review of denials of discretionary relief applies regardless of whether the discretionary judgment, decision, or action is made in removal proceedings. It also amends subparagraph 242(a)(2)(B) of the INA by adding reference to the Secretary of Homeland Security, to clarify the text and make it consistent with the aims of the Reorganization Plan for the Department of Homeland Security.

Subsection 101(g)(4) of Division B would provide that the amendments in subsection 101(f) shall take effect on the date of enactment and apply to all cases pending before, on, or after such date.

Removal of Caps. Section 209 of the INA currently provides that the Attorney General may adjust the status of aliens granted asylum to lawful permanent residence if they satisfy certain conditions, subject to a cap of 10,000 persons per fiscal year (aside from certain groups of asylees who are or have been exempt from the cap or subject to limits set in other legislation). Paragraph 101(g)(1) of Division B would eliminate the cap for adjustment of status for asylees. It would also replace references to the ''Immigration and Naturalization Service'' with references to the ''Department of Homeland Security'' and replace references to the ''Attorney General'' with references to the ''Secretary of Homeland Security or the Attorney General.''

Similarly, under section 207(a)(5) of the INA, not more than 1,000 aliens may be admitted as refugees or granted asylum under the provision of section 101(a)(42) therein relating to persecution for resistance to coercive population control methods. Paragraph 101(g)(2) would strike the limitation on grants under this provision.

Subsection 101(f), lifting these caps, shall take effect on the date of enactment of Division B, pursuant to paragraph 101(g)(5).

Repeal of the Study and Report on Terrorists and Asylum. Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 provides that ''the Comptroller General of the United States shall conduct a study to evaluate the extent to which weaknesses in the United States asylum system and withholding of removal system have been or could be exploited by aliens connected to, charged in connection with, or tied to terrorist activity,'' including the extent to which precedential court decisions may have affected the ability of the Federal Government to prove that an alien is a terrorist who should be denied asylum and/or removed.

Subsection 101(h) of Division B would repeal the requirement for the study and report, because the other provisions in section 101 of Division B would resolve the vulnerability of the asylum and withholding of removal systems to terrorist exploitation.

Section 102 of the conference agreement includes language modified from language proposed in section 102 of division B of the House bill. The Senate did not include similar language.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 provides for construction and strengthening of barriers along U.S. land borders and specifically provides for 14 miles of barriers and roads along the border near San Diego, beginning at the Pacific Ocean and extending eastward. It provides for a waiver of the Endangered Species Act of 1973 (ESA) and the National Environmental Policy Act of 1969 (NEPA) to the extent the Attorney General determines is necessary to ensure expeditious construction of barriers and roads. Despite the existing waiver provision, construction of the San Diego area barriers has been delayed due to a dispute involving other laws. The California Coastal Commission has prevented completion of the San Diego border security infrastructure because it alleges that plans to complete it are inconsistent with the California Coastal Management Program, a state program approved pursuant to the federal Coastal Zone Management Act (CZMA)—notwithstanding the fact that the San Diego border security infrastructure was designed to avoid and/or minimize adverse environmental impacts, and the Bureau of

Customs and Border Protection (CBP) of the Department of Homeland Security testified before the California Coastal Commission that the plans for completion were consistent with the Coastal Management Program to the maximum extent practicable without sacrificing the effectiveness of the border security infrastructure. Continued delays caused by litigation have demonstrated the need for additional waiver authority with respect to other laws that might impede the expeditious construction of security infrastructure along the border, such as the Coastal Zone Management Act.

Current Law. Section 102(c) of IIRIRA provided for a waiver of the ESA and NEPA to the extent the Attorney General determines is necessary to ensure expeditious construction of barriers and roads.

Section 102 of the conference report would amend the current provision to require the Secretary of Homeland Security to waive all laws that he or she determines, in his or her sole discretion, are necessary to ensure the expeditious construction of the border barriers.

Additionally, it would prohibit judicial review of a waiver decision or action by the Secretary and bar judicially ordered compensatory, declaratory, or injunctive, equitable, or any other relief or other remedy for damage alleged to result from any such decision or action. As discussed above, current statutes and the Reorganization Plan for the Department of Homeland Security have not amended and clarified references to executive authority throughout the INA. Accordingly, the provision would have replaced the reference in current law to the Attorney General by a reference to the Secretary of Homeland Security.

The Conferees have revised the House provision in the following respects. First, the revised provision authorizes but does not require the Secretary of DHS to waive any legal requirements that he or she, in his or her sole discretion, determines are necessary to ensure expeditious construction of border security infrastructure. Second, the provision clarifies the intent of the conference report by substituting a reference to waiver of ''all legal requirements'' for the prior reference to waiver of ''all laws'', clarifying Congress'' intent that the Secretary's discretionary waiver authority extends to any local, state or federal statute, regulation, or administrative order that could impede expeditious construction of border security infrastructure. Third, the conferees provided that any such waiver would become effective upon publication in the Federal Register, thereby ensuring appropriate public notice of such determinations. Finally, the Conferees have provided federal judicial review for claims alleging that the actions or decisions of the Secretary violate the United States Constitution. The Conferees have further provided that such claims must be filed within sixty days of the Secretary's action or decision, and that interlocutory or final judgments, decrees, or orders of federal district courts on such claims may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States. The Conferees' intent is to ensure that judicial review of actions or decisions of the Secretary not delay the expeditious construction of border security infrastructure, thereby defeating the purpose of the Secretary's waiver.

Section 106 of the conference agreement includes language modified from language proposed in section 105 of division B of the House bill. The Senate did not include similar language.

Section 106 of Division B addresses a number of judicial review anomalies improperly favoring criminal aliens that were created by court decisions interpreting changes to the INA in 1996. Since 1961, Congress has consistently provided that only the courts of appeals may review removal orders. From 1961 through 1996, the INA provided that review in the courts of appeals ''shall be the sole and exclusive procedure'' for judicial review of deportation orders. See INA subsection 106(a) (1995) (entitled ''Exclusiveness of procedure''). As the legislative history behind this provision reveals, Congress aimed to ''create a single, separate, statutory form of judicial review of administrative orders for the deportation and exclusion of aliens from the United States.'' H.R. REP. NO. 1086, 87th Cong., 1st Sess., reprinted in 1961 U.S.C.C.A.N. 2950, 2966 (1961). Congress's ''fundamental purpose'' was ''to abbreviate the process of judicial review of deportation orders'' and to ''eliminat[e] the previous initial step in obtaining judicial review—a suit in a District Court.'' *Foti* v. *INS*, 375 U.S. 217, 224 (1963); accord *Agosto* v. *INS*, 436 U.S. 748, 752–53 (1978); *Giova* v. *Rosenberg*, 379 U.S. 18 (1964) (per curiam). Thus, a final order of deportation could be challenged only in the appropriate court of appeals upon a timely filed petition for review.

Such order could not have been challenged in district court by way of habeas corpus. Although the INA contained another provision permitting habeas review, see INA §106(a)(10) (1995), several circuits interpreted that provision as not providing habeas review over deportation orders, but only review over collateral issues, such as whether the alien should be released from custody or granted a stay of deportation pending a petition for review.

Moreover, to the extent that habeas review of deportation orders had been available before 1996, Congress attempted to eliminate it in enacting the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. 104–132, 110 Stat. 1214 (April 24, 1996). One of the statute's provisions, entitled ''Elimination of Custody Review by Habeas Corpus,'' expressly repealed the former habeas provision. See subsection 401(e), 110 Stat. 1268, repealing INA paragraph 106(a)(10) (1995). This was part of Congress's broad efforts to streamline immigration proceedings. Indeed, to expedite removal, section 440(a) of AEDPA precluded all judicial review of deportation orders for certain classes of criminal aliens. 110 Stat. 1276–77 (providing that such orders ''shall not be subject to review by any court'').

Congress continued these streamlining reforms when it enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104–208, 110 Stat. 3546 (Sept. 30, 1996). In IIRIRA, Congress reestablished that only courts of appeals—and not district courts—could review a final removal order (or, to use the pre–1996 nomenclature, deportation order or exclusion order). See section 242(a)(1) of the INA (incorporating the Hobbs Act, 28 U.S.C. §2347). In addition, Congress made clear that review of a final removal order is the only mechanism for reviewing any issue raised in a removal proceeding. Section 242(b)(9) of the INA (2000); see also IIRIRA §309(c)(4)(A) (transition rules). Together, these provisions were intended to preclude all district court review of any issue raised in a removal proceeding. Finally, as it did in AEDPA, Congress confirmed that criminal aliens could not obtain any judicial review. IIRIRA expressly provided that, ''[n]otwithstanding any other provision of law, no court shall have jurisdiction to review any final order of removal against an alien who is removable by reason of having committed'' one of various criminal offenses, including aggravated felonies. See section 242(a)(2)(C) (2000) (emphasis added); see also S. Rep. No. 104–249, 104th Cong, 2d Sess. at 7 (''Aliens who violate U.S. immigration law should be removed from this country as soon as possible.'').

