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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Miss MCMORRIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 21, 2005.

I hereby appoint the Honorable CATHY MCMORRIS 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT) for 2 minutes.

GOING FORWARD TO VICTORY IN IRAQ

Mr. BARRETT of South Carolina. Madam Speaker, we have been talking a lot about Iraq, and a lot of people have different ideas and different thoughts about what we are doing over there. In recent days and weeks, some have suggested we need a specific timeline or date that indicates when our troops will begin to withdraw from Iraq.

I would like to read an e-mail that one of my staffers received at the end of last week from a friend of hers currently serving in Iraq. The soldier says: ''I know there are growing doubts, questions and concerns by many regarding our presence here and how long we should stay. For what it is worth, the attachment hopefully tells you why we are trying to make a positive difference in this country's future.''

This is the attachment, Madam Speaker, and a picture truly is worth 1,000 words.

The soldier went on to say in ending his e-mail: ''I hope to head home in 80 days with a feeling that I contributed something and made this world a better place for these guys.''

Madam Speaker, any date for withdrawal would be arbitrary. We must allow our plan to go forward and not abandon it halfway through. This is not just about their future, it is about the future of all of us. Let us not talk about an exit strategy; let us talk about victory.

CONTINUING FUNDING OF PUBLIC BROADCASTING

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

Mr. BLUMENAUER. Madam Speaker, as we watch the ebb and flow here in Washington, DC, the controversies, the complexities, there has never been a more important time for the thought-provoking service that is supplied by Public Broadcasting. The educational, cultural and community awareness, together with the politics and policy formats, form the framework for citizens to cope with the myriad of challenges and demands of today's modern living, much as we are struggling with them here in Washington, DC.

If there has never been a more important time for public broadcasting, there has never been a worse time for Congress to be part of a campaign against public broadcasting. We formed the Public Broadcasting Caucus 5 years ago here on Capitol Hill to help promote the exchange of ideas surrounding public broadcasting, to help equip staff and Members of Congress to deal with the issues that surround that important service.

There are complexities in areas of legitimate disagreement and technical matters, make no mistake about it, and our caucus is a great platform for Congress to explore these items and to be heard by the various public broadcasting constituencies, their boards and staff.

Cutting funding, especially the proposals from the subcommittee, are the worst approach in dealing with public broadcasting. President Bush has requested over $413 million in his budget for fiscal year 2006. The subcommittee has recommended that that be slashed to $300 million, cutting by almost ⅔, this year's funding for the Corporation for Public Broadcasting and eliminating entirely the President's $23 million request for Ready-To-Learn.

Madam Speaker, these are as Draconian as they are unjustified. Every week, 82 million people demonstrate the worth of public broadcasting by viewing public television and over 30 million people a week listen to NPR.

But the cuts are not only cutting at the fabric of the programming; they will devastate small rural markets that are hard to serve without the extra resources provided by the Federal Government. Larger metropolitan areas will be hurt as well. The area that I represent in Oregon will suffer about a 25 percent cut, but ultimately they will still have some service. In many small rural areas, public broadcasting, which is expensive to provide, is likely to disappear altogether, because the sparsely populated communities are not able to make up the gap.

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The good news is that the public outcry is being heard. Already the full committee has voted to reverse its decision to completely eliminate the advanced funding for fiscal year 2008. That reversal is an important step to provide certainty and continuity, to give a hint of stability for Public Broadcasting and keeping our commitments.

There will be an amendment to reverse the $100 million rescission for fiscal 2006, and I strongly support that effort. In the meantime, I would urge my colleagues to become involved with the public broadcasting issues, to join over 100 other Members of Congress who are members of the Public Broadcasting Caucus and engage in its activities. It is important to show the same bipartisan support for public broadcasting as we have in other controversial matters in recent weeks. The American public deserves no less.

RECOGNIZING THE POSITIVE IMPLICATIONS OF CAFTA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 1 minute.

Ms. ROS-LEHTINEN. Madam Speaker, it is critical for us to recognize the positive, far-reaching implications of CAFTA.

CAFTA is not solely about trade, it is about lives. It is about promoting U.S. national security objectives in our own backyard. By strengthening our allies, our neighboring countries, we are helping to strengthen our own efforts to fight the scourge of terrorism. Free markets and economic development are the best weapons against tyranny, against poverty and against disease.

CAFTA will promote democratic governance, thus advancing stability and consolidating freely-elected governments who are allies in the war against drugs and the War on Terror. Failure to pass CAFTA in Congress will cripple our efforts to freeze out narco-terrorist gangs and others who threaten our national security.

Madam Speaker, I encourage my colleagues to support CAFTA. A vote for CAFTA is a vote for our U.S. national security interests.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 9 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 10 a.m.

PRAYER

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

Lord God, Your love is consistent and deep. You must have a way of remaining in love with us, even when we neglect Your presence or disobey Your commands. Otherwise, how could You forgive us so readily and always hope for our deeper conversion of heart.

Be present to the Members of the House of Representatives and all who work for this noble institution today. Hold out a strong hand to those who are weak or fainthearted. Be patient with the bold and the arrogant.

By Your Spirit, enable all to be patient, forgiving, and understanding to one another so they may be ready to receive the same gracious gifts from You in the same measure they have treated others.

You alone are the lasting judge of all, and the full measure of goodness to which no other can be compared, for You are Lord, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY 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.

HONORING THE SERVICE OF OUR TROOPS

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

Mrs. MILLER of Michigan. Madam Speaker, over 9 million innocent human beings were killed in the Nazi death camps. Over 3 million were killed in the Soviet gulags under Joseph Stalin. Over 1.5 million were killed by the Khmer Rouge under Pol Pot in Cambodia.

And how many have been killed at Guantanamo Bay? Zero.

But that has not stopped a Democratic leader, a Democratic Senator, and the Democratic Party from drawing parallels between what is happening in Guantanamo and the horrors of Hitler or Stalin and Pol Pot.

That message belies the suffering of the victims of those terrible atrocities. That message discourages our brave men and women in uniform, when national leaders compare their actions to those of the Nazis. That kind of rhetoric incites our enemies and hinders our efforts in the war on terror.

I challenge every Democratic leader to denounce these ridiculous comparisons. Show our enemies that we are united in our actions against terror, and show our troops that we honor their service.

CONGRATULATING SECRETARY OF STATE CONDOLEEZA RICE FOR STANDING UP FOR DEMOCRACY

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

Mr. EMANUEL. Madam Speaker, I would like to congratulate Secretary of State Condoleezza Rice for standing up for democratic principle, for finally saying what needed to be said. During a speech in Cairo yesterday, Secretary Rice criticized Middle East leaders for failing to encourage democracy.

My colleagues in this Chamber know well that when I disagree with this administration, I let my opinion be known. I disagree with their proposals for Social Security, their stewardship of the economy, their plan for the Iraq war and occupation, and how they treat critics. Yet, on advocating Mid-East Democracy, I do not disagree. I agree with the Secretary of State and her comments.

Unfortunately, when it comes to our allies in the Middle East, America too often turns a blind eye to their failings of leadership. We rightfully denounce countries with repressive regimes like those in Iran and Syria, but others such as Egypt and Saudi Arabia receive a pass.

Yesterday, Secretary Rice spoke up on behalf of America; she represented the best of American ideals and our steadfast belief in basic human rights and democracy. This will serve America well as we battle for the hearts and minds of the Muslim world.

Madam Speaker, I do not often agree with this administration, but I know a good thing when I see it. When it comes to democracy and all that comes with democracy, no one gets a pass.

LEAVE A GOOD LEGACY: STOP CLONING NOW

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

Mr. PITTS. Madam Speaker, every Member of this body is mindful of his or her legacy, and that is good.

There is an issue facing this Nation that should cause us all to consider that legacy carefully. The issue is human cloning, and it is closer to reality than we think. We learned that from Korean scientists last month, but we have the ability to stop it here in America before it is too late.

So Members of this body should ask themselves, Do you want your legacy

to be that we stood by as scientists started cloning human beings in America? Members leaving this body after next year should ask, Do you want to tell your grandkids some day that you had a chance to act to stop cloning but did nothing?

If we do nothing, Madam Speaker, cloning will come, and this Congress will be judged not by job numbers or a national energy plan or highway dollars, but by our failure to stop human cloning. I do not want that on my conscience; no one does, but our lack of action will make us responsible for its arrival.

Let us leave a good legacy, a legacy that guards the uniqueness of life. Let us act to stop human cloning.

UNDERMINING OF AMERICAN VALUES

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

Ms. SCHAKOWSKY. Madam Speaker, the Bush administration and Republican leaders are engaged in a pathetic attempt to make Senator DICK DURBIN'S condemnation of the use of torture at Guantanamo Bay an issue.

As a result of the revelations of conditions at Guantanamo, Abu Ghraib, the Bagram Prison in Afghanistan, the Republicans owe the American people, our soldiers, and veterans an apology for undermining American values such as the rule of law, for putting our troops at greater risk around the world, and for cutting veterans health benefits when they come home, and failing to provide our troops the equipment they need to protect themselves on the battlefield.

Clearly the Republicans are reading the polls and watching their approval as well as the approval for the misguided war plummet. So in a desperate attempt to shift the blame, they want to shoot the messenger.

Everyone knows what Senator DURBIN meant, and he was right. The United States of America stands for the rule of law, not for torture. It is this administration and the Republican leaders, certainly not our soldiers and not Senator DURBIN, who has tarnished the image of our great country.

THE REAL GUANTANAMO BAY

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

Ms. FOXX. Madam Speaker, I rise today in response to the ill-timed and ill-conceived remarks by the Democratic Senator. The Senator's deplorable comparison of American servicemen and women at Guantanamo Bay to Nazi Soviet gulags and to Pol Pot are injurious to our military and provide a propaganda victory to our enemy.

Sadly, the words of this United States Senator now serve to give aid and comfort to Islamic terrorists. The senior Senator from Illinois seems to have taken poetic license with whatever document he has failed to produce as evidence of his allegations.

The brave men and women of America's military put their lives on the line each day to meet the demands of Gitmo's prisoners. These al Qaeda and Taliban detainees are being treated consistent with the principles of the Geneva Conventions and, most importantly, yet seemingly overlooked by some Democrats, consistent with military necessity.

Intelligence gained at Gitmo has and will continue to prevent terrorist attacks and help save American lives. I am hopeful that certain Democratic Senators will quit being a part of the problem and start being part of the solution.

Because of Gitmo, the U.S. is learning organizational structure of terrorist groups, the extent of terrorist presence in the world, Al Qaeda's pursuit of WMDs, methods of recruitment and location of centers, terrorist skillsets, and how seemingly legitimate financial operations are used to disguise and fund terrorist operations.

GUANTANAMO BAY

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

Mr. PRICE of Georgia. Madam Speaker, recent comments alleging mistreatment of prisoners at Guantanamo are not only insulting, they are wrong.

The 545 prisoners being interrogated at Guantanamo are properly housed and fed, they receive medical care, and have their religious needs met.

A U.S. Senator made statements last week that were clearly imprudent and unwise, comparing treatment of detainees to acts of genocide and repression. Millions of people died in the camp cited by the Senator, and no one has died at Guantanamo. While American troops are busy attacking and defeating terrorism, our tax dollars are providing Korans, prayer rugs, and healthy meals to the terrorist prisoners at Guantanamo. It is not Pol Pot at Guantanamo, it is pot roast. To purport that there is a moral equivalency between the acts of dictatorial madmen of the 20th century and the treatment of detainees at Guantanamo does a disservice to history, to our national honor, and to each member of our military who risk their lives every day preserving the privileges we enjoy.

I call on the Senator to talk to the guards at Guantanamo and get the facts straight. Then he should apologize to them, to the rest of our soldiers, and to the American people.

REPUBLICANS ATTEMPT TO DIVERT ATTENTION AWAY FROM WAR IN IRAQ

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

Mr. BUTTERFIELD. Madam Speaker, these attacks against the gentlewoman from California (Leader PELOSI) and Senator DURBIN are nothing more than an attempt by the congressional Republicans to divert attention away from the war in Iraq to comments made by two of our Democratic colleagues.

Republicans know that the war in Iraq is not going well right now. They have an administration that is clearly not leveling with the American people. Earlier this month, Vice President CHENEY told a national audience that the insurgency in Iraq was in its last throes. Well, we all know that is not the case.

I think Washington columnist Richard Cohen got it right this morning when he wrote that these partisan attacks are the latest in a series of attacks by Washington Republicans to silence the opposing views. Cohen wrote, ''The contempt the Bush administration has shown for world opinion and international law, not to mention American traditions of jurisprudence, is costing us plenty. We are not the Soviet Union, and we are not Nazi Germany, and DICK DURBIN did not intend to say we are. His detractors have to know that. Their intention, however, is not to answer criticism, but to silence a critic.''

Democrats will not be silenced.

ONE WEEK LATER AND STILL NO APOLOGY

(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. Madam Speaker, the people of Illinois and the United States are rightfully concerned about the recent smear and slander made by Democrat Whip Senator DICK DURBIN.

After Democrat Whip DURBIN likened U.S. troops to murderous dictators, columnist John Kass of the Chicago Tribune called on Senator DURBIN to apologize to the Nation for his irresponsible and dangerous comments. Kass wrote, ''Hitler, Stalin and Pol Pot murdered roughly 50 million people. At Guantanamo, suspected terrorists have been made uncomfortable, including a minion of Osama bin Laden's, but I haven't heard of anyone being killed there. We're at war, Senator.''

The people of Illinois deserve a Senator who accurately represents their strong appreciation for the men and women who bravely serve our country at home and abroad. Democrat Whip DURBIN made his reckless comments almost a week ago, and he has still not apologized for his comments. As the second ranking Democrat in the U.S. Senate, DURBIN should take responsibility for his comments and immediately apologize to the U.S. troops and American families. I am grateful my son served in Iraq.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that remarks in debate may not engage in personalities towards Senators.

NOW IS THE TIME TO ENACT HUMAN CLONING BAN

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

Mr. PENCE. Madam Speaker, human cloning is coming. Despite ominous developments in South Korea and in laboratories across the land, last week, the House Committee on Appropriations rejected, by a narrow margin, a thoughtful amendment authored by the gentleman from Florida (Mr. WELDON). The Weldon cloning amendment would essentially prohibit any entity, institution, private or public, from receiving NIH funds if that entity engages in human cloning for research or reproductive purposes.

While that amendment failed, human cloning continues to advance, and the breakthrough in this unethical and morally questionable science is around the corner.

Now is the time for Congress to act. On two separate occasions, Congress has enacted the Weldon-Stupak cloning ban by a 60 percent-plus bipartisan majority. And the time is now, after last week's disappointing vote in the Committee on Appropriations, with the Labor-HHS bill headed to the floor, now is the time, this summer, to once again bring a human cloning ban to the floor and enacted into law.

LET US SEE FOR OURSELVES AT GUANTANAMO BAY

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

Mr. POE. Madam Speaker, I was a former judge. I saw jails, I saw prisons. I saw numerous prisons and jails. Now we hear about this torture chamber down in Guantanamo Bay. Some people call it Gitmo. Well, I think we ought to ''Gitmo'' information, information about Guantanamo.

The statements made by our colleagues down the hallway are uninformed, irrational, and totally irresponsible.

I ask this person who says this torture chamber down in Gitmo is uninhabitable, well, I will ask you, what did you have for breakfast this morning? Was it pancakes with syrup, fresh fruit, and coffee? Oatmeal, scrambled eggs, orange juice or cranberry juice; your choice?

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Well, that is what those Guantanamo Bay prisoners had for breakfast today. Meanwhile, American troops in Iraq and Afghanistan, what are they eating? They are eating C-rations out of cans. We know that the prisoners in Guantanamo Bay have actually gained weight.

It sounds like the characterizations to this and Nazi prisoner of war camps are irresponsible. So I invite the good Senator to go with me to Guantanamo Bay, and let us GITMO information about his place and let us go down and check it out firsthand before more comments are made.

Meanwhile, apologies need to be made to American troops overseas.

GITMO

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

Mrs. BLACKBURN. Madam Speaker, over the past week, we have watched as those across the aisle, led by Minority Leader PELOSI and Senator DURBIN, made comments regarding our troops, our war on terror, and our operations at Guantanamo Bay. Apparently, to some in this body, America can do nothing right.

But I want Americans to remember that months ago, these people who are now calling Iraq and the war on terror a disaster were declaring that the elections would not be a total success, that they would be a failure. Now, are these folks seeking success, or are they seeking failure?

The critics today say they hate Guantanamo Bay. Do we want to be running Guantanamo Bay? No. But you know what, we have to remember, there are people who would like to murder Americans by the thousands. Have we forgotten September 11?

We cannot sanction their homelands because they do not operate as part of a national military. Thus we are forced to run Guantanamo Bay. Americans get captured by the terrorists and they are slaughtered, they are beheaded; and we have seen the photos. That is not what we do to the enemy combatants at Guantanamo, and the idea that the two can be compared is reprehensible.

SENATOR DURBIN'S COMMENTS

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

Mr. GEORGE MILLER of California. Madam Speaker, Senator DURBIN spoke for millions of Americans who are horrified and shocked about the treatment, the mistreatment of prisoners who have not been given the right to be notified of where they are, prisoners who were hung by their arms, who reported homicides, the scandals and the cover-ups.

Yes, these are dangerous people that are in these prisons. Many of them may be guilty of very serious crimes. But the fact of the matter is America cannot be a beacon for freedom and justice and liberty when it is doing it by abusing prisoners.

As Senator DURBIN said, if you have read these without knowing the country, you would be horrified because these are the practices that are associated with dictatorships and countries without the rule of law and countries of repression. The fact of the matter is, this administration should have an independent investigation of the treatment of prisoners in Afghanistan and Guantanamo Bay. They should do it immediately so that we do not continue to have these incidents become magnets for the recruitment of the insurgents.

If somebody is worried about our troops, maybe the Republicans and the President could apologize for sending them into battle without body armor, for sending them into battle without sufficient numbers to protect them, to send them in battle without properly armed Humvees, because that is what causes parents to grieve for the loss of their lives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

RECOGNIZING THE 100TH ANNIVERSARY OF FARMHOUSE FRATERNITY, INC.

Miss MCMORRIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 207) recognizing the 100th anniversary of FarmHouse Fraternity, Inc.

The Clerk read as follows:

H. RES. 207

Whereas FarmHouse Fraternity, Inc. was founded on April 15, 1905, by 7 students from the College of Agriculture at the University of Missouri-Columbia;

Whereas FarmHouse Fraternity, Inc. is widely known and respected on college campuses throughout the United States and Canada as a fraternity that encourages values-based leadership, has a strong academic focus, and is dedicated to service;

Whereas FarmHouse Fraternity, Inc. focuses on building the whole man—intellectually, spiritually, socially, morally, and physically;

Whereas more than 24,000 men have been members of FarmHouse Fraternity, Inc., including governors, congressmen, top scientists, innovators in agriculture, university presidents, Nobel Prize winners, Pulitzer Prize winners, doctors, lawyers, and Hall of Fame athletes;

Whereas FarmHouse Fraternity, Inc. members volunteer countless hours of service each year to help improve the communities they serve; and

Whereas hundreds of FarmHouse Fraternity, Inc. alumni and student members will gather in Columbia, Missouri, from April 14 to April 17, 2005, for the celebration of the

100th anniversary of the fraternity: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of FarmHouse Fraternity, Inc. and commends the fraternity and its members for a century of service.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Miss MCMORRIS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Miss MCMORRIS).

GENERAL LEAVE

Miss MCMORRIS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution currently under consideration.

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

There was no objection.

Miss MCMORRIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 207 offered by my colleague, the gentleman from Missouri (Mr. HULSHOF).

House Resolution 207 honors the FarmHouse Fraternity on the occasion of its 100th anniversary. The FarmHouse Fraternity was founded on April 15, 1905, by seven men from the College of Agriculture at the University of Missouri, Columbia, who acknowledged a need for recognition of a small, specialized group in the area of higher education.

Originally formed as an agricultural club, the FarmHouse Fraternity has become widely known and respected on college campuses throughout the United States and Canada as a fraternity that encourages value-based leadership, has strong academic focus, and is dedicated to service.

FarmHouse promotes the moral and intellectual welfare of its members and encourages social growth; loyalty among its members to their country, their community, their university, and their fraternity; and the well-rounded personality of members.

The FarmHouse Fraternity helps transform the young men of today into the leaders of tomorrow's world. More than 24,000 men have been members of the FarmHouse Fraternity, including Governors, Congressmen, top scientists, innovators in agriculture, university presidents, Noble Peace Prize winners, Pulitzer Prize winner, doctors, lawyers, and Hall of Fame athletes.

In addition, members of the FarmHouse Fraternity volunteer countless hours of service each year to help improve the communities they serve.

Madam Speaker, it is my pleasure to recognize and honor the FarmHouse Fraternity for the celebration of its 100th anniversary and commend the fraternity and its members for a century of service and achievement. I urge my colleagues to help support House Resolution 207.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I stand in support of House Resolution 207, which recognizes the 100th anniversary of FarmHouse Fraternity, Incorporated. The organization was first founded by seven students from the College of Agriculture at the University of Missouri, Columbia. Currently, FarmHouse Fraternity has 24,000 members; and it continues to increase its membership on college campuses throughout the United States and Canada, notwithstanding the fact that today there are fewer farm families and fewer young men with the traditional agricultural background.

Farming issues today are much more complex than a century ago. In addition to concerns about the impact of drought and disease on crop production, farmers today must concern themselves with agricultural trade policies, competition from major foreign producers and exporters and agroterrorism.

While farming issues may have changed, the fraternity's objectives have remained constant. Today, just as in 1905, the fraternity still aims to promote good fellowship, encourage studiousness, and build character and integrity amongst its members.

I congratulate each of the members of FarmHouse Fraternity on their 100th anniversary and wish them continued success in the future.

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

Miss MCMORRIS. Madam Speaker, I yield as much time as he may consume to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Madam Speaker, I rise and ask my colleagues in the House to support this resolution. In addition to the kind words that already have been mentioned, FarmHouse had a unique, but a humble, beginning in my home town of Columbia, Missouri.

Like many social organizations at the University of Missouri campus, there were few students back in 1905 to draw from for its members. Its purpose, its objective back then was really not clearly defined or understood. And so it attracted little attention. It was not the result of any sort of a crisis among ag students, but was rather the result of a need for recognition of a small and subordinate and specialized group in the area of higher education.

The University of Missouri College of Agriculture was established back in 1870 as part of the land grant system. A lot of my colleagues here still to this day defend mightily the land grant system. It was a small division of the ag school back in 1905 within the University of Missouri. There were less than 100 students. It was not really held in the same high regard or high esteem as the school of law or the school of medicine, and most of those students were all farm-reared boys.

But a rather close relationship developed among this group of 35, a lot of them attended the same class, everyone knew each other, and there developed among them this sense of camaraderie. So as an outgrowth of this fellowship and the friendships that were formed, there were three men, D. Howard Doane, Henry P. Rusk and Earl Rusk, who conceived this idea of forming an agricultural club in order to perpetuate this congenial association.

In fact, as history has it, at least as we tell it, they began to have this discussion on a Sunday afternoon at a YMCA Bible meeting. So it was desirable that they were going to make this group, and they proposed to rent a house and live together, and this was in the spring of 1905.

And from the diary of Mr. Doane comes the following record: ''At the close of my freshman year, there was organized a club of farmers, principally from the freshman class, to run a clubhouse to be known as the FarmHouse. When school opened in September, only seven of the group returned.''

I mentioned Mr. Doane and the two brothers Rusk, and the others that joined them were Robert F. Howard, Claude B. Hutchison, Henry H. Krusekopf, and Melvin E. Sherwin.

Back now to Mr. Doane's diary: ''They took the house on their hands and turned it into a regular rooming and boarding house. Those seven fellows were the best bunch that ever got together. During the whole year they managed the house without one single disagreeable incident.''

I am tempted to go into a parenthetical aside regarding this body, but I will choose not to do that. And then finally from Mr. Doane's diary: ''Many a night this dear old bunch assembled with gravest doubts assailing them and wondering if it was all worth while.''

Well, Mr. Doane, in the humble opinion of this FarmHouse alum, it was indeed worthwhile. Thirty chapters across the country, including Canada, with a list of notable alumni, including just a smattering of those: former Kansas Governor, John Carlin; George Beadle, who received a Noble Prize in medicine and genetics back in 1958; Pulitzer Prize winner Ezra George Thiem; and Hall of Fame athletes Ed Widseth from Minnesota and legendary Missouri Coach Don Faurot; 49 past national FFA officers; one former U.S. Secretary of Agriculture; and entertainers Leroy Van Dyke, Michael Martin Murphey, and Pat Green.

More than 24,000 men have become members of FarmHouse Fraternity. And while the others do not necessarily hold a title, each has made his own mark within the community and the family in which they live, putting into action the FarmHouse motto: ''Builder of Men.''

I was honored to be invited to speak to an event back in Columbia, Missouri, over 530 participants, back in April of this year. And I would ask that this body, that the House of Representatives today recognize the 100th anniversary of FarmHouse Fraternity and commend the fraternity and its members for a century of service.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington (Miss MCMORRIS) that the House suspend the rules and agree to the resolution, H. Res. 207.

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.

EXPRESSING THE SENSE OF THE HOUSE IN REMEMBRANCE OF BRAVE SERVICEMEN WHO PERISHED IN APRIL 24, 1980, RESCUE ATTEMPT OF AMERICAN HOSTAGES IN IRAN

Mr. SAXTON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 256) 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, as amended.

The Clerk read as follows:

H. RES. 256

Whereas on November 4, 1979, Islamic extremists occupied the United States Embassy in Tehran, Iran, and took 66 American hostages, of whom 13 were released in a matter of days, on November 19 and 20, 1979;

Whereas after months of unsuccessful diplomatic negotiations for the release of the remaining 53 hostages and after extensive planning and intergovernmental debate, a complex rescue mission designated as ''Operation Eagle Claw'' was approved by President Carter on April 16, 1980;

Whereas on April 24, 1980, a task force comprised of Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and United States Navy, Marine, and Air Force pilots succeeded in moving thousands of miles undetected until reaching a remote location in the Iranian desert 200 miles from Tehran designated by the code name ''Desert One'';

Whereas at Desert One, a combination of helicopters and MC–130/EC–130 gunships rendezvoused with the intention of rescuing the hostages 200 miles away in Tehran the following evening;

Whereas the bravery, dedication, and level of operational expertise of the men who participated in the mission were evident from the onset and tested by the mechanical and weather problems suffered en route to the rendezvous point;

Whereas due to mechanical failures and weather problems only six out of eight helicopters successfully arrived at the Desert One rendezvous;

Whereas six helicopters was the minimum number of helicopters that could successfully complete Operation Eagle Claw;

Whereas once the six helicopters arrived, the rescue attempt was dealt a final blow when it was learned that one of the helicopters had lost its primary hydraulic system and would be unsafe to use fully loaded for the final assault on Tehran;

Whereas as the various aircraft began moving into position to return to their respective launching points, one of the helicopters collided with a C–130 aircraft on the ground;

Whereas flames engulfed the helicopter and the C–130 and resulted in the death of 5 airmen and 3 Marines;

Whereas other members of the task force were burned but survived, while their comrades acted bravely in restoring order and managed to evacuate the wounded personnel and salvageable equipment back to friendly territory;

Whereas Members of Congress were dismayed with the poor equipment, lack of funding, and inattention that had been given to special operations forces up to that time that came to light because of the aborted rescue mission;

Whereas in response, legislation was enacted in 1986 to establish a new unified command for special operations forces that is designated as the United States Special Operations Command (USSOCOM);

Whereas the United States Special Operations Command continues to prove its immense value to the national defense as witnessed by the performance of special operations forces in Afghanistan, in Iraq, and in many other countries of the world; and

Whereas the Nation owes a great debt of gratitude to special operations forces personnel and their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the bravery, sacrifice, and patriotism of the soldiers, sailors, airmen, and Marines who participated in Operation Eagle Claw in April 1980 in the attempt to rescue American hostages in Iran and particularly remembers the sacrifice of those who died in that attempt; and

(2) commends all special operations forces personnel currently in service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, to begin, let me extend my sincere gratitude and appreciation to the gentleman from California (Mr. HUNTER) for his assistance in bringing this resolution to the floor.

□ 1030

The men and women of our Armed Forces are fortunate to have such a dedicated person serving as chairman of the Committee on Armed Services and I am deeply honored to serve with him.

Madam Speaker, on November 4, 1979, Americans were shocked by the news that terrorists had stormed our embassy in Tehran and took 66 of our fellow citizens hostage. This deplorable act of barbarism caught our Nation off guard and, frankly, ill-prepared to fully realize the growing threat in the region.

As days became weeks and weeks became months, back-channel diplomacy was failing. The American people were becoming impatient and a wide array of individuals were demanding action. As a Nation, the United States was being held hostage by a regime that had no intention of negotiating.

Finally, President Carter made the decision that enough was enough; it was time to bring our people home. On April 16, 1980 a plan called ''Operation Eagle Claw'' was approved, and our Nation's Special Operations Forces were prepared to answer the call.

Madam Speaker, 8 days later on April 24, a task force of highly trained personnel from the Army, Navy, Marine Corps, and Air Force was formed. The task force was comprised of highly trained individuals and intensely dedicated people, probably the most dedicated ever assembled to set forth on a mission that would end abruptly in disaster.

The plan called for 8 helicopters, 12 airplanes and a lethal combination of United States Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and United States Navy, Marine, and Air Force pilots to work without a unified command structure deep inside hostile territory, a daunting task.

The mission's first objective called for the task force to rendezvous at a location named Desert One. Once there, U.S. Special Forces combat controllers and translators were to be offloaded from Air Force airplanes, C–130s, and reloaded onto Navy helicopters which would take them to the outskirts of Tehran, in preparation for the final rescue.

Before the rendezvous could even take place, weather problems and mechanical failures plagued the mission. Eight helicopters took off from the USS Nimitz, but only 6, the bare minimum required to complete the mission successfully, successfully arrived at Desert One.

Once the birds were on the ground, Operation Eagle Claw received its final blow when one of the remaining helicopters' hydraulic system malfunctioned and therefore rendered the bird useless for the final assault on Tehran. At that point, despite the desired and sheer ability of the Special Operations Forces on the ground, the order to abort the mission was given.

As the helicopters and airplanes maneuvered to return to their respective launching points, another disaster struck. One of the helicopters collided

with a parked C–130 and both aircraft erupted in flames. In the chaos that followed, the soldiers on the ground acted courageously, with absolutely no regard for their personal safety, and managed to save many of their colleagues.

But despite this uncanny display of bravery, 8 of America's finest young men lost their lives: Captain Harold L. Lewis, Jr., Captain Lyn D. McIntosh, Captain Richard L. Baake, Captain Charles McMillan, Master Sergeant Joel C. Mayo, Staff Sergeant Dewey Johnson, Sergeant John D. Harvey, and Corporal George N. Holmes. They deserve our admiration and appreciation for the supreme sacrifice made on behalf of our country.

This morning, Madam Speaker, when I looked at my e-mail, I had received an e-mail from someone who read an op-ed which was published, which I wrote for the Washington Times, which was published yesterday. I would like to read it in part.

He says: I will never forget the day, as a young second lieutenant serving in the 82nd Air Force Division, across Fort Bragg from Special Forces Headquarters, we knew very little about the Special Forces people at that time, but I did know the leader's daughter. So in addition to recognizing that these were America's finest warriors with all the physical strength, hooah, and military skills one can imagine, I also appreciated that they had families who loved them dearly and who suffered anguish, fear, and loss in Eagle Claw. So that is what I recall from my 25 years ago and what I recall every day when I open the newspaper and read of the tremendous sacrifice our forces make, each of them with families who love them.

Madam Speaker, although the results of the mission were tragic, Operation Eagle Claw's contribution to the American military was invaluable. One of the central recommendations made by the investigative commission called upon the military commanders and policy makers to look at ways to bring together various Special Operations Forces of each branch of the military. This crucial observation led to the creation of the United States Special Operations Command, SOCOM, a model of jointness that serves as an example of the transformed 21st century military which we are seeking to help create.

Today, SOCOM officers and soldiers and others who are serving our Nation serve under one command structure, and they are leading the war on terror. As chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, I have the distinct honor of working with the members of SOCOM. It is clear that our Nation's Special Operations Forces are the most unified, well equipped and fiercest fighting force in the world. In the post-911 world that we live in, their contribution to our national security is more important than ever.

Madam Speaker, we stand here today in remembrance of the lives that were lost in Operation Eagle Claw. We are also thankful for the men who have followed in their footsteps. As the warriors of SOCOM continue to lead the fight in the war on terror, I join my colleagues in applauding their efforts and successes and thanking them for their dedication to our country.

The meaning of Operation Eagle Claw will be remembered in different ways by different people, but it will always be remembered.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in strong support of the chairman's resolution which commemorates the bravery of soldiers, sailors, airmen and Marines who took part in Operation Eagle Claw 25 years ago. I want to thank my friend, the chairman from New Jersey, for his extraordinary leadership on this issue.

Madam Speaker, the resolution also commends our Special Operations Forces who are risking their lives for our country today. On April 24, 1980, 8 patriots lost their lives in an effort to rescue hostages from the U.S. Embassy in Tehran. The classified mission was noble in its purpose, yet difficult and risky.

On November 4, 1979, terrorists stormed the U.S. Embassy in Tehran and took 66 American hostages. President Carter sought the hostages' release through diplomatic means but his efforts were to no avail. Ultimately, he approved a hostage rescue mission known as Operation Eagle Claw.

On April 24, 1980 a task force of Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and U.S. Navy, Marine and Air Force pilots launched Operation Eagle Claw. They landed in a remote desert in Iran, 200 miles away from Tehran, and planned to execute the hostage rescue mission the following day. However, Madam Speaker, a series of mishaps forced Operation Eagle Claw to be aborted and led to the deaths of 5 brave airmen and 3 Marines.

On January 20, 1981, after 444 days, the U.S. hostages were freed. Nevertheless, it was clear from the tragic deaths of those brave servicemembers during Operation Eagle Claw that our Special Operations Forces needed and deserved more and better resources to do their job.

Congress created the U.S. Special Operations Command, or SOCOM, so that their needs would be met. Today SOCOM consists of more than 50,000 uniformed personnel, jointly integrated from the Army, the Navy, and the Air Force and the Marine Corps, all striving to support our Nation's national security interests.

Operation Eagle Claw represented the best equipment and personnel available at the time. However, SOCOM has elevated crew-on-crew familiarity, team proficiency, and equipment interconnectivity to a new level of excellence.

Madam Speaker, our Nation owes a debt of gratitude to the members of the Special Operations community, particularly those who have given their lives, such as those 8 service members who died during our Operation Eagle Claw. Our Special Operations Forces are truly, truly the quiet professionals committed to the concept of selfless service.

So as we face the challenges of terrorists and weapons of mass destruction, Special Operations Forces provide a vital tool to defend our great Nation abroad. The resolution brought before us today recognizes this contribution. And I again want to thank the gentleman from New Jersey (Mr. SAXTON) for offering this resolution. I urge all of my colleagues to support its adoption.

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

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from western Florida (Mr. MILLER) whose district is the home of the Air Force component of the Special Operations Command, AFSOC.

Mr. MILLER of Florida. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, ''They tried and that was important,'' said Colonel Thomas Schaefer, the U.S. Embassy defense attache and one of hostages. ''It is tragic 8 men died, but it is important America had the courage to attempt the rescue.''

It was 90 young men who volunteered to go to the desert, and 9 of them never made it home. The oldest, 35; the youngest, 21. Between them, they left 13 children. Captain Harold Lewis has 2 children, Dr. Jim Lewis, now on the medical staff at the Moffitt Cancer Center in Tampa, and Kimberly Lewis, who joined the Coast Guard. Captain Lynn McIntosh has 3 children, Scott, Stewart and Mark, who is currently enrolled in Lincoln Memorial University, Tennessee. Sergeant John Harvey has 2 children, Lauren and John. Tech Sergeant Joel Mayo has 4 children, Douglas, Joel, Jr., Brett, and Kurt, who also served in the Air Force and was honorably discharged in 1998. Finally, Staff Sergeant Dewey Johnson has 2 children, Wesley and Lee Ann.

One of those who died was Air Force Tech Sergeant Joel C Mayo. He was 34. He was from Bonifay, Florida in my district near Hurlburt Field.

Sergeant Mayo, the flight engineer on EC–130, performed his fire control duties so others might escape, until it was too late for him to save his own life. He died while trying to rescue his pilot, Captain Lewis.

One of his comrades and good friends, retired Master Sergeant Taco Sanchez, had this to say about his friend Sergeant Mayo: ''I talked to him that night. It is important people understand. Joel had no idea he was going to give his life that night. But if you told him that he was going to die, he still would've gone.''

Not only did he die a true hero. But his death gave life to what we now know today as Special Operations Command and the Air Force Special Operations Command.

The Air Force personnel who died were members of the 8th Special Operations Squadron based at Hurlburt Field. At Desert One the 8th SOS was given its motto: ''The Guts to Try.'' The patch of the 15th SOS has 5 burning fires, representing the 5 Air Force personnel who lost their lives. The men who died have not and never will be forgotten.

To all the families we say this: If your loved ones had not died that fateful day, the enormity of the task of integrating the military at the time might not have been realized. The urgency of the situation might not have been fully understood and the creation of the truly Joint Special Operations Command could have been delayed for a number of years, resulting in who knows how many further U.S. causalities.

□ 1045

Of course, this does not bring them back to us, and nothing can replace the emptiness where they once were. Hopefully, time has done all that it can in that regard, but you should know that every citizen of this country owes a special debt of gratitude to your husbands, brothers, sons, fathers, cousins, and comrades who died on that day.

Can you imagine if we had not had the capabilities of Special Operations Command after September 11? We would have still pursued and destroyed the enemy, but who knows how many more American lives would have been lost if we had only had conventional forces to rely on.

Cailin Mayo is one of Joel's grandchildren. She is old enough now to understand our grandfather's sacrifice. It is to her and all the other grandchildren of those eight men that I say this: do not ever forget the sacrifices of your grandfathers. Know that they are all with God and that they will forever look down upon and continue to protect each of you.

Retired Master Sergeant Sanchez's words about his friend Joel Mayo capture the essence of every man on this mission. They were a brave, courageous group of men attempting the impossible for a noble and a worthy cause. They were Marines and airmen, but they came together for one purpose, and that was to rescue Americans, and as Americans, they died together in the desert. They had the guts to try.

God bless them, their families and these United States.

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. KLINE), a great veteran of the United States Marine Corps.

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

Madam Speaker, I rise today to recognize the heroic efforts of the servicemen who participated, and even more so, those who perished in the unsuccessful rescue attempt of American hostages in Iran, now over 25 years ago.