Despite Congress's efforts to limit judicial review in 1996, the Supreme Court expanded it just five years later. In *INS* v. *St. Cyr*, the Supreme Court held that criminal aliens are actually entitled to more review than they had before the 1996 amendments, and more review than non-criminal aliens. *INS* v. *St. Cyr*, 533 U.S. 289 (2001). Specifically, the Court held that criminal aliens could seek habeas review of their removal orders under 28 U.S.C. §2241. With habeas review, the criminal alien would get review in district court and, on appeal, in the court of appeals.

The basis for the Court's decision was that Congress never ''explicitly mention[ed]'' section 2241 or habeas when it eliminated all judicial review over criminal aliens' removal orders. Id. at 312–13. According to the Court, an explicit reference to section 2241 or habeas was necessary because Congress did not provide for ''another judicial forum'' for criminal aliens to raise pure questions of law because, as noted, whereas non-criminal aliens could challenge their removal orders in the courts of appeals, under AEDPA and IIRIRA, criminal aliens could not. Id. at 298–300, 312–14; see also id. at 312 n.36 (''Congress'' failure to refer specifically to §2241 is particularly significant.''). Thus, as a matter of statutory interpretation, the Court held that criminal aliens could bring habeas actions under section 2241.

The Court recognized that, as a result of its decision, criminal aliens would be able to seek review in district court and, on appeal, in the courts of appeals, whereas non-criminal aliens could obtain review only in the courts of appeals. It noted that Congress could fix this anomaly, however. As the Court stated, ''Congress could without raising any constitutional questions, provide an adequate substitute [to section 2241] through the courts of appeals.'' Id. at 314. n.38.

Among the many problems caused by *St. Cyr*, the most significant is that this decision allows criminal aliens to delay their expulsion from the United States for years.

Furthermore, because of *St. Cyr*, aliens who have committed serious crimes in the United States are generally able to obtain more judicial review than non-criminal aliens. As the dissent in *St. Cyr* pointed out, allowing criminal aliens to obtain habeas review of their immigration orders in the district court ''brings forth a version of the statute that affords criminal aliens more opportunities for delay-inducing judicial review than are afforded to non-criminal aliens, or even than were afforded to criminal aliens prior to the legislation concededly designed to expedite their removal.'' 533 U.S. at 327 (Scalia, J. dissenting). This is because, under *St. Cyr*, criminal aliens are able to begin the judicial review process in the district court, and then appeal to the circuit court of appeals. Criminal aliens thus can obtain review in two judicial forums, whereas non-criminal aliens may generally seek review only in the courts of appeals. Not only is this result unfair and illogical, but it also wastes scarce judicial and executive resources.

Finally, the result in *St. Cyr* has created confusion in the federal courts as to what immigration issues can be reviewed, and which courts can review them. The decision in *St. Cyr* itself held that district courts, and not the courts of appeals, have habeas corpus review authority over statutory claims involving discretionary immigration relief. See also *Calcano-Martinez* v. *INS*, 533 U.S. 348, 351–52 (2001). On the other hand, after *St. Cyr*, every circuit court has held that courts of appeals retain jurisdiction to review limited threshold ''jurisdiction to determine jurisdiction'' questions raised by criminal aliens in petitions for review. Therefore, following

St. Cyr, some issues are still reviewable in the circuit courts while others are reviewable only in the district courts, resulting in bifurcated and inefficient review. Additionally, the circuits have split on the question of which court may entertain constitutional challenges to criminal aliens' removal orders (a question left open in *St. Cyr*). All of this has resulted in piecemeal review, uncertainty, lack of uniformity, and a waste of resources both for the judicial branch and Government lawyers—the very opposite of what Congress tried to accomplish in 1996.

Section 106 of Division B would address the anomalies created by *St. Cyr* and its progeny by restoring uniformity and order to the law. First, under this section, criminal aliens will have fewer opportunities to delay their removal, because they will not be able to obtain district court review in addition to circuit court review, and will not be able to ignore the thirty-day time limit on seeking review. Second, criminal aliens will not receive more judicial review than non-criminals. Under the amendments in section 106, all aliens will get review in the same forum—the courts of appeals. Third, by channeling review to the courts of appeals, section 106 will eliminate the problems of bifurcated and piecemeal litigation. Thus, the overall effect of the proposed reforms is to give every alien a fair opportunity to obtain judicial review while restoring order and common sense to the judicial review process.

Significantly, this section does not eliminate judicial review, but simply restores such review to its former settled forum prior to 1996. Under section 106, all aliens who are ordered removed by an immigration judge will be able to appeal to the BIA and then raise constitutional and legal challenges in the courts of appeals. No alien, not even criminal aliens, will be deprived of judicial review of such claims. Unlike AEDPA and IIRIRA, which attempted to eliminate judicial review of criminal aliens' removal orders, section 106 would give every alien one day in the court of appeals, satisfying constitutional concerns. The Supreme Court has held that in supplanting the writ of habeas corpus with an alternative scheme, Congress need only provide a scheme which is an ''adequate and effective'' substitute for habeas corpus. See *Swain* v. *Pressley*, 430 U.S. 372, 381 (1977). Indeed, in *St. Cyr* itself, the Supreme Court recognized that ''Congress could, without raising any constitutional questions, provide an adequate substitute through the courts of appeals.'' *St. Cyr*, 533 U.S. at 314 n.38 (emphasis added). By placing all review in the courts of appeals, Division B would provide an ''adequate and effective'' alternative to habeas corpus. Id.

Further, while the reforms in section 106 would preclude criminals from obtaining review over non-constitutional, non-legal claims, it would not change the scope of review that criminal aliens currently receive, because habeas review does not cover discretionary determinations or factual issues that do not implicate constitutional due process. See, e.g., *St. Cyr*, 533 U.S. at 306–07 & n.27 (recognizing that habeas courts do not review ''exercise[s] of discretion'' or ''factual determinations'' that do not implicate due process); *Fong Yue Ting* v. *INS*, 149 U.S. 698, 713–14 (1893) (''Congress might intrust the final determination of . . . facts to an executive officer''); *Heikkila* v. *Barber*, 345 U.S. 229, 236 (1953) (''the function of the courts has always been limited to the enforcement of due process requirements''); *Ter Yang* v. *INS*, 109 F.3d 1185, 1195 (7th Cir. 1997) (''the Supreme Court long ago made it clear that this writ does not offer what our petitioners desire: review of discretionary decisions by the political branches of government''); see also *Sol* v. *INS*, 274 F.3d 648, 651 (2d Cir. 2001) (habeas jurisdiction under §2241 does not extend to factual or discretionary determinations).

Moreover, section 106 would not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.

Review in the Courts of Appeals. Subparagraph 106(a)(1)(A) of Division B would replace habeas corpus review of specified removal orders with review of constitutional claims and questions of law before the courts of appeal.

It should be noted that the word ''pure,'' in the phrase ''pure question of law,'' which had appeared in prior versions of a proposed section 242(a)(2)(D) of the INA, has been deleted from that phrase in the final version in this subparagraph because it is superfluous. As the ACLU explained during the *St. Cyr* litigation, a ''question of law'' is a question regarding the construction of a statute. The word ''pure'' adds no meaning. The purpose of section 106(a)(1)(A)(iii) is to permit judicial review over those issues that were historically reviewable on habeas—constitutional and statutory-construction questions, not discretionary or factual questions. When a court is presented with a mixed question of law and fact, the court should analyze it to the extent there are legal elements, but should not review any factual elements. Factual questions include those questions that courts would review under the ''substantial evidence'' or 242(b)(4)(B) standard, reversing only when a reasonable factfinder would be compelled to conclude that the decision below was erroneous.

Section 106(a)(1)(B) adds a new section 242(a)(4) to the INA. This provision will allow aliens in section 240 removal proceedings to seek review of ''any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment'' in the courts of appeal.