Madam Speaker, during my 25 years in the Marine Corps, I had the good fortune to know personally many of the heroes of that fateful day, and counted some among my close friends. These brave men were asked, and cheerfully volunteered, to undertake the challenge of rescuing their fellow Americans in a mission of the utmost secrecy and gravest danger.

Members from all branches of our armed services came together, bringing with them the best of skills and experience, but it was not enough to do the job.

In the end, woefully inadequate equipment, tremendous sand storms, and extraordinary logistical challenges contributed to the death of five U.S. Air Force men and three Marines, serious injuries to five additional servicemen and the loss of eight aircraft. But these circumstances in no way diminished the skill and the bravery of the men who took on this hazardous mission against all odds.

The challenge of Operation Eagle Claw began with the isolated location of Tehran. I remember looking at a map after this unfolded and being astonished at the distances involved. Surrounded by more than 700 miles of desert and mountains, the city was essentially cut off, cut off from ready attack by U.S. air or naval forces. We simply did not have anything in the inventory. In addition, the embassy staff and the embassy itself were located in the heart of the city, congested by more than 4 million people.

Even more taxing was the primitive state of the technology and helicopters and equipment with which these men were asked to complete their mission and the secrecy demanded for the planning, training, and execution of the mission.

Madam Speaker, I knew many of the Marines that became the pilots of the Navy CH–53s that were used. In fact, one of my very close friends in the squadron that I was serving with at the time was pulled off for an assignment. He went out with the others and trained in the desert for weeks. We had no idea of the mission. I did not find out about the mission until the rest of America saw it on the news that April.

It was unbelievable secrecy under which these men worked. The equipment by today's standard is incredible. My son is a pilot in the 101st Airborne, and he has got the latest technology and night vision goggles, lightweight devices that clip to his helmet and flip down, allowing him a full view of the cockpit of the Blackhawk helicopter which he flies.

These men did not have that. They had equipment night vision goggles taken from ground crews. They had no visibility outside the narrow tunnel that they were viewing; and yet they took this equipment that, by today's standards, would not be allowed near an aircraft, and trained in harsh conditions for a mission that they knew was going to be extremely, extremely difficult.

Madam Speaker, a fitting tribute to the men of Operation Eagle Claw is to learn from their experience and apply these lessons to the challenges facing our men and women in uniform today. Some of those have been discussed by my colleagues here on the floor: the creation of the United States Special Operations Command, the joint effort, new technology that is being developed and employed and tested sometimes in battle today.

We must bear in mind the importance of continuing to provide our troops with the resources they need to succeed in a mission and not launch them out with equipment simply unsuited for the job.

To those who perished in Operation Eagle Claw, I offer my gratitude, my deep appreciation, my great respect. To their families and friends, I offer my prayers and my condolences. It is hard to imagine greater heroes taking on a tougher challenge and making such a sacrifice.

Mr. MCINTYRE. Madam Speaker, I rise today in strong support of H. Res. 256, an important measure that recognizes the brave servicemen who perished during Operation Eagle Claw, the unfortunate April 24, 1980 attempt to rescue American hostages in Iran. The resolution also recognizes the sacrifice of those who survived and commends all of the Special Operations Forces currently in service. Operation Eagle Claw is truly a moment in our military's history that must be remembered, and I urge my colleagues to come together out of compassion, cooperation and commitment to recognize the valiant soldiers, sailors, airmen and Marines who participated in this difficult mission.

First, we must demonstrate compassion for the servicemen who participated in Operation Eagle Claw and those that made the ultimate sacrifice by giving their lives. These dedicated individuals left their families and friends behind to protect American citizens from those who were being held against their will. Although unsuccessful, their mission will be remembered. We must never forget their bravery, and we must do all we can to honor their lives, their sacrifice and their patriotism.

We must also demonstrate a sense of cooperation to ensure that the efforts of the servicemen of Operation Eagle Claw will not go unrecognized. On that tragic day, members of the U.S. Army Special Operations Forces, Army Rangers, Air Force Special Operations, the U.S. Navy, Marines and Air Force all joined together to conduct their mission. Because of their valiant efforts to conduct the mission while dealing with poor equipment and a lack of funding, the U.S. Congress subsequently formed the U.S. Special Operations Command (USSOCOM). Today, USSOCOM continues to prove its immense value to our national defense, and it is important that we come together today and properly honor their courage by cooperating here in Congress to support these fine men and women in every way possible!

And, finally, we must uphold our commitment to ensure that our Special Operations

Forces and our military have all the resources they need to continue to protect our country in the days to come. During my tenure in Congress, I have had the honor to represent or share representation of Fort Bragg, which is home to the U.S. Army Special Operations Command and the Joint Special Operations Command—vital components of USSOCOM. I will continue to work with my colleagues on the House Armed Services Committee to ensure that we do our part to meet the needs of our special operators and the officers who are charged with leading them into the battlefield. In fact, I have spearheaded the Special Operations Forces Caucus, along with four of my colleagues, Representatives ROBIN HAYES (NC), JEFF MILLER (FL) and JIM DAVIS (FL) to ensure that the needs of our special operators are met.

Each and every day, our Special Operations Forces, along with our other servicemen and women in all the branches of our military, put themselves in harm's way to fight for our nation's freedoms here at home and abroad. Now is the time that we come together with compassion, cooperation and commitment to remember those that served during Operation Eagle Claw and ensure that they are properly recognized and honored. They are our heroes, and I am pleased to support H. Res. 256, which takes the necessary step to honor not only those who perished on that tragic day, but also those courageous individuals who make up our Special Operations Forces. May God bless all of them and their families.

Mr. SAXTON. Madam Speaker, we have no more speakers on our side, and we yield back the balance of our time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the resolution, H. Res. 256, 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.

The title of the resolution was amended so as to read: ''Resolution expressing the sense of the House of Representatives in remembrance of the members of the Armed Forces who perished in the April 24, 1980, rescue attempt of the American hostages being held in Iran and commending all special operations forces personnel currently in service.''.

A motion to reconsider was laid on the table.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. SHAW. Madam Speaker, I move to suspend the rules and agree to the joint resolution (H.J. Res. 52) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The Clerk read as follows:

H.J. RES. 52

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

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

Madam Speaker, I rise in support of the resolution offered by the gentleman from California (Mr. LANTOS), my friend. In 2003, Congress passed the Burmese Freedom and Democracy Act, which among a number of things imposed an import ban on all products from Burma. Today, the House considers extending this import ban for an additional year.

Madam Speaker, the situation in Burma remains deeply troubling. The actions by the military in Burma continue to demonstrate its inability to promote an equitable way of life for millions of Burmese.

Despite the deplorable conditions in Burma today, the United States remains committed to political and social change in Burma. In fact, the United States is one of the few leaders willing to shine the light on the lack of human rights in Burma. Within the international community, the United States has cosponsored resolutions within the United Nations Commission on Human Rights condemning the human rights situation in Burma. It is tremendously important that we continue to pressure the Burmese Government to become a transparent society, free from human rights abuses that have plagued this Asian nation for so many years.

Pressure must remain in place. Extending trade sanctions puts pressure on the Burmese junta to change its ways. For the pressure to be truly effective, the sanctions must be multilateral and include Burma's main trading partners. Therefore, I encourage the administration to continue to pursue a multilateral response to the atrocities in Burma. This is a critical component for ending the military stranglehold on this society.

I urge all my colleagues to support the resolution that is before us today.

Madam Speaker, I reserve the balance of my time.

Mr. CARDIN. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS), the sponsor of the resolution, the ranking member of the Committee on International Relations; and I want to congratulate him for his strong leadership and consistent leadership on human rights issues in this body.

Mr. LANTOS. Madam Speaker, I want to thank my friend and distinguished colleague from Maryland for the time, who has been a champion of human rights globally throughout his tenure.

I also want to express my appreciation to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, my friend, and the gentleman from Florida (Mr. SHAW) for their consistent support of human rights work.

Madam Speaker, in this day and age, nothing is in shorter supply than men and women of moral authority and courage. Burmese democracy leader and Nobel Laureate Aung San Suu Kyi is among the giants of our age. She is right there with Nelson Mandela of South Africa and Vaclav Havel of the Czech Republic, both of whom were prepared to sacrifice years of their lives so that their people could live in a free and open and democratic society.

Madam Speaker, this past weekend, this great lady and champion of democracy celebrated her 60th birthday; but instead of being surrounded by family and friends on this happy day, Aung San Suu Kyi remained imprisoned in Burma, cut off from her supporters, both her family and the people of Burma.

Last Friday, I attempted to deliver 6,000 birthday cards from Americans from across this Nation to Aung San Suu Kyi to the Burmese embassy in Washington. The gate was locked. No Burmese diplomat was willing to accept the birthday greetings to Burma's greatest citizen; but Madam Speaker, I have been dealing with dictatorial regimes all my life, and I do not expect a warm reception from any of them.

I do want Aung San Suu Kyi to know that the entire Congress of the United States and the American people wish her a very happy birthday and the moral fortitude and physical stamina to continue her struggle for the Burmese people and, indeed, for democracy globally.

Madam Speaker, I can think of no better birthday present for Aung San Suu Kyi than the legislation we are discussing at this moment. The only hope for promoting far-reaching political change is by making Burma's ruling thugs pay an economic price for running the Burmese nation and their economy into the ground. By renewing import sanctions for an additional year, fewer dollars will flow into the Swiss bank accounts of the Burmese thugs who run that country.

The tough approach maintained by our country towards Burma, including import sanctions, is encouraging other nations to reconsider their more short-sighted and lenient views on the Rangoon regime.

□ 1100

Some members of the Association of Southeast Asian Nations for the first time have begun to criticize Burma for its human rights abuses.

Last November, the European Union itself strengthened its Burma policy in response to ongoing human rights violations. In both cases, it was the strong stand of this Congress that has stiffened backbones and increased the prospects that a multilateral sanctions regime against Burma is possible.

Madam Speaker, Congress must act decisively to renew import sanctions against Burma. We must send a strong signal of support for the restoration of democracy and human rights in that impoverished and subdued Nation.

This great woman, Aung San Suu Kyi, before long will occupy her rightful position as the democratically elected leader of the people of Burma, and I look forward to being there in Rangoon as she is sworn in as the leadership of a free and democratic country. I urge all of my colleagues to support the Burmese Freedom and Democracy Act in its accession.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH) who himself has gained a great reputation in this Congress as being a champion of human freedoms.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman from Florida (Mr. SHAW) for his leadership on this issue and so many other issues on the Committee on Ways and Means. I also commend the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for offering this legislation which would renew the Freedom and Democracy Act of 2003 for Burma and the import restrictions that are contained in that important legislation.

As my colleagues know, Burma today remains one of the most repressive military dictatorships in the world, where human rights are routinely and systematically repressed and violated. So it is fitting and necessary that Congress today is moving to renew this important legislation.

The Burmese dictatorship today incarcerates 1,400 political prisoners and continues to harass and repress one of the bravest leaders of our time, Nobel Peace Prize winner Aung San Suu Kyi, who, by the way, turned 60 this past weekend. I, like many other Members in this body, have tried to get into Burma to press for human rights; and my visa, like others, has been turned down, denying Member of Congress the opportunity to even meet with the military junta that continues to repress its citizens.

Madam Speaker, up to 70,000 child soldiers are exploited in Burma, more than any other country in the world. Up to 2 million people have been forced to flee the country as refugees and migrants. Burning of villages continues in eastern Burma, especially in Karen and Karenni states. And Aung San Suu Kyi continues to be persecuted and harassed by this brutal dictatorship.

Sanctions do work, I say to my colleagues. But they often take time. Other countries, I'm happy to say, are beginning to follow the lead of the United States. In a major and important move, the European Union in October 2004 followed the lead of the United States and significantly strengthened its sanctions in Burma, including a ban on investments in enterprises of the ruling regime and a strengthened visa ban. The EU also pledged to join the United States in opposing loans to Burma's regime from the International Monetary Fund and the World Bank. Support at the United Nations is growing as well. Burma was one of the few countries on the resolution's list that passed at the United Nations Commission on Human Rights. I was there in Geneva working that resolution as well as resolutions on Cuba, Sudan, and Belaurus, and it was as one of the few that made it through.

After the United States Senate and the House passed resolutions in October 2004 calling on the Security Council to address the situation in Burma, the Parliament of Australia followed suit. Their motion called on the government to support the Burmese National League for Democracy's call for the U.N. Security Council to convene a special session to consider what further measures the U.N. can take to encourage democratic reform and respect for human rights in Burma.

Additionally, the European Parliament passed a resolution calling on the U.N. Security Council to address the situation in Burma as a matter of urgency. Additionally, 289 members of our friends in the British Parliament tabled a motion calling on the U.N. Security Council to address the situation in Burma.

There has even been unprecedented action within the ASEAN countries. Whereas in the past they refused to even comment on what they deemed to be Burma's internal affairs, many members of that organization are now publicly pressing Burma to step aside as the chair of the association in 2006. The tough approach maintained by the U.S. toward Burma, including import sanctions and a possible boycott of 2006 meetings, is encouraging many Asian countries to rethink whether the Burmese regime should assume that rotating chairmanship. There is widespread belief within the leadership of the ASEAN countries that Burma has failed, and failed miserably, to deliver on its promises to the region.

All in all, and I point to these abovementioned instances, the strong stand of the United States, and I commend President Bush and former President Clinton because both have been united in their belief that Burma needs to be sanctioned and isolated in a way that hopefully leads to reform and change. Moreover, our resolution to promote freedom and democracy in Burma has stiffened the backbones of many countries around the world.

Today the EU, the U.N., and ASEAN countries are moving in the right direction to take a strong stand against Burma's dictatorship.

And to Aung San Suu Kyi: Your courage and goodness and persistence are beyond extraordinary. Our prayers are with you.

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

Madam Speaker, as the gentleman from California (Mr. LANTOS) has pointed out, June 19 marked the 60th birthday of Aung San Suu Kyi, who has dedicated her life to bringing about democracy in Burma and was awarded the Nobel Peace Prize in 1991.

Her party, the National League of Democracy, won a landslide victory in the country's 1990 elections; but the results were not recognized by the ruling Burmese military junta. Unfortunately, Ms. Aung San Suu Kyi, who has spent 10 out of the last 16 years in confinement, could not celebrate her birthday with her friends and supporters. Instead, she remains under house arrest.

The plight of Aung San Suu Kyi is a sign of how little things have changed in Burma. According to the U.S. State Department's March 2005 report to Congress on conditions in Burma and U.S. policy toward Burma, ''prospects for meaningful political change and reform in Burma have continued to decline.''

The Government of Burma continues to harass and arrest people for taking part in peaceful political activities; more than 1,200 people remain in jail for their political beliefs. The State Peace and Development Council, the controlling military junta, has continued to severely abuse its citizens' human rights. Freedom of speech, press, religion, assembly, and association remain greatly restricted. In ethnic minorities areas, the Burmese Government has engaged in persecution, torture, extrajudicial executions, demolition of places of worship, rape, and forced labor.

Security forces regularly monitor the movements and communications of residents, search homes without warrants, and relocate people forcefully without compensation or legal recourse.

In light of Burma's continued dismal record in respecting human rights and suppressing democracy, I urge my colleagues to extend the ban on imports on Burmese products for another year. The utter disregard of the Government of Burma for the rights of its citizens cannot be ignored.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this resolution. Burma is ruled by a ruthless military regime. I visited the Thai-Burma border a few years ago, and I met with victims of the horrific repression that is occurring there, the IDPs, former political prisoners, democracy activists, women who have been raped, landmine victims, orphans, and widows. The SPDC uses rape has a weapon of terror. They engage in ethnic cleansing, wiping out whole villages and towns, killing women, men, and children. They

seek to eliminate the ethnic minorities in the tribal areas such as Karen and Karenni.

Many believe that we need to reverse our course on sanctions in order to help the Burmese people. They are wrong. The Burmese economy is so rotted under this corrupt regime that trade does not help the people. It is like pouring money into a pocket with a hole in it. The road to change in Burma is not trade, it is political reform.

The SPDC must release Aung San Suu Kyi, the duly elected leader. ASEAN must take a clear stand against the Burmese leadership and deny it from leadership and chairing ASEAN. And the U.S. must do a better job of organizing support at the U.N. Security Council for a comprehensive resolution calling for national transition and reconciliation. Sanctions are absolutely necessary. I urge passage of this resolution.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I congratulate the gentleman from Florida (Mr. SHAW) on this bill, and also comment about the long history of human rights protection of the gentleman from California (Mr. LANTOS). I rise in strong support of the Burmese Freedom and Democracy Act and urge my colleagues to join me in voting for this bill.

There has been a brutal campaign of village burnings, destruction of rice supplies, killings by Burmese military, this outlaw regime, and it has resulted in displacement of between 500,000 and 1 million innocent citizens living in eastern Burma. Hundreds of thousands of these internal refugees we call internally displaced persons, IDPs, are persecuted for their commitment to democracy and their belief in human rights. These IDP victims are being systematically hunted down by the evil tyrants of this military regime in Burma. Secretary Rice has rightly called Burma one of the six outposts of tyranny in our world. These tactics used by the junta in Burma add up to ethnic cleansing.

Many Americans are not aware of what is occurring in Burma, but this act is a step in the direction that will show all peoples in the world that Americans care about freedom and democracy, no matter where it is and where it hopes to be in the world.

It is my desire and hope for my colleagues cosponsoring this bill that these sanctions called for in this joint resolution will continue to grab the attention of the Burmese junta and pressure them to release Aung San Suu Kyi and allow their country to enjoy the freedoms and rights of a true democracy so that all people may have the right, as President Jefferson said, to life, liberty and the pursuit of happiness.

Mr. CARDIN. Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include for the RECORD an article that appeared in the International Herald Tribune this past Sunday, written by Seth Mydans. The article is on Ms. Aung San Suu Kyi who we have heard so much about during this debate, really a true heroine in our time.

[From the International Herald Tribune, June 19, 2005]

TEST OF WILLS: THE BURMESE CAPTIVE WHO WILL NOT BUDGE

(By Seth Mydans)

BANGKOK.—Seventeen years ago, as the people of Myanmar filled the streets in mass protests against their military dictatorship, a striking, self-possessed woman rose to address a rally at the great golden Shwedagon Pagoda. At the time, nobody realized the price she would pay for her outspokenness.

The woman, Daw Aung San Suu Kyi, was visiting from her home in England to tend to her sick mother when pro-democracy protests swelled throughout the country in August 1988 despite a brutal response by the military that took thousands of lives.

In the months that followed she emerged, through a combination of charisma and pedigree, to lead what has so far been a futile opposition to the country's military leaders.

On Sunday, Mrs. Aung San Suu Kyi will mark her 60th birthday under house arrest, where she has spent most of the intervening years, in an increasingly dilapidated house, more cut off than ever from contacts outside her weed-filled compound.

Her birthday has become an occasion for new international protests against a military junta that holds the country in its grip, jailing its opponents while ruining the country's economy and waging war against its ethnic minorities.

From one of the region's most refined and richly endowed nations, Myanmar has become its most desperate and reviled.

As the daughter of the country's founding hero, U Aung San, she held a nearly mystical appeal for people desperate to regain their freedoms and self-respect. With her dignity, self-sacrifice and perseverance, she has created a legend of her own.

She was awarded the Nobel Peace Prize in 1991 and has joined the company of Nelson Mandela and the Dalai Lama of Tibet as international icons of a struggle for freedom. But in a contest between brute force and principle, between repression and the clearly expressed will of the people of Myanmar, it is the men with the guns who have managed so far to prevail, and the country's moral symbol who is their prisoner.

Calls for the release of Mrs. Aung San Suu Kyi have come from around the world in recent days, including statements from Washington and from Secretary General Kofi Annan of the United Nations.

In Norway, the chairman of the Nobel Committee, Ole D. Mjoes, issued a rare statement about a past laureate, saying; ''We ask that she be set free immediately. We look forward to the day that democracy again rules her country.''

But the generals have released her twice already, most recently in May 2002, only to be shaken and shamed at her continuing, overwhelming popularity: huge crowds that gathered wherever she appeared.

One year after her last release, her convoy was attacked by an organized mob in what some analysts believe was an attempt to kill her, and she was returned to house arrest after a period of harsh treatment in prison.

''She has become the only leader that the Burmese people have acknowledged since the death of her father in 1947,'' said Josef Silverstein, an expert on Myanmar at Rutgers University. ''I would add that she has in every way possible emulated what her father stood for, which was for the right of the people to govern themselves and to have a free and democratic country.''

Shortly after her address at the Shwedagon Pagoda, she explicitly assumed her father's mantle, saying she would dedicate her life to the people of her country as he had done.

She made that clear in 1999 when she chose not to visit her husband, Michael Aris, in England, when he was dying of cancer, because she feared that the government would bar her from re-entering Myanmar. The Myanmar authorities had refused to allow him to visit her.

The United States, the European Union and other nations have responded to repression in Myanmar with economic penalties that have done little to affect its leadership. Myanmar's giant neighbors, China and India, with several other Asian nations, offer it an economic lifeline.

But opposition from the West is putting pressure on the junta now as it prepares to take over the rotating leadership of the regional 10-member political and economic grouping, the Association of Southeast Asian Nations, next year.

The United States and some other nations have hinted strongly in recent weeks that they will boycott an annual meeting to which they are invited if it is held in Myanmar. Its regional neighbors, facing potential embarrassment, are beginning to press the junta to skip its turn as regional leader if it does not release Mrs. Aung San Suu Kyi and improve its record on human rights.

At the same time, there has been an eruption of internal turmoil among the ruling generals, though like most things in Myanmar its details and its causes are unclear.

In October, Prime Minister Khin Nyunt, who was the head of military intelligence and one of the country's most powerful leaders, was fired and placed under house arrest. His trial on expected corruption charges has either begun or is about to begin, according to conflicting reports.

Over the years, as repression has continued in Myanmar, some of Mrs. Aung San Suu Kyi's allies abroad have complained about what they call her stubbornness and intransigence. But it is the military leaders who have several times switched track, ignoring her and vilifying her, opening and closing dialogues, freeing and rearresting her.

She has also been criticized for demanding that the government recognize the results of a parliamentary election in 1990 that was won overwhelmingly by her party, the National League for Democracy.

The remarkably open parliamentary election was a characteristic misjudgment by the junta, which had apparently expected to win. When Mrs. Aung San Suu Kyi's party won more than 80 percent of the seats, the generals refused to recognize the results and clung to power.

Many who won seats were arrested. Bit by bit over the years the junta has whittled away at their party. Today its leaders are aging—Mrs. Aung San Suu Kyi is the youngest—and its youth wing has atrophied

More and more, the democratic opposition to military rule in Myanmar is personified by one isolated and determined woman. ''Her stubbornness is her strength,'' Mr. Silverstein said. ''This woman will not bend and will not break.''

Mr. CROWLEY. Mr. Speaker, In recognition of the Burmese State Peace and Development

Council's (SPDC) failure to comply with the conditions described in H.R. 2330, ''Burmese Freedom and Democracy Act of 2003,'' I commend my colleague and the ranking Member of the Committee on International Relations, Rep. TOM LANTOS for his strong stand on restoring democracy in Burma and holding the military Junta accountable.

Seventeen years ago the people of Myanmar rose up in mass protest against the SPDC, which had established power through a military coup. Daw Aung San Suu Kyi, daughter of the country's founding hero, U Aung San, was arrested as a result of her pro-democracy stance during these protests. Following in her father's footsteps, she devotes her life to the people of Burma and freedom. As a leader of the National League for Democracy, NLD, she was seen as a threat to the SPDC power basis and unjustly imprisoned.

In 1990 Parliamentary elections were held, in which an eighty percent majority voted in support the NLD. In 1991, Mrs. Kyi was awarded the Nobel peace prize in recognition for her instrumental role in Burma's struggle for freedom.

Since the SPDC has taken power, it has continued to dismiss and neglect any meaningful dialogue with the United Nations in addressing their continuing persecution of opposition members. The SPDC continually fails to address their past and present human rights violations and fails to cooperate with U.S. efforts to stop the exporting of heroin and methamphetamines; while providing safety and harbor for persons involved with narcotics trafficking.

The SPDC supports the integration of the military into all facets of the economy, thus destroying all notions of a free economy; while using currency generated from the Burmese people to purchase and sponsor an institution of terror and repression.

The SPDC has done everything in its power to repress democracy and the will of the people of Burma.

It is clear further sanctions must be taken in order for this struggle to come to an end. Despite sanctions taken by the U.S. the European Union and many other nations, economic relief is still available for the SPDC. China, India and many other ASEAN countries still trade with Burma providing them with the necessary lifeline to maintain their reign of oppression.

If economic penalties are to be effective, multi-lateral support is necessary.

Mr. Speaker, I rise in support with President Bush, Secretary General Kofi Annan of the United Nations, Ole D. Mjoes of the Nobel Committee and my fellow Congressional colleagues in calling for an end of state sponsored tyranny in Burma. Justice can only be served when the release of all political prisoners, freedom of speech and the press, freedom of association and the peaceful exercise of religion become constitutional rights.

The fact that Bufria will be the rotating chair of the Association of South East Asian Nations, ASEAN is troubling. I believe President Bush and Secretary Rice should engage our allies Singapore, Thailand, India as well as China to focus on using their ties with the government of Burma to promote democracy in Burma and freedom for the Burmese people.

An agreement between the SPDC and NLD must be made so that the transfer of power to a civilian government, that is accountable to the Burmese people through democratic elections under the rule of law, can be made. For those reasons H.R. 2330 must be renewed. We cannot waiver on our policy until democracy and freedom are restored to the people or Burma.

Mr. SOUDER. Mr. Speaker, I rise in strong support of H.J. Res. 52 and of the people of Burma. The people of Burma toil every day under the cruel and heavy yoke of military dictatorship. The military rulers of Burma stifle dissent, persecute minorities, and thwart every attempt at democracy.

The democratically elected and legal leader of Burma, Aung San Suu Kyi, remains imprisoned. Contact between Suu Kyi and the outside is virtually non-existent. Despite growing calls for her release, there is no sign that she will be released from her prison any time soon. Many hundreds of other Burmese men and women remain in appallingly horrible prisons, not because of any truly criminal act, but because of their efforts to bring freedom to Burma.

Burma has more than 600,000 internally displaced people. Furthermore, over 100,000 people are living in refugee camps along the Thai-Burma border. Thousands more are in hiding in China and India. Where Burma was once a country of peaceful coexistence, it has, under this brutal regime, become a place of strife and discord.

The military junta in Burma continues to persecute minority groups. The Burmese military continues to burn villages, destroy crops, and eliminate opponents no matter how peaceful or non-threatening. The destruction of medical supplies and first aid stations continues apace. These acts are not random acts of a few rogue military units far from any authority. These acts are orchestrated at the highest levels by cruel generals sitting in government offices in Rangoon.

Now more than ever, the democratic forces at work in Burma need the continued support of the United States of America. H.J. Res. 52, which I am proud to co-sponsor, will continue the sanctions imposed by the Burmese Freedom and Democracy Act.

When the Burmese Freedom and Democracy Act was passed, few other countries paid more than scant attention to the tragedy unfolding in Burma. More interested in regional comity or economic gain, many of the same countries we call allies were content to turn a blind eye to Burma's abuses and despicable cruelty.

Since 2003, the veil has been lifted somewhat. Calls for the release of Aung San Suu Kyi and other political prisoners and the establishment of democracy have gone out from previously silent quarters. Once mute ASEAN nations, particularly Singapore, the Philippines, and Malaysia, have gradually increased pressure on Burma to change.

Support for this bill will make it clear to Burmese despots that their military dictatorship, which maintains power through force and terror, is unacceptable. Support for continued sanctions will demonstrate to the world that the United States is serious about bringing change to Burma. It is my hope that our efforts embodied in the Burmese Freedom and Democracy Act sanctions will encourage more countries, organizations, and individuals to work for freedom, democracy, and a prosperous Burma.

I urge a ''yes'' vote on H.J. Res. 52.

Mr. THOMAS. Mr. Speaker, as a cosponsor of this bill, I support extending sanctions on Burma for a third year within the framework enacted into law under the Burmese Freedom and Democracy Act of 2003.

I generally don't believe in unilateral trade sanctions. By preventing trade with Burma, we isolate Burmese citizens from the world and deny them the economic opportunity and better working conditions that trade can create. As a result, sanctions often have the unintended consequence of ultimately harming the people we are seeking to help. In fact, the State Department, for the second time, notes that one effect of the Burma import restrictions has been to cause the closure of more than 100 garment factories and the loss of tens of thousands of Burmese textile jobs. I don't see how those people are better off today than they were a year or two ago.

At the same time, the actions of the ruling junta in Burma continue to be unacceptable. One of the requirements of the law passed in 2003 is for the administration to issue a report on whether the sanctions have been effective in improving conditions in Burma and in furthering U.S. objectives. The State Department, in its second report, observes that Burma's already poor human rights record has worsened over the past year. Moreover, the junta's exclusion of pro-democracy groups from the National Convention assembled to draft a new constitution suggests that Burma is not on the road to true democratic reform. Given the current situation, I believe action by the United States is warranted and sanctions are appropriate if they are limited, targeted, and effective.

At the same time, the State Department also acknowledges that some opposition politicians in Burma question whether U.S. sanctions have any chance of success and whether they are worth the pain caused to Burmese workers. I share this skepticism. No other country has implemented the same set of economic sanctions as the United States. If we are to successfully influence the government of Burma, sanctions must be truly multilateral and international like those used to bring an end to apartheid rule in South Africa. While I support the extension of the sanctions for another year, this effort to build multilateral pressure is key to my continued support for sanctions against Burma.

Mr. KIRK. Mr. Speaker, I would like to express my support of House Joint Resolution 52, supporting the renewal of the import restrictions contained in the Burmese Freedom and Democracy Act of 2003. As an original cosponsor of this Resolution, I urge my colleagues to join me in voting in favor of this resolution. Today we must send a strong message to the ruthless military dictators in Rangoon that their repressive rule over what Secretary Rice deemed an ''outpost of tyranny,'' is antithetical to the fundamental American values of freedom, liberty, and democracy.

On May 30, 2003, Congress passed the Burmese Freedom and Democracy Act in response to the junta's merciless crackdown on democratic reformers. The National League for Democracy's popular elected leader, Aung San Suu Kyi, was placed under house arrest and many of her colleagues were murdered. This important bill banned imports from Burma, mainly affecting the textile and garment industries, until the junta made major

progress to end human rights violations. According to the bill, until the military regime ceases its systemic campaign of repression, aggression, and state-sponsored terror against its own people, meaningful sanctions will persist.

Two years later, the junta's extremely poor human rights record has not improved, instead it worsened. Aung San Suu Kyi recently spent her 60th birthday detained under house-arrest in her dilapidated home. Citizens in Burma still do not have the right to criticize their government. Security forces continue to murder political opponents with impunity. Disappearances persist, and security forces rape, torture, beat, and otherwise abuse prisoners and detainees. Hundreds of thousands of displaced persons in eastern Burma have been uprooted from their homes and forced to live in relocation sites under horrendous humanitarian conditions.

As the United States is developing its future 21st Century relationship with Southeast Asia, the regime in Burma is stuck in an early 20th Century destabilizing military style of governance. International pressure is mounting on Burma for reform. Burma's neighbors, including Malaysia, are calling for the release of Aung San Suu Kyi. If Burma wants to participate in the international community, and be recognized as the rotating chairman of ASEAN, it must undergo sweeping democratic reforms. The United States ought to continue advocating a policy of zero tolerance by renewing its ban on imports from Burma until such reforms are made. Congress must seize this opportunity to demonstrate its resolve to uphold the highest standards of human rights by supporting House Joint Resolution 52.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of H.J. Res. 52 and the renewal of sanctions on Burma. It is high time that the Burmese junta release Aung San Suu Kyi, the key to political transition in Burma, and allow the restoration of democracy in Burma. I will continue to support stronger efforts by the United States, the United Nations, and others to ensure that the continued abuse of human rights in Burma becomes neither accepted nor forgotten. Sanctions are necessary pressure, but insufficient. In particular, I believe that the Association of Southeast Asian Nations (ASEAN) should deny Burma the rotating chair, as having Burma in a leadership position would be an embarrassment to all ASEAN members.

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

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the joint resolution, H.J. Res. 52.

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. SHAW. 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. SHAW. 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.J. Res. 52.

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

There was no objection.

□ 1115

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future.

The Clerk read as follows:

H. CON. RES. 160

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) Congress supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation;

(3) the President is urged to issue a proclamation calling on the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(4) it is the sense of Congress that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore (Mr. ISSA). Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. 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 resolution under consideration.

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

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 160 that recognizes the historical significance of Juneteenth Independence Day.

This resolution, offered by my distinguished colleague the gentleman from Illinois (Mr. DAVIS), is a meaningful reminder of the monumental day that marks the end of slavery in the United States. Originally an African-American celebration, Juneteenth is certainly now a day for all Americans to observe the end of slavery in the United States which was, with little question, the most dreadful period in our Nation's history.

Mr. Speaker, as the Civil War raged in late 1862, President Abraham Lincoln issued the Emancipation Proclamation, which would become effective on January 1, 1863. The proclamation declared all slaves in the Southern Confederate States free from New Year's Day 1863 forward.

Juneteenth is a celebration of June 19, 1865, on which date news of the Emancipation Proclamation finally reached Texas, which was the last secessionist State to emancipate its slaves, nearly 2 years after the Emancipation Proclamation was issued. The delay was a result of there being nearly no Union presence in south Texas to implement President Lincoln's decree. Not until Union General Gordon Granger arrived in Galveston, Texas, on the gulf coast and read the proclamation from the docks on the original Juneteenth day did the slaves learn they were freed. The news quickly spread throughout Texas, and celebrations and unimaginable jubilation followed.

After the war ended, Congress ratified the 13th amendment to the Constitution in December 1865 which outlawed all nonpunitive slavery and involuntary servitude in any part of the

United States. While it is a wonderful event, Juneteenth Independence Day remains primarily a somber date. It is a day to honor and show consideration for those who lived and suffered through the tortures of more than 2½ centuries of slavery in America. It is a day that our Nation has gradually accepted. During reconstruction, law usually dictated that Juneteenth celebrations must be held in the outskirts of towns. Finally, June 19th became a Texas State holiday in 1979. Today, people of all backgrounds across the Nation observe Juneteenth Independence Day through a variety of activities.

Mr. Speaker, I thank the gentleman from Illinois for authoring House Concurrent Resolution 160. This past Sunday marked the 140th anniversary of Juneteenth Independence Day, and I am pleased that this body has chosen to consider this resolution in such a timely fashion. I strongly support the purpose of this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join with the gentlewoman from Florida in consideration of this resolution and appreciate very much her remarks. I also want to commend Chairman TOM DAVIS and Ranking Member HENRY WAXMAN of the Committee on Government Reform and the Speaker for the expeditious way in which they moved this matter to the floor.

Mr. Speaker, June 19, Juneteenth as it is called, is a unique people's holiday. It is the oldest known celebration of the end of slavery in the United States. It marks the day that Union soldiers arrived in Galveston, Texas, in 1865 with news that the war had ended and that all slaves were now free. Unfortunately, it was 2½ years after the Emancipation Proclamation had been issued. We do not know why it took so long for the news to get to Texas, but we do know that the military general order which was posted that day read in part, ''The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free.''

The news spread like wildfire, and spontaneous celebrations sprang up throughout the State and were repeated each June 19 of each following year. We continue to celebrate Juneteenth because of the importance of slavery in American history and because the lingering effects of slavery remain a part of the legacy of our country. The legacy of slavery continues to play a role in our daily lives and politics. The vast racial disparities in employment, income, home ownership, education, voter registration and participation, health status and mortality all continue to exist. The great historian John Hope Franklin wrote, ''Much history occurs of which some historians decide to take no notice.''

Juneteenth is the people's answer to the obscuring and distortion of much of the history and experience of African Americans in this country. It is an enduring statement that the truth cannot be suppressed forever, and that the struggle for justice and equality will and must continue. Juneteenth is a great time, not only to celebrate but to remember and renew our hope that tomorrow will be different than yesterday.

I thank all of those who were cosigners onto this resolution and urge that all my colleagues support it.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to my distinguished colleague the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Florida, the gentleman from Illinois, and all who have joined together to bring this proclamation to the floor, House Concurrent Resolution 160.

Let me turn to the third page of the bill. I think it is important, because some people do ask the question why do we seem to continue to try and repeat history or review history, and I think this section of the bill speaks volumes of the purpose of this resolution. It states, History should be regarded as a means for understanding the past and solving the challenges of the future. It also suggests that this celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Often in the early morning hours, I find myself jogging down the Mall. I end there at, or at least my halfway point is the Lincoln Memorial, Abraham Lincoln's shrine, if you will, to what I believe is one of the most noble and great acts of any American President who, despite popular opinion at the time, took the battle to those who would ensnare and harbor our brothers and sisters in slavery. An evil part of our history unfolded back in that decade and that century, to free these people from this wretched, wretched behavior of our past.

So today it is about obviously looking backwards in time to try and paint a portrait for young people today to suggest never ever again should this type of behavior be ever allowed in a free soil with free people and that we learn from this tragedy and this horrible dark period in our history the lessons that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that they are and should be given liberty and justice. I thank all those parties who are involved in this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Iowa (Mr. BOSWELL), an original cosponsor of this resolution.

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

Mr. BOSWELL. Mr. Speaker, this is a very special day. I congratulate and I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and my dear friend from Chicago, Illinois (Mr. DAVIS). Perhaps this is one of those times where everything has been said but maybe all of us have not said it yet, but I think it needs repetition. We have been at this for a while. It should have happened some time ago. Efforts were actually made.

Can you imagine the feeling that went on there in the Southwest when the general rode in and said, ''I've got a message. Well, it's 2 years old, but you're free.'' I cannot imagine how they must have felt. It celebrates ideals that all Americans share. The desire for freedom and self-determination are at the very soul of the American dream. I think we all understand that. Throughout the history of the United States, we have grown as a Nation and a people. Learning from our past, as has been said, learning that freedom and liberty are ideals we must to work for and there is yet work to do.

Since the first Juneteenth celebration in Galveston, this remembrance has grown into a regional, national and global celebration of freedom. In my own State of Iowa, the seventh State to recognize this independence day, Juneteenth is met with multiple days of education, history, camaraderie, celebration and community spirit.

Last Saturday in Evelyn Davis Park, one of the favorite places in Des Moines, Iowa, the African-American community and many others, the mayor, myself, others, we came together to celebrate and to share together and to enjoy this really national remembrance. A week prior at the Fort Des Moines Hotel, Dr. Myers, Reverend Myers, if you will, came to key-note speak to us and give us the background and history of the other efforts that have been made. I am very, very proud of the efforts that he made to come all the way from Alabama, a man who has given his life work to try to make life better for those that are wanting to climb the ladder of success.

I am very proud of my African American constituency in my home State of Iowa. Gary Lawson, chairman of the Iowa Juneteenth committee, has stayed focused and stayed on this, and so when we talked about this over time and we came to the gentleman from Illinois (Mr. DAVIS), we were really in concert that this needed to be done.