Section 106(a)(2) of Division B would amend section 242(b)(9) of the INA, concerning consolidation of issues for judicial review, to clarify that, except as otherwise provided in section 242 of the INA, no court is to have jurisdiction for habeas review or other non-direct judicial review of a removal order or questions of law or fact arising from such an order. This does not affect habeas corpus review in section 242(e)(2) of the INA. Subsection 242(g) of the INA, concerning exclusive jurisdiction, is also amended to clarify that no habeas review or other non-direct judicial review would be available for any claim arising from a decision or action by the Attorney General regarding the initiation and adjudication of removal proceedings or the execution of removal orders against any alien.

Under subsection 106(b), the effective date of the amendments in subsection 106(a) is the date of enactment of Division B, and the amendments would apply to cases in which the final administrative order of removal, deportation or exclusion was issued before, on, or after the date of enactment. Subsection 106(c) of Division B would provide for the transfer of pending habeas cases from district courts to federal appellate courts in which they could have been properly filed under section 242(b)(2) of the INA or the transitional rules of IIRIRA.

Subsection 106(d) provides that IIRIRA transition-rule cases filed under former subsection 106(a) of the INA (1995), concerning judicial review of deportation and exclusion cases and repealed by the IIRIRA, shall be treated as if they had been filed under section 242 of the INA and that such petitions shall be the sole avenue for judicial review of deportation or exclusion orders, notwithstanding any other provisions of law, including habeas review or other non-direct judicial review.

Finally, it should also be noted that section 106 will not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.

TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

Section 201 of the conference agreement includes language modified from language proposed in section 201 of division B of the House bill. The Senate did not include similar language.

Section 201 is necessary to clarify the Federal law as it pertains to driver's licenses, and relates it to other federal laws that govern state issuance and records keeping of ''motor vehicle operator's license.'' That means that, to the degree that commercial truck driver's licenses and HAZMAT licenses are separately defined by Title 49, this law is directed to the personal driver's licenses and local use commercial vehicle licenses. It also names identification cards as being regulated, as every entity listed under the ''State'' definition issues identity cards as well as driver's licenses. The Act establishes a minimum definition of ''Official Purpose'' to limit the use of any licenses or ID cards issued by states that do not meet the Act's requirements. More specifically, the definition provides direction as to what certain categories of temporary license marked clearly on their face to indicate they are not acceptable for federal identification or federal purposes and cannot be used. For example, non compliant driver's licenses or noncompliant state issued ID cards cannot be used for identification to board federally regulated commercial aircraft, enter nuclear power plants or have access to federally regulated critical infrastructure or similar facilities determined to be vulnerable to attack. Noncompliant driver's licenses or noncompliant state issued ID cards cannot be used for identification for any federal purpose. The Secretary is authorized to establish other purposes for which only those license and ID cards that meet federal standards can be used

Section 202 of the conference agreement includes language modified from language proposed in section 202 of division B of the House bill. The Senate did not include similar language.

202(a)(1) states that the law is binding on Federal agencies—not the states. Consequently, this Act does not directly impose federal standards with respect to states' issuance of driver's licenses and personal identification cards. The application of the law is indirect, and hence states need not comply with the listed standards. However, states would nevertheless need to adopt such standards and modify any conflicting laws or regulations in order for such documents to be recognized by federal agencies for official purposes. The Federal Government regulates driver's licenses issuance now for HAZMAT and commercial trucks, but not with regard to their physical security, counterfeit resistance or with regard to the confirmation of the identity of an applicant before license issuance. There is also federal regulation regarding Driving Under the Influence of alcohol, including requiring suspension of driving privileges, and provides grants to states for prevention programs. Federal law and regulations (23 CFR Chapter III) also provide detailed prescriptions for driver's safety training as a condition for issuance of licenses, and minimum standards for visual

features to enable distinction between learner's permits and full validity driver's licenses. There is also a National Driver Register Problem Driver Point System, established by the National Driver Register Act of 1982. This Act established a mandate for states to share information about ''bad drivers'' through this system. Participation in the NDR is optional, conditioned by Federal grants. All 50 States and the District of Columbia participate in the NDR. The system is also referred to as the Problem Driver Pointer System (PDPS). Regulations governing participants require states to collect more information than required for the minimum document requirements under Section 202 as part of the license issuance process. However, the requirements for proof of identification to obtain a license are generalized. When the REAL ID Act becomes law, CFR 23 will need to be substantially revised by DOT to add details to the pertinent sections, as determined through the Department of Homeland Security established regulations implementing the Act. The primary process by which states will share information regarding the identities of driver's license holders will be the PDPS, once upgraded and with complimentary system capacity upgrading by the States.

202(a)(2). The Conferees revised HR 418, which placed compliance certification by the States under the authority of the Secretary of Homeland Security, based on certification by the Secretary of Transportation, so that the Secretary of Homeland Security will determine whether a state is complying with its certifications of compliance with the Act. This establishes a new channel of federal regulation and compliance audit by the Department of Homeland Security for identity management, while requiring coordination of regulations with the Department of Transportation (DOT) of driver's license regimes.

Section 202(b) Minimum Document Requirements. The intent of this requirement is to improve the ability of law enforcement officers at all levels to confirm the identity of the individuals presenting state issued driver's licenses or identification cards.

202(b)(1) Many states don't follow the convention of full legal name. For example, a person might ''use'' a middle name versus his/her first name, and therefore prefer that the driver's license use that name without regard to the ''real'' first name. Instead of William Beauford Brown, the state driver's license states simply ''Beau Brown.'' Using a name other than a full legal name results in ''no matches'' when checked against other public records that use the full legal name. This occurred with some of the licenses and state ID cards obtained by the 9/11 terrorists, where the driver's license ''names'' were variants on the actual name carried in the passport, despite the terrorists' use of their own, valid passports to verify name.

202(b)(2) The person's date of birth is necessary to differentiate the person from others with the same name—for example, there are thousands of John R. Browns in the U.S., but very few have the same birthday. This is particularly relevant to protect people from being delayed at airports because their name coincides with someone on the ''do not fly'' list. Additional biographic information on the document most citizens present to board a plane will reduce problems with misidentification that currently plague our security processes.

202(b)(3) Gender is for all but a very few persons a clearly definable and verifiable biometric identifier. It allows law enforcement and airport security to quickly match or ''no match'' a person against a wants and warrant notification. Systematically employing it throughout the country would not only improve identification of suspected terrorists, it would expedite the checks on everyone else by reducing ''false positives'' where a person is erroneously matched by name with a wanted person.

202(b)(4) Currently every state does post a driver's license number on a permanent driver's license ''card,'' but not all states employ traceable numbers on temporary licenses and temporary state ID cards. This is obviously an important tool in differentiating counterfeit licenses from valid licenses—via a number check.

202(b)(5) requires a digital photograph of the person so that it can be confirmed by comparison to the current and/or future database of the State issuing the license, using existing secure technology designed for that purpose. More than 20 states continue to use a process where ''regular'' photos are glued into license forms. These are easily altered by breaking the plastic seal, and replacing the valid photo with one of the person who has stolen or ''borrowed'' the license or ID card from the person to whom it was validly issued. The intent of requiring a digital photo, as in a passport, is to insure that the photo accurately captures the appearance of the person to whom it was issued. It also allows the state to retain a record of the digital image at a relatively low cost, and be able to provide that image to law enforcement quickly via a computer link.

202(b)(6) Having the person's principal residence address is, in fact, a standard requirement in nearly all states, but many states make no effort to verify that it is the principal residence, and not an address of convenience, or a completely irrelevant address selected at random by the applicant. In this last case, the applicant has normally provided a false address to avoid apprehension for a crime, or notification by law enforcement regarding a civil award. Many scofflaw fathers hide their current location to avoid paying child support, as required by federal law.

202(b)(7) requires a person's signature, so that it can be compared to a person's signature when using the card for identity confirmation for both civil, legal and regular financial transactions, as to verify a credit card signature. Signature verification is another means for a law enforcement officer to confirm identity, and is actually of convenience to retail establishments to confirm check and credit card signatures.

202(b)(8) requires physical security features to prevent tampering counterfeiting or duplication of the document for fraudulent purposes. The importance of this requirement cannot be overstated. A majority of states maintain a high level of physical security in the manufacture of their cards. Unfortunately, a significant minority of states do not issue licenses or ID cards with secure physical characteristics. This results in criminals, identity thieves, and amateurs such as college students being able to ''manufacture'' fake driver's licenses and ID cards from these states. Federal law enforcement officials—national forensic document laboratory—can validate that the driver's licenses of these states are not secure from counterfeiting using easily available technology.

202(b)(9) A common machine-readable technology exists, along with common defined minimum data elements, under the interstate driver's compact to which 46 states already belong. There is inconsistency in actual practice with regard to the order of the data. Further, there has been little research on methods to secure the privacy of the data contained on the machine readable strip. Improvements in the machine readable technology would allow for less data being present on the face of the card in the future, with other data stored securely and only able to be read by law enforcement officials.

Section 202(c) Minimum Issuance Standards The 9/11 Commission report recommended that the federal government correct the chronic weakness among many of the states in the verification of identity for issuance of licenses. That recommendation has been supported by other reports on criminal justice, drunk driving, and underage drinking, albeit for entirely different objectives. Current federal regulations addressing driver's licenses require the states to obtain a date of birth for each applicant, but states set their own criteria for what kind of document they can rely on for the DOB. Consequently, the Commission staff reported noted that it's similarly easy for a terrorist, or for a tourist, entering the U.S. on a valid visa, to build a ''document chain'' beginning with a counterfeit or an altered document. Precisely because we have many legal immigrants, States rarely check the authenticity of ''green cards'' or other immigration documents. Which is why 9–11 terrorist Mohammad Atta was able to pass a hand altered immigration document to get a 6 year Florida's driver's license despite holding what was, in fact, a visa that was about to expire. Once implemented, it will also address the problem in which high school and underage college students obtain authentic driver's licenses in states other than ones they grew up in, with a false age that allows them to go into bars and consume alcohol. The provision will establish minimum issuance standards for federal recognition requiring that before a state can issue a driver's license or photo identification card, it would have to verify with the issuing agency, the issuance, validity and completeness of: (1) a photo identification document or a non-photo document containing both the individual's full legal name and date of birth; (2) date of birth; (3) proof of a social security number (SSN) or verification of the individual's ineligibility for a SSN; and (4) name and address of the individual's principal residence. A comparable, but more loosely defined set of identity verification requirements pertaining to minimum requirements for NDR inquiries are stated in CFR 23, 1327.5 to be ''Proof of identification—Acceptable forms of identification are driver's license, birth certificate, credit card, employee identification card, and other forms of identification normally accepted by the State.'' The new requirements do not ''preempt any state verification standards'' but require that the state establish a common minimum set of standards. Nothing in the law limits a state's prerogative to use other supplementary forms of identity confirmation, nor to use a much lower standard for the issuance of learner's permits or other driving permits that are not eligible to be used for identification purposes by federal agencies. For those forty states who have public policy positions and corroborating state law that establish minimum identity confirmation standards and a legal presence requirement, the standards will provide a common platform

202(c)(2)—Special Requirements This requires a state, before issuing a driver's license or identification card to a person, to require a person to present valid documentary evidence that he or she is either a U.S. citizen or national or an alien legally present in the United States. CRS has noted that there are no special requirements relating to the issuance of identification cards to persons who are not U.S. citizens but are nonetheless U.S. nationals (i.e., most residents of American Samoa or Swain's Island). That will not be necessary within the Act, as the Secretaries of DHS and DOT will accordingly address those special categories of U.S. nationals (a U.S. citizen or ''a person who, though not a citizen of the United States,

owes permanent allegiance to the United States'').

For those state electing to conform to the requirements of this Act, so that their driver's licenses will be accepted for identification purposes by the federal government, this set of requirements establishes the basis for a common statutory basis for subsequent federal regulations.

202(c)(2)(B) The evidence of Legal Status requirements conform almost exactly to those of the laws of the Commonwealth of Virginia, and are parallel to the state laws of New York, Florida, California and roughly thirty other states which have passed laws requiring evidence of lawful presence in the United States. It requires for state license and ID cards verification that an applicant is lawfully present (not present in violation of the Immigration and Naturalization Act) in the United States before issuing a driver's license or personal identification card that is intended to be used for identification purposes by federal agencies. Under this section, persons would only be eligible for temporary drivers' licenses or identification cards if evidence is presented that they: (1) have a valid, unexpired non-immigrant visa or non-immigrant visa status for entry into the United States; (2) have a pending or approved application for asylum in the United States; (3) have entered into the United States in refugee status; (4) have a pending or approved application for temporary protected status in the United States; (5) have approved deferred action status; or (6) have a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

202(c)(2)(C) This establishes that, in order to issue temporary licenses or temporary ID cards that will be acceptable to the federal government for identification purposes, a state may only issue a temporary driver's license or identification card with an expiration date equal to the period of time of the applicant's authorized stay in the United States. Clause ii provides that if there is an indefinite end to the period of authorized stay, the card's expiration date shall be one year. The temporary card shall clearly indicate that it is temporary and shall state the expiration date. Clause iii provides for clear display of the expiration date on a temporary card, which is an extremely important requirement for the benefit of public safety and security personnel, police and others who need to inspect people for entry to airports, secure facilities, and for official federal purposes, as defined in the act and by subsequent regulations. A clear display facilitates an expedited inspection, and a clear date to determine validity of the temporary licenses. Clause iv provides that renewals of the temporary cards would be done only upon presentation of valid documentary evidence that the status had been extended by the Secretary of Homeland Security. This is important because renewals of temporary licenses were exploited by the 9/11 terrorists, and have been a major security vulnerability with foreign visitors who decide to overstay their valid visa terms.

202(c)(3)(B) The requirement that licenses for ID purposes for foreign visitors not be issued except when the applicant's identity is confirmed by a passport is intended to strengthen the identify confirmation process for foreign visitors, and to stop the process of accepting unreliable foreign documents for identification. Should an applicant who is not a U.S. citizen or immigrant otherwise meet the identification standards set out in the bill, a State must only provide a temporary license or certificate limited to one year's duration and clearly marked as not for identification, with the notification to the holder that it is not valid for federal identification or official federal purposes.

202(c)(3)(C) The Act, for purposes of validating states' determination of lawful presence requires that all States enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, to verify the legal presence status of a person, other than a United States citizen or national, applying for a driver's license or identification card.

Section 202(d) Other requirements are each new procedural standards to be addressed by regulations to be established by DHS under the Act.

202(d)(1) Obtaining and retaining digital images of applicants will assist in expediting applicant identity confirmation for license and ID card renewal process. It will also assist with preventing fraud, and facilitate those states using photo comparison software to identity such frauds, and safeguard against identity theft.

202(d)(2) requires states to keep records of source documents (birth certificates, etc.) for at least 7 years primarily to allow for renewal of driver's licenses without requiring license holders to bring back identity confirming documents. It also establishes a minimum duration during which documentation is available to law enforcement officers investigating and prosecuting suspected identity concealment by criminals and terrorists, as well as obtaining proof and assistance with identity theft crimes. This corrects a current problem in which states don't retain records at all, or destroy them after a few months, hence destroying both the audit trail of proof of valid documents needed to issue a license, as well as fraudulent documents used by law breakers until subsequently discovered by investigators. Although the FBI has provided the counts now used about the false identities maintained by the 19 9–11 terrorists, they may in fact have had more, as state records systems are sometimes so poor that few source documents are available to confirm or deny. The goal is to move all the state's records into electronic format, with each state consolidating electronic records otherwise maintained at County level at the State level. The cost is much lower than the paper filing system still maintained by some States. The initial capital cost for the state is not insignificant, but the incremental savings are great. Although this Act will require licenses be reissued after every eight years, states will need to have original document records to discern whether the birth certificate was valid that was originally presented when the prior license was issued. The Social Security Administration is pursuing a birth certificate records system with the States that is beginning to have an effect in a few pilot states, which program will be further accelerated by the program put into law through the Intelligence Reform Act that will reduce the state's need to retain a separate record of document images or paper records.

202(d)(3) The requirement to photograph each applicant has as its purpose capturing a recorded photograph of applicants who may be denied a license for insufficient documents or documents that are recognized as fraudulent. This will primarily act as a deterrent to attempted fraud, once the public becomes aware of this new procedure, since frauds and others using false identities will understand that their photograph will be available to law enforcement even if they are denied a license or ID card. It is a particularly important tool for federal law enforcement investigating suspected terrorism and identity theft.

202(d)(4) The requirement to establish an effective procedure to confirm or verify a renewing applicant's information will establish a qualitative floor standard to correct the current problem in some states where license and ID card renewal is done without adequate confirmation of identity of the applicant. Those inadequate procedures are both a source of identity theft and a vulnerability that terrorists might exploit.