If I may, I would like to share a couple of names here: Minnie Mallard, Reverend Keith Ratliff, Reverend Elder Day, Linda Carter-Lewis, Ako Abdul-Samad who is on our school board, Kim Baxter, Jonathan Narcisse, Mary Ann Spicer who is very active in many activities with the African American community, Odell McGhee, Willie Glanton, France Hawthorne, Cheryl Bolden, State Representative Wayne

Ford, Amelia Morris, Rudy Simms, Floyd Jones, Dr. Mary Chapman, Odell Jenkins, Barbara Oliver-Hall. Of course, I have mentioned Reverend Ronald Myers. I am sure I have left some out and I probably should not have gone there, but I am very proud to have worked with the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on House Concurrent Resolution 160 recognizing Juneteenth.

History must be regarded as a means of understanding the past and solving the future. It is my hope that we will pass this resolution today. Each one of us should speak to our two Senators and press them to have quick action in the Senate and get this over to the President for his signature. This is the right thing to do, long overdue.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentlewoman from Florida for yielding me this time.

Mr. Speaker, I rise in support of H. Con. Res. 160, recognizing the historical significance of Juneteenth. Juneteenth is the oldest known African American celebration commemorating the ending of slavery in the United States. This holiday actually started because of events back in my home State of Texas. On June 19, 1865, Union General Gordon Granger led Northern soldiers into Galveston, Texas, first to announce the ending of the War Between the States and to order the release of the last remaining slaves.

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President Lincoln had actually issued the Emancipation Proclamation 2 years earlier freeing the slaves. He did so on January 1, 1863, in the midst of the War between the States. This was called the peculiar institution of slavery in the South, and it continued until this historic day, June 19, 1865, in Texas.

So on that day, June 19, 1865, Major General Granger dramatically declared when he landed in Galveston, Texas, ''The people of Texas are informed that in accordance with the proclamation from the Executive of the United States, all slaves are free. This involves absolute equality of rights and rights of property between former masters and slaves.'' Thus the phrase ''Juneteenth'' originated.

It is interesting to note that the Emancipation Proclamation only freed the slaves in the South, not the border States. It took the 13th amendment to the Constitution to free all remaining slaves in the United States.

In any event, Juneteenth has not only become a Texas holiday but a national event. This past Sunday, thousands of Americans across the Nation celebrated Juneteenth through cultural displays and various educational activities. There have been numerous African American freedom fighters throughout countless generations, and they paid a precious price to deliver equality and freedom. We have made significant strides in assuring that this country fulfills the words of our national anthem: ''The land of free and the home of the brave.'' But we must remain ever vigilant, and these events such as Juneteenth will help us to remember that the Declaration of Independence must be a true reality for all peoples.

As that Declaration of Independence says, written by Thomas Jefferson: ''We'' do ''hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the'' absolute ''pursuit of Happiness.''

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I will simply close. Abraham Lincoln once made the statement that our Nation could not survive half slave and half free. Perhaps, as we look at ourselves today, we might say that our Nation will never become all that it has the possibility of being as long as we continue to experience the great disparities, disparities in health care, disparities in job opportunities, disparities in educational opportunities, disparities in housing, disparities in hope that one can experience the fulfillment of their dreams.

So as we support this resolution, we reflect upon the need for equal justice and continuing the pursuit for equal opportunity to every man his chance, his golden opportunity, to become all that he or she would have the potential of being, all that their hard work, integrity, the essence of their strength, all that their history and culture will combine to make them. That is, indeed, as Thomas Wolf would say, the promise of America. So Juneteenth is a day of hope and a day of promise that America will indeed become the land of the free, home of the brave.

I thank all of those who have come to the floor to speak on this concurrent resolution, all of the co-sponsors who co-sponsored and brought it to us today. I urge all of my colleagues to agree to it so that America does become the America that has never been, but the America that we all know can be.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to extend my support for House Concurrent Resolution 160, a resolution that honors the national significance of June 19, 1865 when slaves in Texas were finally freed. I would like to thank Congressman DAVIS for his leadership and all of the supporters of this important piece of legislation.

On June 19, 1865, General Gordon Granger rode into Galveston, Texas and announced the freedom of the last American slaves; belatedly freeing 250,000 slaves in Texas nearly two and a half years after Abraham Lincoln signed the Emancipation Proclamation. The day coined "Juneteenth" was first celebrated in the Texas state capital in 1867 under the direction of the Freedmen's Bureau. Today, Juneteenth remains the oldest known celebration of slavery's demise. It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great Nation the more conscious and accepting country that it has become.

Not until 1979 when my friend State Representative Al Edwards introduced the bill did Juneteenth become a Texas state holiday. It was first celebrated as such in 1980. Now 25 years later the United States House of Representatives will pass House Concurrent Resolution 160 as our Nation celebrates Juneteenth. As the Representative of the 9th Congressional District of Texas, I am pleased to join my colleagues in acknowledging the historical significance of Juneteenth as we remain ever-vigilant in recognizing that "history should be regarded as a means for understanding the past and solving the challenges of the future."

Civil rights pioneer Martin Luther King Jr. once said, "Freedom is never free," and African American labor leader A. Phillip Randolph often said "Freedom is never given. It is won." We should all recognize the power and the ironic truth of those statements and we should pause to remember the enormous price paid by all Americans in our country's quest to realize its promise. Juneteenth honors the end of the 400 years of suffering African Americans endured under slavery and celebrates the legacy of perseverance that has become the hallmark of the African American community and its struggle for equality.

As we celebrate the 140th anniversary of Juneteenth, I ask that all of my colleagues join me in reflecting upon its significance. Because it was only after that day in 1865 when General Granger rode into Galveston, Texas, on the heels of the most devastating conflict in our country's history, in the aftermath of a civil war that pitted brother against brother, neighbor against neighbor and threatened to tear the fabric of our union apart forever that America truly became the land of the free and the home of the brave.

Mr. HOLT. Mr. Speaker, I rise today as a cosponsor of H. Con. Res. 160, a resolution recognizing the importance of the Juneteenth anniversary celebrations held nationwide on June 19. On that date 140 years ago, Union forces arrived at Galveston, Texas, bringing news of the Confederate surrender and enforcing, finally, President Abraham Lincoln's two-and-a-half-year old emancipation of the slaves. The ensuing celebration quickly became an annual event, spreading west to Seattle, north to Minneapolis, and east to Portland, Maine. In my own state of New Jersey, Juneteenth is celebrated at churches, community centers, and family picnics across the state.

I strongly support H. Con. Res. 160, which recognizes the significance of the Juneteenth anniversary and proclaims the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future. I rise to honor the celebration, and to honor the myriad contributions that African-Americans have made to American society in the years before and since. As inventors, teachers, firemen, soldiers, doctors, and statesmen, African-Americans have honored this country with their service and dedication. The longevity of the Juneteenth celebration is an enduring testament to the virtue of celebrating diversity.

Unfortunately, Mr. Speaker, I must also rise today to recognize the struggle that still faces us. Juneteenth evokes in all of us thoughts of a dark chapter in our Nation's history, and reinforces that which we already know: the struggle for equality is far from over. The joyous celebration of the emancipation of the slaves of Galveston, Texas, serves to remind us all of the need to remain committed to the justice, and freedom.

Today, Juneteenth is the longest-running celebration of the end of slavery in the United States. Its durability alone illustrates its significance. For that reason, Mr. Speaker, and for all the reasons above, I hope that my colleagues will join me in supporting H. Con. Res. 160.

Mr. SHAYS. Mr. Speaker, I rise in strong support of House Concurrent Resolution 160, which recognizes the historic significance of Juneteenth Independence Day and encourages its continued celebration so all Americans can learn more about our country's past.

The resolution also rightly expresses the sense of Congress that knowing our history helps us solve challenges we face in the future, and that the celebration of the end of slavery is an important part of the history and heritage of the United States.

Mr. Speaker, Juneteenth has long been recognized as the day to celebrate the end of slavery in the United States. Juneteenth is the traditional celebration of the day on which the last slaves in America learned they had been freed.

Although slavery was abolished officially in 1863, it took over 2 years for news of freedom to spread to slaves. On June 19th, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State's 200,000 slaves were free. Vowing never to forget the date, the former slaves coined the nickname Juneteenth, a blend of the words June and 19th. This holiday originated in the Southwest, but today it is celebrated throughout the Nation.

H. Con. Res. 160 underscores that the observance of Juneteenth Independence Day is an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our great Nation. I urge my colleagues to support this important resolution.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Con. Res. 160, legislation commemorating a monumental day in the history of liberty, Juneteenth Independence Day. Juneteenth marks the events of June 19, 1865, when slaves in Galveston, Texas learned that they were at last free men and women. The slaves of Galveston were the last group of slaves to learn of the end of slavery. Thus, Juneteenth represents the end of slavery in America.

I hope all Americans will take the time to commemorate Juneteenth. Friends of human liberty should celebrate the end of slavery in any country. The end of American slavery is particularly worthy of recognition since there are few more blatant violations of America's founding principles, as expressed in the Declaration of Independence, than slavery. I am particularly pleased to join the recognition of Juneteenth because I have the privilege of representing Galveston.

I thank the gentleman from Illinois for introducing this resolution, which I am proud to cosponsor. I thank the House leadership for bringing this resolution to the floor, and I urge all of my colleagues to honor the end of slavery by voting for H. Con. Res. 160.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 160, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160.

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. DAVIS of Illinois. 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.

SUPPORTING FIREFIGHTER LIFE SAFETY SUMMIT INITIATIVES AND MISSION OF NATIONAL FALLEN FIREFIGHTERS FOUNDATION AND UNITED STATES FIRE ADMINISTRATION

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 180) to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new ''Everyone Goes Home'' campaign to make firefighter safety a national priority, and to support the goals of the national ''stand down'' called by fire organizations.

The Clerk read as follows:

H. CON. RES. 180

Whereas for over 350 years our Nation's firefighters have dedicated their lives to ensuring the safety of their fellow citizens and communities;

Whereas throughout our Nation's history too many firefighters have died in the line of duty, leaving behind family members and friends to grieve their tragic losses;

Whereas these volunteer and career firefighters served with pride and died with honor;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters and assist their survivors through a variety of programs;

Whereas the National Fallen Firefighters Foundation is dedicated to preventing future firefighter deaths and injuries;

Whereas the National Fallen Firefighters Foundation convened the first ever Firefighter Life Safety Summit in March 2004 to support the United States Fire Administration's goal of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years through a commitment of energy and resources;

Whereas the Life Safety Summit developed 16 initiatives to significantly reduce firefighter fatalities and injuries, including the need to—

(1) define and advocate the need for a cultural change within the fire service relating to safety, incorporating leadership, management, supervision, accountability, and personal responsibility;

(2) enhance the personal and organizational accountability for health and safety throughout the fire service;

(3) focus greater attention on the integration of risk management with incident management at all levels, including strategic, tactical, and planning responsibilities;

(4) empower all firefighters to stop unsafe practices;

(5) develop and implement national standards for training, qualifications, and certification (including regular recertification) that are equally applicable to all firefighters, based on the duties they are expected to perform;

(6) develop and implement national medical and physical fitness standards that are equally applicable to all firefighters, based on the duties they are expected to perform;

(7) create a national research agenda and data collection system that relates to the initiatives;

(8) utilize available technology wherever it can produce higher levels of health and safety;

(9) thoroughly investigate all firefighter fatalities, injuries, and near misses;

(10) ensure that grant programs support the implementation of safe practices and mandate safe practices as an eligibility requirement;

(11) develop and champion national standards for emergency response policies and procedures;

(12) develop and champion national protocols for response to violent incidents;

(13) provide firefighters and their families access to counseling and psychological support;

(14) provide public education more resources and champion it as a critical fire and life safety program;

(15) strengthen advocacy for the enforcement of codes and the installation of home fire sprinklers; and

(16) make safety be a primary consideration in the design of apparatus and equipment; and

Whereas the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, and the Congressional Fire Services Institute have partnered with a number of other fire service organizations to call on all fire departments across the Nation to conduct a ''stand down'' for firefighter safety beginning Tuesday, June 21, 2005, during which fire departments are urged to suspend all nonemergency activity and instead focus entirely on firefighter safety in order to raise the level of awareness toward firefighter safety and call attention to the unacceptable number of line-of-duty deaths and injuries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries;

(2) encourages implementation of the new ''Everyone Goes Home'' campaign to make firefighter safety a national priority; and

(3) supports the goals of the national ''stand down'' called by fire organizations beginning on June 21, 2005, and encourages all career, volunteer and combination fire departments across the country to participate in this important and life saving effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentlewoman from Oregon (Ms. HOOLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. 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. Con. Res. 180.

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

There was no objection.

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

Mr. Speaker, in the early 1970s, a report by the President's National Commission on Fire Prevention and Control, entitled ''America Burning,'' presented a dismal assessment of fire safety in the United States. The report found that the U.S. had one of the worst, one of the worst, fire safety records in the industrialized world with nearly 12,000 citizens and 250 firefighters lost to fires annually.

In the years that followed that seminal report, the U.S. Fire Administration was created. Fire prevention and fire safety awareness programs were made a priority in communities across the country. And by 1980, deaths suffered from both citizens and firefighters had been significantly reduced. These improvements steadily continued into the 1980s, and by the end of the 1990s, firefighter deaths had been reduced to an average of about 100 annually. A dramatic drop; still too many.

Unfortunately, after 3 decades of great progress, firefighter deaths are disturbingly once again on the rise. In 2003, 112 firefighters lost their lives in the line of duty. Last year 117 died. And so far this year, there have been 58 deaths, on pace for about 130, which is about a 30 percent increase over the average of the previous decade. That, Mr. Speaker, is totally unacceptable.

These troubling statistics have triggered an unprecedented effort by the leadership of America's fire service to address this problem, and the concurrent resolution before us today recognizes and supports those efforts.

Specifically, the concurrent resolution supports three important efforts, which I will briefly describe. First, the resolution supports the 16 fire safety initiatives developed at a recent Firefighter Life Safety Summit convened by the National Fallen Firefighters Foundation. The initiatives were developed to support the U.S. Fire Administration's goal, developed under the strong leadership of Administrator David Paulison, of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years. We are talking about life.

The initiatives range from broad ideas on the need for cultural change within the fire service related to safety to specific goals such as the development of national standards for training, certification, and physical fitness.

The second effort recognized by this concurrent resolution is the ''Everyone Goes Home'' campaign to make firefighter safety a national priority. The campaign, led by the National Fallen Firefighters Foundation, intends to raise fire safety awareness and bring fire prevention to the forefront, using the 16 fire safety initiatives as a blueprint for change.

And the third effort recognized by this concurrent resolution is a national ''stand down'' for firefighter safety. Today, all across the country, fire departments are being urged to suspend all nonemergency activity and instead focus entirely on firefighter safety, calling attention to the unacceptable number of line-of-duty deaths and injuries. During the stand down, fire departments will talk about the causes of line-of-duty deaths, check apparatus and equipment, discuss health and safety regulations, review fire ground safety issues, and take stock of training needs and fitness goals. The International Association of Fire Chiefs has also requested that all volunteer departments conduct a special safety meeting the evening of June 21, today, or as near to this date as is possible.

I am pleased that we have the opportunity to bring attention to the firefighter safety problem that the fire service is facing today and recognize the importance of these efforts. But this problem, of course, cannot be addressed with one day of recognition. It will take years of steadfast commitment and cooperation by those in the fire service as well as the general public to achieve the fire safety goals set forth by the U.S. Fire Administration. But I am confident that if we work together, we will be successful; and I am hopeful that today's stand down marks an important turning point in our struggle to reduce line-of-duty deaths by firefighters.

And let me just add parenthetically that I am proud to be a Member of this great institution, the Congress of the United States, which has been responsible for initiating the Fire Safety Grant Award program, the SAFER program, providing resources. They get enough words from us on Capitol Hill about how supportive we are of the fire services. They want deeds, and we on a bipartisan basis have followed through by providing literally hundreds of million of dollars to firefighters across the country to get the necessary lifesaving equipment they need to do the job we expect of them: protecting us in our homes and our neighborhoods, our communities.

So we all should take a brief moment to pat ourselves on the back for what we have done responsibly to respond to the problem. But that is not enough, and the fight continues, and I am proud to be a warrior in that fight. None of us had to be drafted. We enlisted.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 180, which supports initiatives by the National Fire Service to reduce firefighter fatalities and injuries.

I want to congratulate the gentleman from Maryland (Mr. HOYER) for introducing this important measure. The gentleman from Maryland (Mr. HOYER) is co-chair of the Fire Caucus and is a leading supporter of fire services in Congress and would be here now speaking except that he is in a markup on another legislation.

This concurrent resolution calls attention to the need to take action to reduce firefighter deaths and injury. It explicitly endorses a call from the major fire service organizations for a stand down to promote fire safety. The stand down would apply to every volunteer and career fire department in the Nation.

□ 1145

It would require that each department suspend all nonemergency activities in order to concentrate on measures to raise awareness of safety issues and to institute steps to improve safety.

A growing perception of the need to take corrective action to improve safety was the motivation for a major summit meeting of the fire service community in March 2004. The summit developed 16 firefighter life safety initiatives which are listed in the House resolution.

Unfortunately, despite widespread dissemination and discussion of the initiatives, corrective action has been slow to develop, and the trend in loss in life in the fire service has not improved. The stand down constitutes an action to try to change the culture, which is widely believed to be a key factor in bringing about constructive change.

The fire services perform a critical public safety role, and all Americans respect the high level of devotion to duty and sacrifice that characterize the service personnel. I applaud this resolution that seeks to reduce the loss of life and serious injury that too often occur to firefighters during the performance of their hazardous duties.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support in its passage by the House. Our firefighters have done an incredible job of fire prevention and rescue, saving millions of lives. It is our turn to make sure that we help them by reducing loss of life and serious injury through this resolution.

If I may, I would just like to take a moment to read the names of those that have died in Oregon since 1997. There are 23 names: Randall E. Carpenter, Coos Bay Fire and Rescue; Jeffrey E. Common, Coos Bay Fire and Rescue; Chuck Hanners, Coos Bay Fire and Rescue; Paul E. Gibson, First Strike Environmental, Roseburg, Oregon; David Kelly Hammer, First Strike Environmental, Roseburg, Oregon; Jeffrey D. Hingel, First Strike Environmental, Roseburg; Jesse James, First Strike Environmental, Roseburg; Richard Burt ''Richie'' Moore, First Strike Environmental, Roseburg; Leland Price, First Strike Environmental, Roseburg, Oregon Department of Forestry Contractor; Mark

Robert Ransdell, First Strike Environmental, Roseburg, Oregon; Ricardo M. Ruiz, First Strike Environmental, Roseburg, Oregon; Robert Chisholm, Gearhart Volunteer Fire Department; Daniel Eric Rama, Grayback Forestry, Inc.; Bartholomew Blake Bailey, Grayback Forestry; Retha Mae Shirley, Grayback Forestry, Inc.; Larry A. Brown, Kingsley Field Fire Department, Klamath Falls; John Robert Hazlett, Odell Fire District; D. Craig Mackey, Oregon Department of Forestry; Lawrence J. ''Larry'' Hoffman, Oregon Department of Forestry; Thomas Howard Kistler, Polk County Fire District 1; Randall Harmon, Superior Helicopter, Grants Pass; George P. Converse, USDA Forest Service; Alan W. Wyatt, USDA Forest Service; and Richard W. Black, Weyerhaeuser, Eugene Helicopter Operation.