202(d)(5) imposes an important requirement to correct a current practice of many states in which multiple driver's licenses with multiple names are allowed to use the same reference Social Security Number as the ''reference'' SSN to confirm identity. In the event that a SSN is already registered to or associated with another person to which any state has issued a driver's license or identification card, the state shall resolve the discrepancy and take appropriate action. The need for this requirement is illustrated by what was found in Virginia and in New York State when states laws in each were changed post 9/11. In 2002, when Virginia began reconciling SSNs with the Social Security Administration, it found the SSNs of more than a quarter million of its license holders were ''non- matches'' with the Social Security Administration's records. Similarly New York State found hundreds of thousands of similar license holders in its database.

202(d)(6) corrects the current security vulnerability of state procedures where a license or ID card issued by another state is replaced with a new license or ID card without confiscating the ''old'' card or notifying the other state of the new issuance. Several of the 9/11 terrorists told the issuing states that they had lost their licenses so that they could have two valid licenses, and then used the duplicate to obtain a license in another state, allowing them to hold multiple licenses from multiple states. This practice of obtaining multiple licenses in multiple states is also routinely exercised by criminals and bad drivers for their respective illegal purposes, which this requirement will correct.

202(d)(7) requiring improved physical security addresses a growing problem of identity thieves and documents purveyors breaking into state facilities and stealing license stock blanks, printing machines, and sometimes actual computer hard drives in which current license holder data is stored.

202(d)(8) subjects state personnel and contractors employed by the states who produce the driver's licenses to security clearance requirements. Investigations of driver's license insider corruption in Virginia, New Jersey and other states in the past three years revealed that a routine security investigation would have prevented key perpetrators from ever being employed to handled documents of high ''street'' value that can be sold to illegal aliens, criminals, terrorists, and identity thieves.

202(d)(9) requires states to train employees to detect fraud ''before it happens'' to reduce vulnerability to terrorists, identity thieves, alien smugglers and illegal aliens with false documents and ''bad driver'' frauds. A few states do this now, and all states need to do this to improve the integrity of the license issuing process.

202(d)(10) limits the term of validity of driver's licenses and ID cards to establish a maximum term, to address the current vulnerability to identity thieves who steal or purchase the valid driver's license, and then assume the identity of a dead person or someone who has left the state and go undiscovered for an indefinite period.

202(d)(11) provides for those categories of special licenses issued by states for local or temporary purposes where the identity of the applicant cannot be assured, or for whom

lawful presence is not determined. Examples of such licenses or Florida license issued as valid only ''in state'' purposes, and certificates of driving privileges issued by Tennessee and Utah, for which the applicants cannot meet the identity confirmation requirements of the Act. Subparagraph A establishes the requirement that such documents and/or cards be clearly marked as not accepted for federal identification. The provision will allow the state to meet the terms of this act with regard to its non-standard licenses, provided DHS confirms its certification that it's procedures don't provide any ''back doors'' to licenses or ID cards that intended to be valid for federal identification or federal purposes. Subparagraph B requires a unique design or color indicator such as a special colored border so that federal officials can quickly recognize it is not valid for federal identification or federal purposes.

202(d)(12) requires each state to be able to electronically access information contained in other states' motor vehicle databases. DHS will be expected to establish regulations which adequately protect the privacy of the holders of licenses and ID cards which meet the standards for federal identification and federal purposes. DHS regulations pertaining to the overall security of state databases to safeguard them from unauthorized access or any criminal abuse are not required by this Act because DHS is already subject to privacy protection standards through other federal laws pertaining to cyber security.

202(d)(13) The requirement for states to maintain a motor vehicle database that contains all data fields printed on driver's licenses and identification cards is directed at those states which currently don't store adequate records to allow other states to confirm the validity of the original issues. This requirement is primarily to address identity management minimum standards, and to support the goal of ''only one license for one driver.'' This provision in both parts will correct a significant problem that has led to some states refusing to provide reciprocity to other states with regard to both adequate data and assurance of driver safety, particularly with regard to Driving Under the Influence citations.

Section 203 of the conference agreement includes language modified from language proposed in section 204 of division B of the House bill. The Senate did not include similar language.

Section 203. This section amends 18 U.S.C. §1028(a)(8), which makes it a federal crime to transport, transfer, or otherwise dispose of to another, materials or features used on a document of the type intended or commonly used for identification purposes. By replacing the phrase ''false identification features'' with ''false or actual authentication features,'' this provision clarifies the scope of the criminal provision, making it a crime to traffic in identification features regardless of whether the feature is false. In addition, section 203(b) requires that the Secretary of Homeland Security enter conviction information into the appropriate aviation screening database. This provision should improve the security of the clearance process while reducing incidents of travelers being delayed because of similar names with people on the ''do not fly'' watch list.

Section 204 of the conference agreement includes language modified from language proposed in section 205 of division B of the House bill. The Senate did not include similar language.

Section 204 provides grants to states under the discretion of the Secretary of Homeland Security. This will require DHS to establish a process for grant requests, and the time table under which states will need to meet the requirements of the regulations. Some states are already in compliance with nearly all of the standards established by the act, and it will be incumbent upon DHS to recognize that grants should be only used to assist those states which cannot otherwise meet the minimum standards by the end of 2009. DHS will also need to establish internal certification procedures so that grants awarded are spent for the purposes identified. This provision also authorizes the Secretary to request funds and assign personnel for the administration of this Act through the normal process.

Section 205 of the conference agreement includes language modified from language proposed in section 206 of division B of the House bill. The Senate did not include similar language.

Section 205 requires the Secretary of Homeland Security to consult with the Secretary of Transportation and with the states in the process under which DHS issues regulations, sets standards, and issues grants under this title. This provision establishes that the Secretary, consistent with the Administrative Procedures Act, will follow a conventional regulatory notice procedure, including the established inter agency notification regime, and will not engage in any other form of rule making, such as negotiated rule making.

Section 205 also allows the Secretary of DHS to grant an extension of time only to meet the requirements of section 202(a)(1), which means that all states must meet standards established by the regulation with a uniform deadline for their respective driver's licenses and ID cards to be used for Federal identification and federal purposes.

Section 206 of the conference agreement includes language modified from language proposed in section 207 of division B of the House bill. The Senate did not include similar language.

Section 206 also repeals overlapping and potentially conflicting provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

Section 207 of the conference agreement includes language modified from language proposed in section 208 of division B of the House bill. The Senate did not include similar language.

Section 207 provides a normal limitation on statutory construction to preserve the authorities and responsibilities of the Secretary of Transportation.

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

Section 301 of the conference agreement includes language modified from language proposed in section 301 of division B of the House bill. The Senate did not include similar language.

Section 301 requires the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, to study the technology, equipment, and personnel needed by field offices of the Bureau of Customs and Border Protection to address security vulnerabilities within the United States, and conduct a follow-up study at least once every five years thereafter. The Under Secretary of Homeland Security for Border and Transportation Security is required to submit a report to Congress of findings and conclusions from each study, along with legislative recommendations for addressing security vulnerabilities. Section 301(c) authorizes necessary appropriations for fiscal years 2006 through 2011 to carry out recommendations from the first study.

Section 302 of the conference agreement includes language modified from language proposed in section 302 of division B of the House bill. The Senate did not include similar language.

Section 302 requires the Department of Homeland Security to establish a pilot program to identify and test ground surveillance technologies to enhance border security. The program would cover both northern and southern border locations. It also requires DHS to submit a report to designated House and Senate committees within a year of program implementation describing the program and recommending whether it should terminate, be made permanent, or be enhanced.

Section 303 of the conference agreement includes language modified from language proposed in section 303 of division B of the House bill. The Senate did not include similar language.

Section 303 requires the Secretary of Homeland Security, in consultation with various federal, state, local, and tribal agencies, to develop and implement a plan to improve interagency communication systems and enhance information-sharing on matters related to border security on the federal, state, local, and tribal level. DHS would submit a report to designated House and Senate committees within a year of plan implementation which would include any recommendations that the Secretary of Homeland Security found appropriate.

TITLE IV—TEMPORARY WORKERS

The conference agreement includes language modified from language proposed by the Senate regarding numerical limits for H2–visas for certain nonimmigrant workers. The House did not include similar language.

TITLE V—OTHER CHANGES TO PROVISIONS GOVERNING NONIMMIGRANT AND IMMIGRANT VISA

The conference agreement includes language modified from language proposed by the Senate regarding reciprocal visas for national of Australia. The House did not include similar language.

The conference agreement includes language modified from language proposed by the Senate regarding visas for nurses. the House did not include similar language.

The conferees agree to the Senate amendment relating to the title of the Act. The Senate amended the title to read ''An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.''.