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

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

In wrapping up, I just want to recall a story about when I was a freshman Member of this great body 23 years ago. I sat on the Committee on Science, and we have jurisdiction over firefighter programs. I recall one of the witnesses being asked if there was a distinction between the professional and volunteer firefighters, and one of my senior colleagues at the time quickly demanded recognition from the chair, and he said to that Member asking the question, There are no amateurs in this business; they are all professionals. Some are paid, some are volunteer, but they are all professionals.

The recognition of that has prompted all of us to initiate the fire safety Grant program, to initiate the SAFER program. We expect so much of our firefighters. They need the resources to do the job that we demand that they do every single day.

All of us in our consciousness have a new appreciation for what the firefighters of America do as a result of 9/11 when 343 firefighters lost their lives. They gave their all for this Nation. Since then, we have developed in some quarters, where there was no prior recognition of the need of the fire service, a new appreciation for what we have to do.

Once again, let me credit this institution. We are often criticized for not being as responsive as some would like to some of the issues facing us across this country. But this institution, on a bipartisan basis, has responded to the call.

Today's resolution is about words and concepts and ideas, but more meaningful is the action, the deeds that we do by appropriating money, by following through to make certain that money is used for its intended purpose and used wisely, and it is. So this, in a sense, is an affirmation of our great appreciation for the firefighters, the men and women all across America on a very professional basis who daily are providing some measure of security for us in our homes and in our communities, and in our Nation.

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

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

I read a list of 23 names from just those in Oregon, but that list could go on and on and on, depending on the State. I am hoping that through this resolution, although I am not foolish enough to believe that there will be no names, but I would sure like to see that reduced to as few as possible. They have done an incredible service to our country, to our communities, and I wish that for every profession we could look at a little bit later on and say, you have done this amazing job of prevention. Mr. Speaker, they are the ones that really make sure that every home, every business had a fire detector, and we think of the number of lives they have saved just by making sure we had that prevention piece. They have done it over and over and over again.

Mr. Speaker, the gentleman from New York (Mr. BOEHLERT) is right, they were volunteers, but they were professional. They were there training, they were there every night of the week training, they worked all day. Yet when a fire called, they came from wherever they were to make sure that they helped put out that fire and saved and rescued lives. I represent a district that has many rural communities and, again, we have many volunteer fire departments, but they are professional. I hope my colleagues would support this measure.

Mr. HOYER. Mr. Speaker, I am pleased the House is considering this important resolution, which I have introduced with fire caucus co-chairmen CURT WELDON, SHERRY BOEHLERT and ROB ANDREWS.

I would like to express my sincere gratitude not only for their hard work and support on this measure, but for their years of dedication and leadership on issues of importance to the men and women serving our communities, and our Country, in the fire service.

I would also like to also recognize the contributions of Hal Bruno and Ron Siarnicki at the National Fallen Firefighters Foundation, as well as the United States Fire Administrator David Paulison, for having convened the Firefighter Life Safety Summit that resulted in the recommendations upon which this resolution is based.

Finally, Bill Webb at the Congressional Fire Services Caucus, as he does on so many issues, worked to coordinate the efforts of NFFF, USFA, the fire service organizations and our Congressional offices to make this resolution a reality.

Mr. Speaker, for a number of years, the Congressional Fire Services Caucus has worked with the Nation's fire service organizations to identify and address some of the major challenges facing career and volunteer fire departments across the Country.

Among the results of these efforts has been the establishment and funding of such critical federal programs as the Fire Grants and SAFER.

These programs have resulted in billions of dollars being appropriated to help meet the equipment, training and staffing needs of fire departments in large cities, small towns and rural communities across the Country.

And there is no doubt the dollars provided by these programs have helped save the lives of firefighters and the citizens they protect.

But there is also no escaping the reality that despite the amount of money spent, and the impact of these programs on improving the effectiveness and efficiency of fire departments, we still lose more than 100 firefighters every year to line of duty deaths, so many of which are preventable.

The NFFF and USFA recognized this, and convened the firefighter life safety summit last year, with a goal of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years.

These are ambitious goals that will only be attained if every member of the Nation's fire service, from the presidents of national organizations to individual firefighters, is committed to implementing the 16 initiatives recommended at the summit, and supported by this resolution.

These recommendations range from developing medical and physical fitness standards for all firefighters to empowering all firefighters to stop unsafe practices.

To highlight the need to adopt these common sense changes, the International Association of Fire Chiefs is leading a national stand down this week, whereby all fire departments are urged to suspend all non-emergency activity and focus on firefighter safety.

This resolution supports this effort, and encourages every fire department to participate in this national stand down in order to raise awareness among our firefighters about the need to take responsibility for their health and safety.

Mr. Speaker, the job of fighting fires is one of the most dangerous and physically demanding activities one can undertake.

The real tragedy is that we have allowed unsafe practices and unhealthy habits to make the job even more hazardous than it already is.

Congress has, and will, continue to accept our responsibility to provide funding for the equipment, training and staffing needs of our departments, but we must insist that our firefighters accept responsibility for making themselves safer on the job.

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

Mr. ANDREWS. Mr. Speaker, House Concurrent Resolution 180 speaks to the heart of how we as a nation value the lives of each and every one of our firefighters. This resolution is a wake-up call to make firefighter safety a national priority. It is a wake-up call to remind us that we need to do more to prevent and reduce firefighter fatalities and injuries. It begins today, where fire departments across the country are participating in ''stand down.'' Today, at participating departments, all non-emergency activities are suspended and firefighters instead will focus only on firefighter safety. Firefighters are so used to putting their lives at risk to save others that their health and well-being is often neglected. Today we hope to begin a new trend where firefighter safety becomes a top priority for every firefighter, whether volunteer or paid, rural or urban, young or old.

The safety and health of firefighters has never been a more important issue. Firefighters now have more responsibilities with

the increased focus on homeland security and hazard response. We rely on them to protect us from harm while we are at home, at work, and everywhere in between. Regrettably, more than 58 firefighters have died this year, a number that far exceeds the annual pace. This is especially disturbing because most, if not all, of these deaths are preventable. There are measures to be taken to reduce the number of fatalities—measures that are described in this resolution. These firefighters don't have to die. The number of deaths can be reduced, but we have to do more. Not only can we ill-afford to lose over 100 firefighters a year, but we cannot afford to lose any. I fully support the goals of the National Fallen Firefighters Foundation and the United States Fire Administration with respect to firefighter safety. I truly believe that at the end of the day, every firefighter must go home.

Ms. HOOLEY. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 180.

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. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.J. RES. 10, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Watt of North Carolina or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.J. Res. 10 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 330 is a structured rule, and it provides 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the joint resolution. It makes in order the amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, if offered, by the gentleman from North Carolina (Mr. WATT) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

The rule waives all points of order against the amendment printed in the report, provides that notwithstanding the ordering of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker, and it allows one motion to recommit, with or without instructions.

Mr. Speaker, in 1989, the United States Supreme Court Texas v. Johnson decision nullified the laws of 48 States banning flag desecration. Today, all 50 States have passed resolutions requesting Congress to approve a Constitution amendment for ratification that would ban flag burning.

The House of Representatives has passed the same, if not similar, legislation for five consecutive Congresses. In the 104th Congress, the House of Representatives passed a proposed amendment with the necessary two-thirds majority by a vote of 312 to 120; while the 105th House passed it 310 to 114, the 106th House passed it 305 to 124, the 107th House passed it 298 to 125, and in the last Congress, the 108th, the House passed it by a vote of 300 to 125.

Our flag, with 50 stars and 13 stripes, represents the history, culture, and ideology of democracy for the world. Millions of Americans throughout our Nation's history died defending our flag and the ideals it represents. To burn a flag is to disrespect America and disrespect democracy. For our enemies, those who embrace terrorism, communism, and totalitarianism, burning the American flag is a sign of defiance, because freedom threatens the existence of tyranny. For our soldiers fighting in Afghanistan and Iraq, our flag is motivation to keep fighting, to move ahead, and reason to liberate a people from fear of oppression, as it has been in every conflict in which our Nation has fought.

□ 1200

For our veterans, the desecration of the flag is a slight for everything they fought for. And it serves to dishonor their friends and fellow soldiers who gave their lives for our country. To the parts of Europe occupied by the allied powers during World War II, the sight of our flag brought tears of joy because it symbolizes an end to atrocity and oppression and the return of freedom.

A constitutional amendment to ban flag desecration is not the end of our first amendment liberties. The Constitution was drafted as a living document that is capable of changing when called for by the overwhelming desire of the American people.

The debate to end flag desecration is an important issue that carries the overwhelming public support needed to pass an amendment to our Constitution. The Constitution is the foundation of our government, and modifying it should not be taken lightly. However, the American citizens have consistently spoken in favor of this amendment for more than 10 years, and it is an issue that is more than 3 decades old.

Our laws provide an opportunity for every citizen to express their opinions freely. If someone does not like the policies of our Nation, the party in power, our military, or even a specific law, they have the ability to protest, to voice concerns, write letters to their Congressmen without the consequences of death or imprisonment.

This freedom is not found in all nations. The desecration of the American flag, however, is not a form of free speech. It is a challenge to the institution that defends liberty. Although some may disagree, the United States is not the root of the world's problems; rather, we have provided relief from subjugation and freedom to many nations.

For those liberated by America and those who cherish freedom, our flag represents more than a Nation, government, or people. It is an emblem of liberty and justice. Our flag deserves to be respected and protected because it is more than just star-studded fabric; it is the symbol of democracy.

With that in mind, I request unanimous support of this rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Georgia (Mr. GINGREY), for yielding me time, and I yield myself such time as I may consume.

I would like to ask my colleague from Georgia a question, if he does not mind, and engage in just a brief colloquy.

Does the gentleman know or has his staff related to him, when the last time occurred in America that a flag was burned, and how often that occurs, let us say, in the last year or 2?

Mr. GINGREY. Well, if the gentleman will yield, since the Supreme Court decision, in response to my good friend, the gentleman from Florida (Mr. HASTINGS), since 1994 it is my understanding that there have been at least 119 reports of incidents involving flag desecration.

The Supreme Court ruling, that 5 to 4 decision that allowed flag desecration, flag burning as part of free speech, that was 1989. Since 1994, to the gentleman from Florida (Mr. HASTINGS), my understanding is 119 incidents.

Mr. HASTINGS of Florida. And reclaiming my time, does the gentleman distinguish between flag burning and other forms of desecration when he cites the 119? I have no memory of a flag burning in recent times. And I am curious to know whether or not you do.

Flag burning is what this Congress constitutional amendment is about.

Mr. GINGREY. In response to the gentleman, no, I do not know.

Mr. HASTINGS of Florida. That is my point, reclaiming my time, among others. This is not something that happens frequently.

We begin this debate today as patriotic Americans, you and I, Dr. GINGREY, and the other 433 Members, voting Members of the House of Representatives, and the five delegates to this House.

We began this day with one of our celebrated ideals. It was in 1777 that the Founding Fathers of this Nation determined that there should be a flag as a symbol. Symbol, that is what it is. All of us abhor desecration of the flag. Desecrating the flag is disrespectful and downright disgusting.

But I am curious, because I asked two people in my district, knowing that I would be handling this rule, to observe on their way to work on June 14 the number of people that flew their flags. It is astounding, all of this talk about the flag, and how few people on June 14, that is just recently, on Flag Day, flew their flags.

I am curious, I wonder how many Members did that as well. We begin this debate today with an unresolved war in Afghanistan and Iraq. We begin this debate today with Americans dying in Iraq and Afghanistan and families crying as a result thereof.

We begin this day with the President of the United States saying that we have a Social Security crisis, and one would argue not against the notion that Social Security needs to be reformed in an appropriate manner by the body.

We began this day with a serious Medicaid crisis in this country which we are not addressing. We began this day with an equally serious Medicare crisis which we are not addressing.

We began this day with AIDS raging throughout this country, and sexually transmitted diseases are ripe in our society; and we are not doing as much as we can about it. But yet we come to debate embedding the flag in our precious Constitution in as far as its desecration is concerned.

We begin this debate with millions of Americans without jobs. Some unemployed, some underemployed, and some never to be employed again as a result of the laws of industry in this country from a manufacturing point of view.

This debate begins with oil magnates and their companies receiving their highest profit ever in the history of this country, and American drivers paying the highest prices ever for gasoline; and yet we do not have an energy policy, and other than a handful of us, including myself, no one is introducing legislation to address the high cost of gasoline.

We began this debate today with more than 40 million Americans without health care, 2 million Americans in jail, millions of children dropping out of school. And the best we can do is stir up emotions and divisions by holding a debate about our precious flag. Nothing in the way of positive understandings is coming about as far as immigration problems in this country.

So, Mr. Speaker, I rise today in strong opposition to the underlying resolution. I firmly believe that passing this bill would abandon the very values and principles upon which this country was founded.

Make no mistake, all of us, as I have said, abhor the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage. When I graduated from high school in 1954, my assigned topic at that graduation had to do with the song, ''The Old Flag Never Touched the Ground.''

When Frances Scott Key wrote the Star Spangled Banner,'' the flag was tattered and torn; when it was raised in Montezuma or at Arlington Cemetery, all of us are proud every day that that flag flies over this Capitol and elsewhere.

I find it unfortunate that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that unfortunately I have no choice but to oppose this well-intentioned, yet misguided, legislation.

Our country was founded on certain principles. Our Founders had the broadest visionary scope of their times. Chief among these principles are freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the government.

Yet, that is exactly what this amendment would do. In my opinion, it begins a dangerous trend in which the government can decide which ideas are legal and which must be suppressed.

I believe that the true test of a nation's commitment to freedom of expression is shown through its willingness to protect ideas which are unpopular, such as flag desecration. When I was a lawyer, I represented a member of the Ku Klux Klan, because they would not let him put his ad on a Negro station at that time that was owned by members of the Jewish faith.

I won that lawsuit, and I stood for his rights, because I knew if they took his rights away, it would be just a matter of time before they could be able to take mine away. As the Supreme Court Justice, the eminent Oliver Wendell Holmes, wrote in 1929, it is an imperative principle of our Constitution, that it protects not just freedom for thought and expression we agree with, but freedom for the thoughts we hate.

To the gentleman from Georgia (Mr. GINGREY), you and I and all of our colleagues hate it when someone burns a flag. I remember the very last time that I saw one burned sitting in my living room with my mom.

And almost without hesitation, both of us referred to those people as fools, and we used choice words in front of the word fools. Throughout this debate, Mr. Speaker, I am sure that some of our colleagues are going to try to paint some of us Democrats as unpatriotic. They will tell the American people that because we support the protection of our civil liberties and the constitutional right for an American to burn her flag, we are therefore not loyal citizens. They will demagogue us, and some may even accuse the judiciary, a separate and equal branch of government established under article 3 of the Constitution, of being a body filled with activist judges because the highest court in our land has already said that the act of burning an American flag is permissible under the first amendment of the Constitution.

To those who intend to levy such artificial claims, I say shame on you. You see, Mr. Speaker, this Congress and the Bush administration loves draping itself in the flag when talking about troops and terrorism. And there is absolutely nothing wrong with that, if they so choose to do that.

Yet this is the same administration that while standing, as the gentleman from Georgia (Mr. GINGREY) did just a moment ago, in his comments talking about our troops who are dying for us to have the right to be here, and you and I and all of our colleagues are proud of the fact that we can serve in this United States Congress, and there are people as we speak, and certainly more than 1,700 Americans have died in Iraq, and some substantial number in Afghanistan, and, yet, when they come home to Dover, Delaware, with flag-draped coffins, this administration who is so proud of the flag and all of you who would support its being made a part of a Constitution, refuses to let

the public see the pictures of those persons with those flag-draped coffins, and I might add, punishes the media for trying to access them.

The hypocrisy is so thick, that you can choke on it.

□ 1215

Last night in the Committee on Rules, I offered an amendment to the underlying legislation and I said to the gentleman from Wisconsin (Chairman SENSENBRENNER) that I found a way that I can support his measure to put the flag in the Constitution. It came by way of an incident that occurred in Durham, North Carolina on May 25 of this year. Three crosses were burned in Durham; one in front of a church, designed to intimidate people. The cross, the precious cross was burned. And yet we find ourselves here talking about the flag. I wonder about my colleagues which offends them more; or do they, as they do me, both offend me highly.

In 2003, the United States Supreme Court upheld a Virginia law banning cross burning in Virginia. The court ruled the burning of a cross by a terrorist organization such as the Ku Klux Klan is not protected by the first amendment because of the maliciousness and intent to intimidate behind the action.

Justice Sandra O'Connor wrote in the majority's opinion, ''While a burning cross does not inevitably convey a message of intimidation, often the cross burner intends that the recipients of the message fear for their lives. And when a cross burning is used to intimidate, few if any messages are more powerful.''

Mr. Speaker, as I began my discussion with my good friend, the gentleman from Georgia (Mr. GINGREY), I asked, When was the last time we saw a flag burn? I have not seen a flag burning in America. And I might add, when it burns abroad it offends me just as much as when it burns in this country, but I have not seen one of those desecrations in quite some time. But cross burnings continue to plague the South and are used by hate groups to incite, intimidate, and, in some instances, harm and murder. Despite this real epidemic, Congress has always been silent on the issue.

Had my amendment been made in order, and it was not considered to be made in order in the Committee on Rules, the House would have been able to debate this important issue for the first time. The House will not be debating that issue, nor will we be debating the myriad of other issues of critical importance to the American people. There are so many other things that this body could be doing today instead of drawing up another way to impede our constitutionally protected rights.

We could be expanding veterans health care benefits. We could be increasing military pay. We could be providing our soldiers with adequate body armor and protection. We could be improving our schools, creating incentives for affordable housing, ensuring our seniors have long-term health care. We could be completing a transportation reauthorization bill and new school construction. These are just a few of the things, in addition to others that I have mentioned, that we could be doing.

Mr. Speaker, are we so insecure in our own patriotism that seeing someone else burning a flag will lead us to question our commitment to this great Nation? Let us ask ourselves the question, What is America? We know that its symbol stands tall no matter the circumstances.

I love this country and everything our flag stands for, even the things with which I do not agree, and they are numerous; for better or for worse, that is the cost we pay for democracy. I ask you to please consider, when you are talking about putting something in the United States Constitution, that you get past political rhetoric and that you understand the serious dynamics that are involved when we are talking about asking two-thirds of the States in this country and two-thirds of this body and the other body to pass something that will allow us to become more insecure.

I tell you, when I see somebody burn the flag, it makes me mad; it does not make me insecure. And that is what ought cause us to be reaching across to each other, because it is at that one point in time when somebody desecrates the flag that the gentleman from Georgia (Mr. GINGREY) and I have the exact same view, and that is everybody that is here. Therefore, it is a uniting thing, not a dividing thing between the first amendment rights of people.

Civil liberties are important. I do not like the fools who burn the flag, but I will stand up and protect their right to do so because to take their right means one day somebody might try to take mine.

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

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume in response to a number of the points that my good friend, the gentleman from Florida (Mr. HASTINGS), just made so eloquently.

He asked me a little while ago about the incidences that had occurred, the 119 since 1994, and how many of those were burnings in contrast to how many might be other forms of desecration. I did not have that information for him at the moment, but I do now, and I want to share that with him; 75 of those actually were burnings.

I want to anecdotally mention one of those 75. In April 18, 2005, this occurred in Topeka, Kansas, this burning. Fire and police investigators looked into a case of arson in which flags were burned at the Topeka and Shawnee County Public Library. Someone came into the library grounds between 12:21 a.m. and 1:15 a.m. They lowered the library's flags and they burned them near the building.