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NORMAN D. DICKS,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
CHET EDWARDS,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,

LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK LEAHY
(with exception for REAL ID),
TOM HARKIN
(with exception for REAL ID),
BARBARA MIKULSKI
(with exception for REAL ID),
HARRY REID
(with exception for REAL ID),
BYRON L. DORGAN,
(with res.—conference did not reconvene),
DIANNE FEINSTEIN
(with exception for REAL ID),
TIM JOHNSON,
MARY LANDRIEU,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. BARROW, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and May 4 and 5.

Mr. FLAKE, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, May 4.

Mr. BURTON of Indiana, for 5 minutes, today and May 4 and 5.

Mr. Fortuno, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 10.

Mr. NORWOOD, for 5 minutes, May 5.

Mr. MCCAUL of Texas, for 5 minutes, May 4.

Mr. SMITH of New Jersey, for 5 minutes, today and May 4.

Mr. GOHMERT, for 5 minutes, May 4.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled Joint Resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 19. Joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 20. Joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 4, 2005, 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:

1772. A letter from the Director, Office of National Drug Control Policy, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1773. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the annual report on the status of female members of the Armed Forces for FY 2004, pursuant to 10 U.S.C. 481 note Public Law 107-314 section 562(a); to the Committee on Armed Services.

1774. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Baker, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1775. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting copies of the Department's model State Code of Military Justice and model State Manual for Courts-Martial for the National Guard When Not In Federal Service, as requested in the Bob Stump National Defense Authorization Act for FY 2003; to the Committee on Armed Services.

1776. A letter from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting a letter on the details of the Office's 2005 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

1777. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's (EIA's), ''Performance Profiles of Major Energy Producers 2003,'' and notification that the report is also available electronically, pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

1778. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Electronic Orders for Controlled Substances [Docket No. DEA–217F] (RIN: 1117–AA60) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1779. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Russia and Kazakhstan (Transmittal No. DDTC 005–05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1780. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1781. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the annual report required by section 655 of the Foreign Assistance Act of 1961, dated on June 28, 2001, included an error and a correction of that error; to the Committee on International Relations.

1782. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107–243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102–1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the December 15, 2004–February 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105–338); to the Committee on International Relations.

1783. A letter from the Director of Public Affairs, American Battle Monuments Commission, transmitting a report of the Commission's administration of the Freedom of Information Act for Fiscal Year 2004, pursuant to 5 U.S.C. 522 Public Law 99–570; to the Committee on Government Reform.

1784. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1785. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1786. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1787. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2004 inventory of commercial and inherently governmental activities; to the Committee on Government Reform.

1788. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2005 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

1789. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2003, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

1790. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2004, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

1791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Cherry Blossom Festival Fireworks Display, Potomac River, Washington, D.C. [CGD05–05–021] (RIN: 1625–AA00) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delaware River [CGD05–05–007] (RIN: 1625–AA00) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Atlantic Intracoastal Waterway, Fernandina Beach, FL [COTP Jacksonville 05–033] (RIN: 1625–AA00) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Taunton River, MA [CGD01–04–143] (RIN: 1625–AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Townsend Gut, ME. [CGD01–04–129] (RIN: 1625–AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Shrewsbury River, NJ [CGD01–04–127] (RIN: 1625–AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01–04–047] (RIN: 1625–AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Terms Imposed by States on Numbering of Vessels [USCG–2003–15708] (RIN: 1625–AA75) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1799. A letter from the Acting Assistant Secretary, OSHA, Department of Labor, transmitting the Department's final rule—Procedures for the Handling of Discrimination Complaints Under Section 6 of the Pipeline Safety Improvement Act of 2002 (RIN: 1218–AC12) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1800. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-II'' submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102–240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA–21) and the extension of those provisions through FY 2004; to the Committee on Transportation and Infrastructure.

1801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Rules of Practice in FAA Civil Penalty Actions—received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Models C208 and C208B Airplanes [Docket No. FAA–2005–20514; Directorate Identifier 2005–CE–08–AD; Amendment 39–14025; AD 2005–07–01] (RIN: 2120–AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Models 172R, 172S, 182T, and T182T Airplanes [Docket No. FAA–2005–20587; Directorate Identifier 2005–CE–10–AD; Amendment 39–14021; AD 2005–05–53 R1] (RIN: 2120–AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Models 402C and 414A Airplanes [Docket No. FAA–2005–20513; Directorate Identifier 2005–CE–07–AD; Amendment 39–14022; AD 2005–05–52] (RIN: 2120–AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes; and Model A300 B4–600, B4–600R, and F4–600R, Series Airplanes, and Model C4 605R Variant F Airplanes (Collectively Called A300–600) [Docket No. FAA–2005–20748; Directorate Identifier 2005–NM–063–AD; Amendment 39–14031; AD 2005–07–07] (RIN: 2120–AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Anlayst, FAA, Department of Transportation, transmitting the Department's final rule—Passenger Facility Charge Program, Non-Hub Pilot Program and Related Changes [Docket No. FAA–2004–17999; Amendment No. 158–3] (RIN: 2120–AI15) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety [Docket No. FAA–1999–5401; Amendment Nos. 119–6, 121–284, 129–34, 135–81, and 183–11] (RIN: 2120–AE42) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment [Docket No. FAA–2000–7119; Amendment No. 121–309] (RIN: 2120–AI55) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park [Docket No. FAA–2003–14715; Amendment No. 93–83] (RIN: 2120–AG34) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Repair Stations [Docket No. FAA–1999–5836] (RIN: 2120–AI60) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 3, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 32, A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; with an amendment (Rept. 109–68). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 254. Resolution providing for consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act. (Rept. 109–69). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 255. Resolution providing for consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes (Rept. 109–70). Referred to the House Calendar.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 1268. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109–72). Ordered to be printed.

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. COX: Committee on Homeland Security. H.R. 1817. A bill to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes, with an amendment; Referred to the Committee on Energy and Commerce for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. Referred to the Committee on Government Reform for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. Referred to the Committee on Judiciary for a period ending not later than May 13, 2005 for

consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X. Referred to the Committee on Science for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X. Referred to the Committee on Transportation and Infrastructure for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X. Referred to the Committee on Ways and Means for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X. Referred to the Permanent Select Committee on Intelligence for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 11(b), rule X. (Rept. 109–71, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. BISHOP of Utah, Mr. CANNON, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. GILCHREST, Mr. LEACH, Mr. MOORE of Kansas, Mr. PLATTS, Mr. PORTER, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2043. A bill to establish the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, 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 (for himself and Mr. SHAYS):

H.R. 2044. A bill to improve air cargo security; to the Committee on Homeland Security.

By Mr. PENCE (for himself and Ms. BALDWIN):

H.R. 2045. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide producers on a farm with greater flexibility in selecting the crops to be planted on the base acres of the farm; to the Committee on Agriculture.

By Mr. BUYER (for himself, Mr. EVANS, Mr. BOOZMAN, and Ms. HERSETH):

H.R. 2046. A bill to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAKER (for himself, Mr. OBERSTAR, Mr. ALEXANDER, Mr. BOUSTANY, Mr. REHBERG, Mr. PETERSON of Minnesota, Mr. JEFFERSON, Ms. HOOLEY, Mr. BERRY, Mr. PASTOR, Mr. MELANCON, Mr. POMEROY, and Ms. HERSETH):

H.R. 2047. A bill to authorize appropriations for the Surface Transportation Board, to enhance rail transportation competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself and Mr. TOWNS):

H.R. 2048. A bill to protect the rights of consumers to diagnose, service, and repair motor vehicles in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. CALVERT, and Mr. CULBERSON):

H.R. 2049. A bill to require certain Federal service contractors to participate in a pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 2050. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the Old Man of the Mountain, the symbol of New Hampshire that passed on to its granite roots in the dawn of May, 2003; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. STRICKLAND):

H.R. 2051. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Ways and Means, 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. CARDIN (for himself and Mr. GILCHREST):

H.R. 2052. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

By Mr. CARDIN (for himself and Mr. GILCHREST):

H.R. 2053. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2054. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 2055. A bill to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 2056. A bill to reduce temporarily the duty on palm fatty acid distillate; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself and Ms. CORRINE BROWN of Florida):

H.R. 2057. A bill to prevent the Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 and the Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005, as passed by the Council of the District of Columbia, from taking effect; to the Committee on Government Reform.

By Mr. LEVIN (for himself, Mr. ABERCROMBIE, Mr. CARDIN, Mr. CASE, Mr. CASTLE, Mr. CLEAVER, Mr. CUMMINGS, Ms. DELAURO, Mr. ENGEL, Mr. FARR, Mr. HOLDEN, Mr. KILDEE, Mr. KIND, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. MALONEY, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEK of Florida, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. ROSS, Ms. SLAUGHTER, Mr. SNYDER, Mr. UDALL of Colorado, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. OWENS):

H.R. 2058. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; 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. PALLONE:

H.R. 2059. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Ms. SCHAKOWSKY, Mr. EVANS, Mr. JONES of North Carolina, and Mr. MCKEON):

H.R. 2060. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. RYUN of Kansas (for himself and Mr. CANNON):

H.R. 2061. A bill to enhance the ability of community banks to foster economic growth and serve their communities, and for other purposes; to the Committee on Financial Services, 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. SHUSTER (for himself, Mr. PLATTS, Mr. HOLDEN, Mr. DENT, and Mr. WELDON of Pennsylvania):

H.R. 2062. A bill to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the ''Randall D. Shughart Post Office Building''; to the Committee on Government Reform.

By Mr. SHUSTER:

H.R. 2063. A bill to amend the Internal Revenue Code of 1986 to permit one-time, tax-free distributions from retirement plans to fund health savings accounts; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2064. A bill to assure that development of certain Federal oil and gas resources will occur in ways that protect water resources and respect the rights of the surface owners, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 2065. A bill to establish formally the United States Military Cancer Institute, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Mr. COX (for himself, Mr. LANTOS, Mr. MCCOTTER, Mr. WOLF, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. BERMAN, Mr. BURTON of Indiana, Ms. WATSON, Mr. DAVIS of Illinois, and Mr. CANNON):

H. Con. Res. 143. Concurrent resolution expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy; to the Committee on International Relations.

By Mr. CONYERS:

H. Res. 253. A resolution raising a question of the privileges of the House.

By Mr. SAXTON (for himself, Mr. HAYES, Mr. MILLER of Florida, Mr. AKIN, Mr. ANDREWS, Mr. HOSTETTLER, Mr. MEEHAN, Mr. MARSHALL, Mr. LOBIONDO, Mr. HEFLEY, Mr. KLINE, Mr. WILSON of South Carolina, and Mr. MCINTYRE):

H. Res. 256. A resolution expressing the sense of the House of Representatives in remembrance of the brave servicemen who perished in the disastrous April 24, 1980, rescue attempt of the American hostages in Iran; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. NEAL of Massachusetts, Mr. LATHAM, and Mr. MCGOVERN.

H.R. 23: Mr. DOYLE, Mr. TIERNEY, Mr. CROWLEY, Mr. SIMMONS, Ms. SOLIS, and Ms. WASSERMAN SCHULTZ.

H.R. 25: Mr. KELLER and Mr. LEWIS of California.

H.R. 34: Mr. INGLIS of South Carolina, Mr. SCOTT of Georgia, and Mr. LIPINSKI.

H.R. 97: Mr. SIMMONS.

H.R. 98: Mr. PEARCE and Mr. BLUNT.

H.R. 136: Mr. HAYWORTH, Mr. ROHRABACHER, and Mr. STEARNS.

H.R. 181: Mrs. MUSGRAVE and Mrs. NORTHUP.

H.R. 196: Mrs. MUSGRAVE.

H.R. 216: Mr. FERGUSON.

H.R. 282: Mr. FORD, Mr. WAMP, Mr. UDALL of Colorado, Mr. PETERSON of Pennsylvania, Mr. CARDIN, Mr. REICHERT, Mr. BOYD, Mr. SKELTON, Mr. BOREN, Mr. PASCRELL, Mrs. NAPOLITANO, Mr. MARSHALL, Mr. HASTINGS of Washington, Mr. HENSARLING, and Mr. INSLEE.

H.R. 284: Mr. EMANUEL.

H.R. 303: Ms. SCHAKOWSKY and Mr. MACK.

H.R. 354: Mr. CARDIN.

H.R. 371: Mr. OXLEY, Mr. MCINTYRE, and Mr. SHAW.

H.R. 376: Mr. SERRANO.

H.R. 389: Mr. HIGGINS and Ms. WASSERMAN SCHULTZ.

H.R. 404: Mr. FEENEY.

H.R. 406: Mr. FEENEY.

H.R. 438: Ms. LORETTA SANCHEZ of California, Mr. BERMAN, Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, Mrs. DAVIS of California, and Mr. WAXMAN.

H.R. 515: Mr. MENENDEZ.

H.R. 534: Mr. BARRETT of South Carolina.

H.R. 554: Mr. TERRY and Mr. ALEXANDER.

H.R. 556: Mr. FRELINGHUYSEN.

H.R. 557: Mr. DAVIS of Florida.

H.R. 558: Ms. BERKLEY, Mr. OSBORNE, Ms. HOOLEY, Mr. JINDAL, Mr. BUTTERFIELD, and Ms. GINNY-BROWN WAITE of Florida.

H.R. 559: Mrs. MCCARTHY and Mr. LIPINSKI.

H.R. 562: Mr. WEXLER.

H.R. 575: Mr. BURTON of Indiana, Mr. GRIJALVA, and Mr. CROWLEY.

H.R. 602: Mr. TANNER, Mr. BACA, and Mr. SCOTT of Virginia.

H.R. 653: Mr. MELANCON.

H.R. 662: Ms. LEE, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. GRIJALVA, Ms. WATERS, Ms. KILPATRICK of Michigan, Mr. WYNN, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mr. GONZALEZ, Ms. MILLENDER-MCDONALD, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. CUMMINGS, and Ms. NORTON.

H.R. 699: Mr. FILNER, Mr. BROWN of South Carolina, Mr. KIND, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of Georgia, Mr. YOUNG of Florida, and Mr. GILCHREST.

H.R. 700: Mr. KILDEE.

H.R. 712: Mr. BEAUPREZ and Mr. VAN HOLLEN.

H.R. 731: Mr. ABERCROMBIE.

H.R. 758: Mr. MOORE of Kansas.

H.R. 764: Mr. PRICE of Georgia.

H.R. 766: Mrs. MYRICK.

H.R. 800: Mrs. NORTHUP, Mr. OSBORNE, Mr. TOM DAVIS of Virginia, Mr. ISTOOK, Mr. HYDE, Mr. LUCAS, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, and Mr. WELDON of Pennsylvania.

H.R. 807: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. KUCINICH, Mr. KIND, Mr. FARR, Mr. DEFAZIO, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. HONDA, and Mr. JACKSON of Illinois.

H.R. 809: Mrs. MYRICK, Mrs. CUBIN, Mr. MCHENRY, Mr. FLAKE, Mr. BOEHLERT, and Mr. WICKER.

H.R. 817: Mr. EVANS, Mr. CARDIN, Mr. HYDE, Mr. ISSA, Mr. BAIRD, Mr. DANIEL E. LUNGREN of California, and Mrs. NORTHUP.

H.R. 827: Mr. FERGUSON, Mr. HAYWORTH, and Mr. RAMSTAD.

H.R. 846: Mr. FARR.

H.R. 869: Mr. PITTS, Mr. NADLER, Mr. MOLLOHAN, Mr. WEXLER, and Mr. MCGOVERN.

H.R. 880: Mr. OWENS.

H.R. 896: Mr. PLATTS.

H.R. 913: Mr. HERGER, Mrs. MUSGRAVE, and Mr. POMBO.

H.R. 916: Mr. PASCRELL, Mr. GILCHREST, Mr. BEAUPREZ, Mr. BACHUS, Mr. RAMSTAD, Mr. BRADLEY of New Hampshire, Mr. BISHOP of Utah, Mrs. CAPITO, Mr. INSLEE, Mr. CAPUANO, Mr. TOM DAVIS of Virginia, Ms. SLAUGHTER, Mr. KENNEDY of Rhode Island, and Mr. LUCAS.

H.R. 917: Mr. BRADLEY of New Hampshire.

H.R. 939: Mr. BROWN of Ohio.

H.R. 940: Mr. BILIRAKIS.

H.R. 997: Mr. BARRETT of South Carolina, Mr. DEAL of Georgia, Mrs. BIGGERT, Mr. MCCRERY, and Mr. BISHOP of Utah.

H.R. 1018: Mr. ENGEL, Mr. OWENS, Mr. MCDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 1043: Mr. NORWOOD and Mr. VAN HOLLEN.