Now, it was not illegal then and now to burn your own flag. It was illegal to burn someone else's. But that is the point that I wanted to make; that in fact 75 of 119 were burnings. Furthermore, I want to also mention that the word ''desecration'' in this constitutional amendment resolution was selected because of its broad nature in encompassing many actions against the flag.

Such broad terms are commonly used in constitutional amendments. For example, free exercise in the first amendment; unreasonable searches and seizures, probable cause, in the fourth amendment; due process and equal protection in the 14th. Thus, it is essential that we continue to use broad terms in constitutional amendments such as the word ''desecration'' in order to give Congress discretion when it moves to enact implementing legislation. Debate and discussion as to what forms of desecration should be outlawed, such as burning, will come at a later date in Congress.

Also, Mr. Speaker, the gentleman from Florida (Mr. HASTINGS) was talking about in regard to his own amendment. The Supreme Court decision in 2003, Virginia v. Black, held that ''a ban on cross burning carried out with the intent to intimidate is proscribable under the first amendment,'' allowable under the first amendment. So it is really unnecessary to pass a constitutional amendment to prohibit cross burnings, since statutes prohibiting cross burnings with the intent to harm are currently enforceable.

In contrast, the Supreme Court has concluded in Texas v. Johnson in 1989 that, 5 to 4 decision, that flag desecration is protected by the first amendment, leaving a constitutional amendment as the only remaining option to protect the flag, since statutes doing so in 50 States, 48 States before 1989, are currently unenforceable.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

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

Mr. Speaker, I for one would like to let my friend, the gentleman from Florida (Mr. HASTINGS), know that I am not so weak in my faith that burning of a cross would somehow destroy my faith. And yet I still believe that when somebody burns the cross, that the effect on our society, the chances of a riot, the chances that it will lead to violence are so high that society has a right to protect itself from the inevitable outcome of that kind of action. Furthermore, I do not believe we are acting as a body in order to tell the American people what to do.

I believe we reflect on a bipartisan basis, an overwhelming bipartisan basis, which reflects the will of the people, their desire to see this protection. That is why 50 States have all passed resolutions. Some of these States are very much Democrat States, some very much Republican.

This is not about patriotism or party. This is about the will of the people. We

must respond to the will of the people. I believe in the Constitution as a not easily changeable document, and I respect the idea that we should not change it lightly. But just as this Constitution began without Indians, African Americans, women, or even people below the age of 21 being able to vote, and we have revised and revised and revised to get a more perfect democracy, we too must respond to this generation's request.

This generation's request of us is, in fact, to establish a special respect level, not an overly high one, but a special respect level for the flag. Not because America will somehow be destroyed if one or one million flags are burned, but because the American people have called on this body to offer them an opportunity to amend the Constitution, and we do so here today. We attempt to give the American people that opportunity to revise the Constitution.

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

I would say to the gentleman from California (Mr. ISSA) before he leaves the floor, that every time that we have amended the Constitution it has been to expand liberties and rights, not to restrict them. If this amendment passes, this would be the first time in the history of this country that we would pass an amendment that would restrict rights and liberties.

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

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. ISSA. I might remind the gentleman from Florida (Mr. HASTINGS), my friend, that we limited the terms of how many times someone could run for President as a constitutional amendment. That is fluid document. It may add or subtract. It may reflect the will of the people. The will of the people in our lifetime was to limit the amount of terms that a President could serve, no differently than the question of whether or not you can incite a riot by burning a flag.

Mr. HASTINGS of Florida. Reclaiming my time, I cannot believe my colleague would even try to make such a specious argument, but the fact of the matter is there have only been 15 incidents in a country of 300 million people between the years of 2000 and 2005. There are substantial laws on the books that will prosecute fools who desecrate the flag.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ACKERMAN), my very good friend on the House Committee on International Relations.

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

Mr. ACKERMAN. Mr. Speaker, I love our flag and that for which it stands. It stands for a Nation founded by people fleeing from oppressors. It stands for freedoms, not the least of which is the freedom of opinion and the unimpeded expression thereof, including the freedom to protest. This was a Nation founded by protesters.

When our Founding Fathers sought to guarantee these freedoms, they created not a flag, but a Constitution, debating the meaning of each and every word, every amendment of the Bill of Rights, each and every one of which gives people rights. They did not debate a flag. The flag would become a symbol of these rights.

What is the threat to the Republic today that drives us to dilute the Bill of Rights? Well, someone burned the flag once this year. Whatever happened to fighting to the death for somebody's right to disagree?

□ 1230

We now choose instead to react by taking away a form of protest. Most people abhor flag burners; but even a despicable, low-life malcontent has a right to disagree and to disagree in an obnoxious fashion. That is the true test of free expression.

Flag burners are rare, but vile, acts of desecration that have been cited by those who would propose changing our founding document, but these acts do not harm anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk. We are offended. To change our Bill of Rights because someone offends us is, in itself, unconscionable.

Who bans flag burning? Hitler did. Mussolini did. Saddam Hussein did. Dictators fear flag burners. The reason our flag is different is because it stands for burning the flag.

Though we in proper suits may decry the protesters and the flag burners, protecting their right is the stuff of democracy. The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as would pagans, rather than to be kept as a beloved symbol of our freedom that is to be cherished.

It is not the flag burners who threaten democracy. Rather, it is those who would deny them.

The Constitution this week is being nibbled to death by small men with press secretaries. If the flag burners offend us, do not beat a cowardly retreat by rushing to ban them. Meet their ideas with bigger ideas, for an even better America to protect the flag by protecting democracy, not by retreating from it.

The choice today is substance or symbolism. We cannot kill a flag. It is a symbol; and, yes, patriots have died, but they have died for liberty. They have died for democracy. They have died for the right of the protestors. They died for values.

The flag is a symbol of those values. Saying that people died for the flag is symbolic language. What they really died for are American principles. The Constitution gives us our rights. The Constitution guarantees our liberties. The Constitution embodies our freedoms. It is our substance. The flag is the symbol for which it stands.

True patriots choose substance over symbolism. Diminish the Constitution by removing but one right and the flag shall forever stand for less. Do not pass this amendment. Do not diminish the Constitution. Do not cheapen our flag.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, let me just say to the gentleman from New York in his last presentation, for over 2 centuries the first amendment was already understood to permit flag protection. In fact, before the 1989 case, what he is talking about was not even germane because 48 States had already had in place that the flag was protected. Only Wyoming and Alaska did not have it; and now all 50 States, contrary to what the gentleman is talking about, want this amendment, H.J. Res. 10, to pass so that we have protections for our flag.

So he is acting like there has not been historically, little protection for this flag, but historically, for 2 centuries, the first amendment was in place and the flag was protected. H.J. Res. 10 will not amend the first amendment.

Let us not forget that we are not talking about amending the first amendment or limiting the rights guaranteed under the Bill of Rights. So let us make that perfectly clear.

As I pointed out, for 200 years in this country, the first amendment was understood to permit simple flag protection. That conduct has always and continues to be regulated by the United States Government. That is our job. Both State and Federal criminal codes prohibit conduct that could conceivably be protected by the first amendment; yet their constitutionality is not questioned.

Let me give my colleagues an example. Defacing currency, urinating in the public, pushing over a tombstone, public nudity are all actions which can be utilized to express a particular political or social message, but are unquestionably, unquestionably illegal. Flag desecration was once included in that list as a form of conduct our society chose not to condone. However, the Supreme Court's opinion in 1989 in Johnson and Eichman usurped the people's will in this respect.

So after 1989, then we had this problem. H.J. Res. 10 will simply return to where we were 200 years ago, overturn this erroneous decision. That is all we are doing here, restoring the original meaning to the first amendment that had persisted for over 200 years.

As we stand here today, we have a flag behind us here in the House. That flag was like the flag that we saw on 9/11. Who can forget the iconic photo taken on the terrible day of September 11, 2001, of three New York City

firefighters raising our flag from the rubble of the World Trade Center?

What did that do? That symbolizes America's mourning, but also it symbolized a determination by the American people to pursue justice. How sad it would be to come to the point where we would allow this flag that projects the symbolism of American mourning and the symbolism of a determination to pursue justice, that we would allow it to be burned.

So we are here to move forward on this amendment. I urge my colleagues to support the rule.

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

I would ask the gentleman from Florida (Mr. STEARNS), my friend, does the gentleman know of any time that we have amended the Bill of Rights in the United States of America?

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

Mr. HASTINGS of Florida. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I think I would ask my colleague why he is against 200 years in this country, when we protected our flag, why is he standing on the floor today not respecting the tradition of this country for 200 years and realizing that all 50 States want us to enact this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, because I believe in the first amendment. That was the first thing done in the United States Constitution; and I believe that in 1777, when the Founders of this Nation established the flag as our symbol that they were correct then and they are correct now.

I do not know whether my colleague was on the floor when I said to him, and I rather suspect he was not, that I resent flag burning, but I respect rights, and I will respect the rights of individuals within the framework of the Declaration of Independence and the Bill of Rights for as long as I am here.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ACKERMAN), my colleague.

Mr. ACKERMAN. Mr. Speaker, I would appreciate it if the gentleman from Florida (Mr. STEARNS) does not leave the floor for a moment.

I appreciate very much his lecture about 9/11. I happen to live in New York. I am a New Yorker. I am a New York Representative. I was born in New York, and let me tell the gentleman how proud we are of those firemen. Let me tell the gentleman how proud we are of the act that they did in raising that flag and how proud each and every one of us is of that flag.

But let me also tell the gentleman this: we are proud of that flag because it represents a set of values that are different from al Qaeda's values, from oppressors' values. That flag represents our Constitution, and that Constitution is what makes the difference between us and others.

It is not a flag because it is a different shape or has different colors. It is what it represents, and for the gentleman to stand up and cite why we are against doing this and citing history, we have laws against, as the gentleman from Florida said, public urination or nudity in public. Those laws, could the gentleman tell me where there is a constitutional amendment to ban that? There is none. We take care of that with other laws.

In the history which the gentleman is so fond of citing in this country, never has there been a case where we amended the Founding Fathers' Bill of Rights. We have never amended the Constitution's Bill of Rights. We have never once taken away rights of Americans.

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

Mr. ACKERMAN. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from New York would agree that we are not amending the first amendment or otherwise limiting in any way the guarantees under the Bill of Rights. Is that not true what we are doing?

Mr. ACKERMAN. No, that is not true. That is absolutely not true.

What my colleagues are doing is amending the Constitution which, for the first time since Prohibition, takes away the right; and there was such a hue and cry in Prohibition and that was because more people happened to drink than burn the flag, appropriately so, I might say.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I understand the gentleman is kind to give me this time. It is the gentleman's time, but the point is this is a constitutional amendment. It is not changing the first amendment.

Mr. ACKERMAN. Reclaiming my time, of course it takes away a recognized form of protest and freedom of expression. If a person burns the flag, if they burn someone else's flag, that is a crime. If they urinate in public, as the gentleman's side is so apt to talk about, on the flag, which is a despicable thing to do, there are laws that protect against those things occurring in public.

Mr. STEARNS. Mr. Speaker, if the gentleman would further yield, I have one question for the gentleman. If I went to the New York City firefighters who raised our flag on the rubble of the World Trade Center and I said to them, do you want to protect this flag from desecration and burning, what does my colleague think their answer would be?

Mr. ACKERMAN. Mr. Speaker, reclaiming my time, they were there to protect lives and protect Americans. They raised the flag in an act of patriotism, to show why this great country is different from those that attacked us, and that is because we have a Constitution.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 15½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my colleague from Georgia, if he is interested in this colloquy continuing, perhaps it is that he would yield some time to the gentleman from Florida (Mr. STEARNS), who may in turn yield time to the gentleman from New York (Mr. ACKERMAN) and myself and the gentleman from New York (Mr. NADLER).

Mr. GINGREY. Mr. Speaker, I have no other speakers at this time. I plan to reserve the balance of my time, but I will be happy to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS) in the interest of continuation of this colloquy.

Mr. HASTINGS of Florida. Mr. Speaker, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Well, we have been through this debate, and in all respect to the gentleman from New York, he has come down here and he pulls a box out and he has the American flag on handkerchiefs and he has got it on his tie. I respect him for doing that because he is really saying that the American flag comes in many forms and people use it to adorn, maybe even upholstery, but that is a little different. That is a little different than taking the flag and burning it.

The fact that when this country was founded and we have all the States up until 1989 supporting the idea of protection of the flag, I mean, that tradition alone, by saying to the American people we are going to forget all that tradition, so have we been wrong?

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I—

Mr. STEARNS. Mr. Speaker, I think I have got the time now.

Mr. HASTINGS of Florida. No, the gentleman does not.

The SPEAKER pro tempore. Did the gentleman from Georgia (Mr. GINGREY) allocate time to the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

Mr. GINGREY. Mr. Speaker, I yield 2 additional minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, what the gentleman is saying when we think about it, my good colleague from Florida and New York, were the people in this country wrong for 200 years to protect the flag from desecration?

Mr. HASTINGS of Florida. No.

Mr. STEARNS. Mr. Speaker, now the gentleman, as a Congressman in this 21st century, is saying they were all wrong, the judge in the Johnson and Eichman case was absolutely right? He was not respecting the 200 years we had and now suddenly out of thin air he has decided to change the courts?

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I do not want to create a constitutional morass,

but I had the time and yielded to the gentleman from Florida (Mr. STEARNS), and I tried to reclaim my time. The Chair then permitted the gentleman from Georgia (Mr. GINGREY) to yield time to the gentleman from Florida (Mr. STEARNS), which should come after the time that I have utilized.

Mr. STEARNS. Mr. Speaker, I think we need a clarification who has the time. I understood that my side had given me 2 minutes.

The SPEAKER pro tempore. The gentleman from Florida (Mr. STEARNS) will suspend.

Did the gentleman from Georgia initially allocate debate time to the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, he has been very generous with my time. I do not want to take his time away because he is on the rule.

The SPEAKER pro tempore. The Chair is asking the gentleman from Georgia (Mr. GINGREY) who he initially allocated time to.

Mr. GINGREY. Mr. Speaker, may I inquire as to how much time our side has remaining?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) has 11½ minutes remaining after this time has expired. However, the question to the gentleman from Georgia is, who initially did the gentleman allocate time to, the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

□ 1245

Mr. GINGREY. Mr. Speaker, that was my mistake. I intended to yield that time to the gentleman from Florida (Mr. STEARNS) rather than the gentleman from Florida (Mr. HASTINGS). I apologize for that mistake.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 11½ minutes remaining; and, the gentleman from Florida (Mr. STEARNS) has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. STEARNS) yield to the gentleman from New York (Mr. ACKERMAN) for the parliamentary inquiry?

Mr. STEARNS. Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ACKERMAN. Mr. Speaker, if the gentleman from Georgia (Mr. GINGREY), who controls the time, yielded 2 minutes, which is an allocation of time to the gentleman from Florida (Mr. HASTINGS), should not the gentleman from Florida (Mr. HASTINGS) have 3½ minutes even if they are New York minutes?

Mr. Speaker, 1½ plus 2 are 3½ even in Florida.

The SPEAKER pro tempore. It is the understanding of the Chair, upon asking the gentleman from Georgia to clarify his initial allocation of time, that he intended to yield an initial 2 minutes and a subsequent 2 minutes to the gentleman from Florida (Mr. STEARNS). The gentleman from Florida (Mr. STEARNS) has the time.

Mr. ACKERMAN. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Florida yield to the gentleman from New York (Mr. ACKERMAN) for a parliamentary inquiry?

Mr. STEARNS. I do.

Mr. ACKERMAN. Is what counts in the rules of procedure of the House what the gentleman's intent was or what the gentleman did?

The SPEAKER pro tempore. The Chair asked the gentleman from Georgia for a clarification. The gentleman from Georgia initially indicated he was yielding 2 minutes to the gentleman from Florida and the Chair did not hear which gentleman from Florida he intended to yield time to. Upon seeking clarification, the gentleman from Georgia indicated he intended to yield to the gentleman from Florida (Mr. STEARNS).

The gentleman from Florida (Mr. STEARNS) may proceed.

Mr. STEARNS. Mr. Speaker, I am going to wrap up here. I did not intend to get into this kind of debate.

Mr. Speaker, only to make my point, as a conservative, when we look at the issue and say there are 200 years of tradition here of protecting the flag, I think we should not throw that tradition out and remember it is only this judge in Johnson v. Eichman in 1989 that made that change, and now again we have 50 States that are asking for us as Members of Congress to vote to support H.J. Res. 10.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

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

I would just comment, in the Johnson case, it was Justice Scalia that was the fifth vote that made the ruling that the gentleman from Florida (Mr. STEARNS) was speaking of just a moment ago. I would hope that he would know that.

The sum fact of the matter is none of us are in favor of anybody burning a flag. But the simple fact of the matter is all of us ought to be about the business of protecting the rights and the liberties of United States citizens.

What I have said I repeat, and that is I am not so insecure that when I see a fool burn a flag that it makes me anything more than incensed. It does not cause me to lose any respect for my country at all, but the rights of that individual are the things that we must be here to protect.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, the gentleman from Florida (Mr. STEARNS) indicated this does not implicate free speech. I would simply point out that we see movies all the time. In those movies we see actors dressed up as Nazis, as German soldiers in German World War II trampling and burning the flag. Do we go out and arrest those actors? Of course not, because we know the actors do not mean it; they are playing a role.

But this amendment says if an American citizen to make a point, a point that he disagrees with the actions of his government, were to do the same thing, then we would arrest him. So what are we really saying? It is not the act of the flag burning that matters; it is the point of view associated with the flag burning which is why this is a free speech issue and why we should not pass this amendment.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

In closing, I thank the gentleman from California (Mr. CUNNINGHAM) for introducing this legislation and to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for being steadfast and persistent in trying to bring resolution to the issue of flag desecration.

On June 14, 1777, the Continental Congress approved the stars and stripes design as the official flag of the United States in order to designate and protect our ships from friendly fire at sea.

Since 1994, 119 incidents of flag desecration, and yes, 75 of those were flag burnings, have been reported in the United States and its territories. A constitutional amendment will send a strong message of respect for our country and what it represents. Every Memorial Day, civic groups volunteer their time placing flags on the graves of our fallen soldiers. It was said earlier on Flag Day, June 14, that very few of our citizens took their liberty to display their personal flags. It is regrettable. It is regrettable that on Memorial Day, instead of honoring our fallen, our KIAs in this great country, people, many people, most people, in fact, just use it as a long weekend, another day, a holiday, not really remembering. But, of course, we do not throw out Memorial Day just because our citizens are not paying the proper respect.

Whenever a soldier or a government leader dies, a flag is given to his or her family in honor of their service to our country. Our flag means something to these civic groups, these family members, our veterans, our soldiers, and all Americans.

Every day men and women selflessly give of themselves to protect our country and our liberties, and they do not deserve to be dishonored, just as our firefighters and our policemen in the great City of New York gave of themselves on that fateful day of 9/11.

During our war against terrorism, we need to send a strong message to the

enemies of America and the enemies of freedom by protecting the symbol and values of our Nation. With that said, Mr. Speaker, I urge my colleagues to pass this rule, to oppose the Watt substitution, and pass the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 331 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Maloney of New York or her designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Mr. Speaker, H. Res. 331 is a structured rule that provides for consideration of H.R. 2475, authorizing appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

I am pleased to bring this resolution to the floor for its consideration. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the bill.

It provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence modified by the amendment printed in part A of the Committee on Rules report accompanying the resolution shall be considered as adopted and shall be considered as read.