H.R. 1049: Mr. GALLEGLY.

H.R. 1070: Mr. DEAL of Georgia.

H.R. 1106: Mr. LEWIS of Georgia, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, and Mr. LANGEVIN.

H.R. 1108: Mrs. MCCARTHY, Mr. ROGERS of Alabama, Mrs. MALONEY, Mr. GUTIERREZ, Mr. BERRY, Mr. HINCHEY, Mr. DICKS, Mr. MEEHAN, and Mr. TIERNEY.

H.R. 1120: Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. LIPINSKI.

H.R. 1133: Mr. ACKERMAN, Mr. MCGOVERN, and Mr. SOUDER.

H.R. 1136: Mr. WEINER, Mrs. MALONEY, and Mr. CROWLEY.

H.R. 1155: Mr. CARDIN.

H.R. 1157: Mr. WATT and Mr. AL GREEN of Texas.

H.R. 1175: Mr. MCCOLLUM of Minnesota, Mr. CASE, and Mr. KILDEE.

H.R. 1186: Mr. BURTON of Indiana, Mr. FERGUSON, and Mr. CHOCOLA.

H.R. 1188: Mr. PLATTS.

H.R. 1191: Mr. SAXTON.

H.R. 1201: Mr. LEWIS of Georgia.

H.R. 1204: Mr. MILLER of North Carolina, Mr. TAYLOR of Mississippi, Mrs. TAUSCHER, Mrs. LOWEY, Mr. COSTELLO, Mr. GEORGE MILLER of California, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, Mr. STRICKLAND, Mr. HOYER, Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. RYAN of Ohio, Mr. DELAHUNT, Mr. MEEHAN, Mr. BRADY of Pennsylvania, Ms. MATSUI, Ms. CARSON, and Mr. MEEKS of New York.

H.R. 1216: Mr. KUHL of New York,

H.R. 11217: Mr. WU.

H.R. 1226: Mr. FEENEY and Mr. NEY.

H.R. 1227: Mr. WICKER, Ms. BERKLEY, Mrs. MCCARTHY, and Mr. WATT.

H.R. 1241: Mr. PASCRELL.

H.R. 1258: Mr. EHLERS.

H.R. 1266: Mr. BEAUPREZ.

H.R. 1282: Mr. PALLONE.

H.R. 1306: Mr. CROWLEY, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. TERRY, Mr. BONILLA, and Mr. MILLER of Florida.

H.R. 1314: Mr. KANJORSKI.

H.R. 1329: Mr. STARK.

H.R. 1337: Mr. TIAHRT, Mr. NORWOOD, Mrs. DRAKE, Mr. UPTON, and Mr. RYUN of Kansas.

H.R. 1363: Mr. COBLE.

H.R. 1365: Mr. KANJORSKI, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. EMANUEL, and Mr. FORD.

H.R. 1366: Ms. GINNEY BROWN-WAITE of Florida.

H.R. 1378: Mr. SKELTON.

H.R. 1380: Mr. BISHOP of Utah.

H.R. 1405: Mr. SANDERS.

H.R. 1409: Mr. SULLIVAN.

H.R. 1425: Mr. FRANK of Massachusetts.

H.R. 1438: Mr. HAYWORTH.

H.R. 1445: Mr. MCCAUL of Texas.

H.R. 1474: Ms. KAPTUR, Mr. SIMMONS, Mr. LARSON of Connecticut, Mr. OWENS, Mr. HIGGINS, and Ms. BORDALLO.

H.R. 1480: Mr. SERRANO, Mr. EVANS, Mr. WU, and Mr. FRANK of Massachusetts.

H.R. 1499: Mr. MORAN of Kansas, Mr. HAYWORTH, Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, and Mr. CONAWAY.

H.R. 1505: Mr. TURNER and Mr. SHAW.

H.R. 1511: Mr. GOODE.

H.R. 1522: Mr. WEXLER.

H.R. 1545: Mr. NORWOOD.

H.R. 1554: Mrs. MILLER of Michigan.

H.R. 1578: Mr. BACHUS, Mr. JONES of North Carolina, and Mr. ISTOOK.

H.R. 1580: Mr. LANTOS, Mr. OWENS, and Ms. WATSON.

H.R. 1588: Mr. LARSEN of Washington, Mr. CARDOZA, Ms. SOLIS, Mr. WEXLER, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Mr. PRICE of North Carolina, and Mrs. CAPPS.

H.R. 1616: Mr. TAYLOR of North Carolina and Mrs. EMERSON.

H.R. 1620: Mr. OWENS.

H.R. 1632: Mr. BOREN and Mr. SHAW.

H.R. 1633: Mr. CULBERSON.

H.R. 1635: Mr. OSBORNE, Mr. UPTON, and Mr. LIPINSKI.

H.R. 1637: Mr. BROWN of Ohio, Ms. LEE, Ms. BERKLEY, Mr. GRIJALVA, and Mr. LIPINSKI.

H.R. 1639: Ms. SOLIS and Mr. HOLT.

H.R. 1649: Mr. FERGUSON.
H.R. 1651: Mr. REYES.
H.R. 1671: Mr. CONYERS, Mr. JONES of North Carolina, Mr. GILLMOR, Mr. BOEHLERT, and Mr. MANZULLO.
H.R. 1688: Mr. STARK.
H.R. 1690: Mr. KILDEE.
H.R. 1696: Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. SKELTON, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mr. TOWNS, and Mr. FILNER.
H.R. 1741: Mr. CAMP.
H.R. 1746: Mr. MILLER of Florida.
H.R. 1773: Mr. PETERSON of Minnesota.
H.R. 1816: Mr. WILSON of South Carolina.
H.R. 1870: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1872: Mr. SHAW.
H.R. 1898: Mr. GALLEGLY, Mr. SHADEGG, and Mr. SESSIONS.
H.R. 1955: Mr. UDALL of Colorado and Ms. JACKSON-LEE of Texas.
H.R. 1973: Mr. SCHWARZ of Michigan.
H.R. 1985: Mr. MILLER of Florida.
H.R. 2000: Mr. FILNER.
H.J. Res. 6: Mr. GOODE.
H.J. Res. 10: Mr. PETERSON of Pennsylvania, Mr. SODREL, Mr. REYES, and Mr. SHIMKUS.
H.J. Res. 38: Mr. SMITH of New Jersey.
H.J. Res. 44: Mr. HYDE and Ms. LORETTA SANCHEZ of California.
H. Con. Res. 24: Ms. PELOSI.
H. Con. Res. 40: Mrs. CAPITO.
H. Con. Res. 44: Mr. RANGEL, Mr. PAYNE, Mr. MENENDEZ, Mr. GENE GREEN of Texas, and Mr. AL GREEN of Texas.
H. Con. Res. 71: Ms. SLAUGHTER.
H. Con. Res. 90: Mrs. LOWEY, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. UDALL of New Mexico, and Mrs. BIGGERT.
H. Con. Res. 99: Ms. JACKSON-LEE of Texas.
H. Con. Res. 106: Mr. UPTON and Mr. VAN HOLLEN.
H. Con. Res. 108: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, Mr. WATT, and Mr. CARDOZA.
H. Con. Res. 123: Mr. PALLONE.
H. Con. Res. 127: Mr. FARR.
H. Con. Res. 131: Mr. ENGLISH of Pennsylvania.
H. Con. Res. 132: Ms. GINNY BROWN-WAITE of Florida.
H. Res. 76: Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mr. RAHALL, and Mr. CONYERS.
H. Res. 84: Mrs. EMERSON.
H. Res. 85: Mr. SHAW.
H. Res. 90: Mr. WEXLER.
H. Res. 168: Mr. TAYLOR of North Carolina, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, and Mr. SOUDER.
H. Res. 175: Mr. PALLONE.
H. Res. 212: Ms. NORTON, Mr. SANDERS, Mr. CUNNINGHAM, and Mr. DAVIS of Kentucky.
H. Res. 218: Mr. KIND, Mr. PRICE of Georgia, Mr. JINDAL, Mr. HOEKSTRA, Mr. HAYWORTH, Mr. GREEN of Wisconsin, Mr. BOOZMAN, and Mr. CASE.
H. Res. 233: Mr. KINGSTON, Mr. PALLONE, and Mr. POE.
H. Res. 245: Mr. TOWNS, Mr. DAVIS of Illinois, Mr. DICKS, Mr. HOLDEN, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Mr. ROSS, and Mr. ETHERIDGE.
H. Res. 250: Mr. TOWNS and Mr. WAXMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 513: Mr. MCNULTY.