It makes in order an amendment offered by the gentlewoman from New York (Mrs. MALONEY) or her designee which shall be considered as read and shall be debatable for 30 minutes equally divided and controlled by the proponent and opponent, and all points of order against the amendment are waived.

The rule provides for a motion to recommit with or without instructions.

Mr. Speaker, I am proud to present for consideration the rule for the Intelligence Authorization Act for fiscal year 2006. I want to commend the gentleman from Michigan (Mr. HOEKSTRA) and his hard-working ranking member, the gentlewoman from California (Ms. HARMAN), for their excellent work on this legislation. More than any other committee in the Congress, we rely on the Permanent Select Committee on Intelligence to do work that we have confidence in and that is accurate and honest. The committee is the eyes and ears of this Congress in the intelligence community. We depend on them to be aware of what the rest of the world and our own community is up to. We put our faith in them to practice oversight and to produce a legislative product that addresses the needs of our intelligence community, and therefore our Nation.

The committee does an outstanding job of working on a bipartisan basis to provide for our men and women who are fighting the war on terror on a variety of fronts.

I want to take a moment to salute those men and women who are working around the globe in a variety of capacities doing so much in a quiet, discreet way for our security and liberty. Linguists, analysts, case officers, mathematicians, and engineers, some of the brightest minds that our Nation produces, work in the intelligence community taking, in many cases, an option that is not as generous as the private sector may be if they were to put that intellect and those talents and skills into some other capacity in the private sector.

But they do it as a labor of love, as a part of public service identical to that which calls men and women into uniform in the armed services and which calls men and women into our firefighter and police and other first responding capacities. No differently than those uniformed members, the men and women in our intelligence community throughout the world are performing a huge public service for which we can never show enough gratitude and appreciation.

□ 1300

The Intelligence Committee has reported out a bill that continues the House's commitment to the global war on terrorism and to ensuring that intelligence resources are directed in a balanced way toward threats to our national security. This legislation authorizes more than last year's appropriated amount and more than the President's request to continue to fight the war on terror.

The bill does an effective job of balancing our intelligence resources and strengthening human intelligence gathering by increasing the number of case officers and training and support infrastructure. A long-term counterterrorism program is established to reduce the dependence on supplemental appropriations. Additionally, it authorizes the full amount of funds expected for heightened operations for counterterrorism operations and the war in Iraq.

H.R. 2475 enhances the analytic workforce by providing additional linguists and analysts as well as improved training and tools. Furthermore, the bill continues to invest in technical programs, funding systems end to end, investing in R&D and increased use of signature intelligence, and reflects the results of a comprehensive survey to review and rationalize technical collection programs.

For the first time, the Intelligence Authorization Act funds the new Office of the Director of National Intelligence and allows for increased positions. The National Counterterrorism Center is enhanced through improved information sharing activities and collaboration provisions. The bill improves physical and technical infrastructure of intelligence agencies with new facilities.

This authorization bill is a perfect example of how Congress can achieve a bipartisan product that meets the needs of our Nation. Again, I thank Chairman HOEKSTRA, Ranking Member HARMAN, and the members of the committee for their admirable work. I urge Members to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. First, let me thank the gentleman from Florida (Mr. PUTNAM) for yielding me the time.

Mr. Speaker, I rise in support of this rule providing for the consideration of the Intelligence Authorization Act for fiscal year 2006.

First, Mr. Speaker, let me remind my colleagues that Members who wish to do so can go to the Intelligence Committee office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national intelligence program. This includes authorizations for the CIA as well as the foreign intelligence and counterintelligence programs within, among other things, the Department of Defense, the National Security Agency, the Departments of State, Treasury and Energy, and the FBI. Also included in the classified documents are the authorizations for the tactical intelligence and related activities and joint military intelligence program of the Department of Defense.

Today more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation, and I am pleased that it has been brought to the floor before the July 4 recess.

Now, Mr. Speaker, while I generally support this bill, it is not closed to improvements. As the Democrats noted in our additional views, this bill is the first authorization bill to be considered since the Intelligence Reform and Terrorism Prevention Act of 2004 became law last December. The reforms undertaken last year, in the aftermath of two intelligence failures, created a Director of National Intelligence and dramatically reshaped the intelligence community. This authorization bill will therefore help define the authorities, priorities, and direction of the Director of National Intelligence and the entire intelligence community.

Mr. Speaker, I am pleased that the committee rejected the President's paltry request for counterterrorism funding and, instead, fully funded the intelligence community's needs. Fully funding counterterrorism represents bipartisanship and good public policy. Of course, this does not seem to be the first time that this administration does not heed the advice of its own intelligence experts, but I digress.

Let me speak also briefly about the fact that this bill and the report accompanying it are pretty much silent on one of the most salient issues of the day, our military prison at Guantanamo Bay, Cuba. The allegations of severe human rights abuses at Guantanamo Bay are at best extremely disturbing and at worst unforgivable sins of our Nation, which has always led the fight for human rights. I do not work there, so I cannot speak to the veracity of every single allegation. But I do know that Guantanamo Bay is a stealth prison, an unrecognizable blip on the radar screen of domestic and international law. Surrounded by a world of laws, treaties, norms and practices, Guantanamo is an unrecognizable entity, a small space where the law simply does not penetrate.

The prisoners are in judicial limbo, with limited access to lawyers and no legal recourse to profess their guilt or innocence or to protect themselves from abuse. In fact, many of them have now been jailed for more than 3 years without even having been charged with a crime. It sounds a bit Kafkaesque to me. Requests from objective outside observers to examine the condition of the prisoners have been rebuffed time and again. The Bush administration seems to trust in only itself to determine whether the prisoners are deserving of legal protections.

I am disheartened by the intelligence authorization bill's silence on this matter. The Members of this body should be greatly concerned with the utter lack of respect for the law or adherence to international agreements that characterize Guantanamo Bay. Former Supreme Court Justice Louis Brandeis once said, ''If the government becomes a lawbreaker, it breeds contempt for law.''

Congress has a responsibility to prevent Guantanamo Bay from becoming the personal prison of convenience for the Bush administration to stash people it does not want to suffer legal rights to. This body would be greatly remiss if we shucked that responsibility in favor of turning a blind eye to what very well might be the biggest terrorism recruitment tool since the attacks on September 11.

Mr. Speaker, as I have said, this bill provides authorizations and appropriations for some of the most important national security programs in this country. With the adoption of the manager's amendment, which we will hear about in much greater detail presently, I look forward to supporting the bill's ultimate passage.

Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), my colleague with whom I serve on the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, on June 8, the gentleman from California (Mr. WAXMAN), the ranking member on the Committee on Government Reform, came before the Committee on Rules asking that two amendments be made in order. One amendment calls for a select committee to be established in Congress to investigate abuses of detainees held under U.S. military custody. The other amendment establishes an independent commission for the same purpose.

Mr. Speaker, these are matters that merit the attention of this House and deserve to be debated and voted upon by the Members of this body. But the majority party on the Rules Committee feels otherwise. The Republican leadership believes it is better to sweep these matters under the rug, hide them, forget about them, but certainly not investigate them. It makes no difference whether such an inquiry takes place inside the Congress or outside the Congress, any form of independent investigation is out of the question.

But questions about the abuse and torture of detainees simply will not go away, whether it is Guantanamo or Abu Ghraib or the countless other prisons, jails and detention facilities under U.S. control in Afghanistan and Iraq. Every week brings new revelations of abuses.

Mr. Speaker, I do not blame our soldiers for these abuses. It is their leaders who have failed. It is the leaders up and down the chain of command whose incompetence and arrogance have led to a systemic breakdown of standards and codes of conduct that our military has lived by since its creation.

Mr. Speaker, I would like to read a few lines from the June 13 edition of Newsweek. The article is entitled ''Good Intentions Gone Bad.'' In it, Rod Nordland, Newsweek's Baghdad bureau chief, who is departing after 2 years in Iraq, shares a few final thoughts. He writes:

''Two years ago I went to Iraq as an unabashed believer in toppling Saddam Hussein. I knew his regime well from previous visits. WMDs or no, ridding the world of Saddam would surely be for the best, and America's good intentions would carry the day. What went wrong? A lot, but the biggest turning point was the Abu Ghraib scandal. Since April 2004, the liberation of Iraq has become a desperate exercise in damage control. The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. On top of that, it didn't work. There is no evidence that all the mistreatment and humiliation saved a single American life or led to the capture of any major terrorist, despite claims by the military that the prison produced actionable intelligence. The most shocking thing about Abu Ghraib was not the behavior of U.S. troops but the incompetence of their leaders.''

Mr. Speaker, this is why we should be debating the Waxman amendments. We cannot run and hide from this abuse. It haunts us, Mr. Speaker. It haunts us. If ever a matter needed the light of day, it is this one.

Oppose this rule. Support debate on the Waxman amendments. Restore America's credibility on human rights and military conduct.

Mr. Speaker, I submit for the RECORD articles from Newsweek and from the Baltimore Sun.

[From Newsweek, Jun. 13, 2005]

GOOD INTENTIONS GONE BAD

(By Rod Norland)

Two years ago I went to Iraq as an unabashed believer in toppling Saddam Hussein. I knew his regime well from previous visits; WMDs or no, ridding the world of Saddam would surely be for the best, and America's good intentions would carry the day. What went wrong? A lot, but the biggest turning point was the Abu Ghraib scandal.

Since April 2004 the liberation of Iraq has become a desperate exercise in damage control. The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. On top of that, it didn't work. There is no evidence that all the mistreatment and humiliation saved a single American life or led to the capture of any major terrorist, despite claims by the military that the prison produced ''actionable intelligence.''

The most shocking thing about Abu Ghraib was not the behavior of U.S. troops, but the incompetence of their leaders. Against the conduct of the Lynndie Englands and the Charles Graners, I'll gladly set the honesty and courage of Specialist Joseph Darby, the young MP who reported the abuse. A few soldiers will always do bad things. that's why you need competent officers, who know what the men and women under their command are capable of—and make sure it doesn't happen.

Living and working in Iraq, it's hard not to succumb to despair. At last count America has pumped at least $7 billion into reconstruction projects, with little to show for it but the hostility of ordinary Iraqis, who still have an 18 percent unemployment rate. Most of the cash goes to U.S. contractors who spend much of it on personal security. Basic services like electricity, water and sewers still aren't up to prewar levels. Electricity is especially vital in a country where summer temperatures commonly reach 125 degrees Fahrenheit. Yet only 15 percent of Iraqis have reliable electrical service. In the capital, where it counts most, it's only 4 percent.

The most powerful army in human history can't even protect a two-mile stretch of road. The Airport Highway connects both the international airport and Baghdad's main American military base, Camp Victory, to the city center. At night U.S. troops secure the road for the use of dignitaries; they close it to traffic and shoot at any unauthorized vehicles. More troops and more helicopters could help make the whole country safe. Instead the Pentagon has been drawing down the number of helicopters. And America never deployed nearly enough soldiers. They couldn't stop the orgy of looting that followed Saddam's fall. Now their primary mission is self-defense at any cost—which only deepens Iraqis' resentment.

The four-square-mile Green Zone, the one place in Baghdad where foreigners are reasonably safe, could be a showcase of American values and abilities. Instead the American enclave is a trash-strewn wasteland of Mad Max-style fortifications. The traffic lights don't work because no one has bothered to fix them. The garbage rarely gets collected. Some of the worst ambassadors in U.S. history are the GIs at the Green Zone's checkpoints. They've repeatedly punched Iraqi ministers, accidentally shot at visiting dignitaries and behave (even on good days) with all the courtesy of nightclub bouncers—to Americans and Iraqis alike. Not that U.S. soldiers in Iraq have much to smile about. They're overworked, much ignored on the home front and widely despised in Iraq, with little to look forward to but the distant end of their tours—and in most cases, another tour soon to follow. Many are reservists who, when they get home, often face the wreckage of careers and family.

I can't say how it will end. Iraq now has an elected government, popular at least among Shiites and Kurds, who give it strong approval ratings. There's even some hope that the Sunni minority will join the constitutional process. Iraqi security forces continue to get better trained and equipped. But Iraqis have such along way to go, and there are so many ways for things to get even worse. I'm not one of those who think America should pull out immediately. There's no real choice but to stay, probably for many years to come. The question isn't ''When will America pull out?''; it's ''How bad a mess can we afford to leave behind?'' All I can say is this: last one out, please turn on the lights.

[From the Baltimore Sun, June 5, 2005]

CLOSE CAMP DELTA

(By Michael Posner)

For many around the world, the detention facility at the U.S. Naval Base at Guantanamo Bay, Cuba, has become one of the most prominent, negative symbols of America's departure from the rule of law since 9/11.

Camp Delta, as the prison on Guantanamo is called, holds more than 520 men from about 40 countries. Many of these people have been detained there for more than three years; none has been given any indication of when, or even if, he will be released. The U.S. government has classified all of the detainees as ''enemy combatants.''

While the term is not recognized in international human rights or humanitarian law, it has provided the U.S. government with a rationale for denying detainees any rights whatsoever, either under the Geneva Conventions (the laws of war) or U.S. criminal law. This situation has prompted some Bush administration officials to dub Guantanamo ''the legal equivalent of outer space.'' This label would also apply to the dozens of secret U.S. detention sites in Iraq, Afghanistan, Pakistan and Jordan and aboard ships at sea.

But just as Guantanamo has become a powerful negative symbol, it has the potential to be a positive one if the United States is willing to take steps to recognize the possibility. One step, and it is a bold one, would be to shut down the Guantanamo prison—to close its doors and, in doing so, open a public debate among members of Congress, military officers and intelligence and law enforcement leaders on interrogation and detention practices around the world.

Shuttering Guantanamo not only would allow the United States to broadcast to the world its commitment to the rule of law—by moving all security detainees into an established legal process—it also would serve America's security interests. Those around the world who use the symbol of Guantanamo to fuel anti-American sentiments would lose one of their most potent rallying cries. And autocratic governments no longer would be able to hide behind American's example, as they do now, in justifying their own practices of indefinite detention and abuse.

The closing of Guantanamo would, by its very nature, require an evaluation of all the locations where the United States is holding security prisoners because Guantanamo derives much of its infamy from what it has wrought: Guantanamo was the testing ground for coercive interrogation techniques. Torture was exported to other facilities from there.

In the spring of 2003, Defense Secretary Donald H. Rumsfeld explicitly approved 24 interrogation techniques for Guantanamo, including ''dietary manipulation,'' ''environmental manipulation,'' ''sleep adjustment'' and ''isolation,'' all of which has been previously prohibited by U.S. law and explicit military policy. He did so despite strenuous objections from senior military lawyers, the FBI and others in the government. This policy is still in place.

By mid-2003, the military extended the Guantanamo rules to Iraq. In fact, in August 2003, the Pentagon sent the Guantanamo commander, Maj. Gen. Geoffrey Miller, to Abu Ghraib prison, reportedly with the instruction to ''Gitmo-ize'' the Iraqi prisons. The revelation of pictures from Abu Ghraib last spring tells part of that story.

But the story is much bigger—and more troubling—than what those photos depict. Consider this: Since December 2002, 108 people have died in U.S. custody, according to Pentagon figures. Of these deaths, no less than 28 were criminal homicides, the Defense Department acknowledges. The victims were tortured to death.

An official investigation into the cases of two young men who were beaten to death at a U.S.-run facility in Bagram, Afghanistan, revealed that more than two dozen soldiers were involved in these deaths. The interrogators, believe that they could deviate from the well-tested rules because, as one said, ''there was the Geneva Conventions for enemy prisoners of war, but nothing for terrorists.''

Despite its benefits, the prospect of Guantanamo being closed any time soon is unlikely. Last week, Vice President Dick Cheney said of the prison: ''What we're doing down there has, I think, been done perfectly appropriately.'' And yet, the vice president's assertion files in the face of leaked FBI and International Red Cross reports as well as comments by a former U.S. military translator who published his observations of detainee mistreatment and sexual humiliation.

What can be done when there is such a discrepancy between the facts and the official interpretation of them? In a democracy, the best way to deal with this is openness: Congress should authorize the creation of an independent, bipartisan commission to conduct a thorough investigation of U.S. detention and interrogation policies worldwide. This would allow the United States to assess what went wrong and why and to recommend corrective action.

Until Congress does this, Guantanamo and the other U.S. detention centers will continue to serve as the symbol of America's tarnished reputation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased and privileged to yield 4 minutes to the gentlewoman from California (Ms. HARMAN), the distinguished ranking member of the Permanent Select Committee on Intelligence.

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

Ms. HARMAN. Mr. Speaker, I commend the gentleman for yielding me this time and for his service both on the Rules Committee and on the Intelligence Committee, and I thank the gentleman from Florida (Mr. PUTNAM) as well for his comments earlier in this debate.

Mr. Speaker, I urge my colleagues to oppose the previous question so that we can have a debate on the Waxman amendment. Yesterday, we had an open rule for the Defense Appropriations Act which funds the intelligence community. I fail to see why we cannot have an open rule for the authorization bill for those same intelligence programs. I also think it is sad that the leadership scheduled consideration of this authorization bill after our vote on the appropriations bill. This makes little sense and erodes our ability to establish clear guidance for how money will be spent.

Mr. Speaker, this rule should have made in order all of the amendments

that were offered. Only 10 amendments were submitted to the Rules Committee. Of those, nine were offered by Democrats, and of those nine, only one was made in order. Each amendment was responsible. Each deserves full consideration on the House floor. Members on both sides of the aisle should have an opportunity to debate the important issues raised by these amendments, but as a result of this unnecessarily restrictive rule, neither Republicans nor Democrats will have that opportunity.

Mr. Speaker, I want to highlight one amendment that the Rules Committee will not let us debate, the Waxman amendment to establish an independent commission on detainee issues. Detentions and interrogations are vital tools. We need those tools. But they must take place according to our laws and our values. To do anything less puts our own troops in harm's way and erodes our moral credibility in the world.

Today, our intelligence professionals operate in what I call a ''fog of law,'' a confusing patchwork of laws, treaties, memos and policies. The Intelligence Committee's oversight subcommittee is conducting a serious bipartisan investigation into the practice of renditions and interrogations under the able leadership of the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Alabama (Mr. CRAMER). But this investigation is largely classified. We also need a public unclassified investigation so that the public can have confidence that our Constitution and our laws are respected. A public bipartisan investigation will help us learn precisely what happened, who should be accountable at senior as well as operational levels, and how to fix the problems.

□ 1315

Mr. Speaker, I will enter into the RECORD an op-ed from the June 7 Washington Post by civil rights attorney Floyd Abrams, former Representative Bob Barr, and Ambassador Tom Pickering, which called for the creation of an independent commission. They wrote: ''Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world.''

I agree. Shutting off the lights at Guantanamo will not solve the problem. Only Congress can solve the problem by addressing the policies underlying Guantanamo. Article I, section 8 of the Constitution states that it is Congress's responsibility to make rules concerning captures on land and water, and that is why, in addition to calling for this independent commission, I believe we need bipartisan legislation. The safety of our troops and our moral credibility in the world are on the line.

I urge my colleagues to oppose this restrictive rule and the previous question.

The material previously referred to is as follows:

[From the Washington Post, June 7, 2005]

JUSTICE BEFORE POLITICS

(By Floyd Abrams, Bob Barr and Thomas Pickering)

After the attacks of Sept. 11, 2001, came widespread shock and horror—and some tough questions. Could the United States have prevented this catastrophe? What corrective action might we take to protect ourselves from other terrorist attacks?

After political struggles and initial resistance by many political leaders, Congress and the president created the Sept. 11 commission in 2002. This bipartisan group of 10 prominent Americans was charged with conducting an independent and complete investigation of the terrorist attacks of Sept. 11 and with providing recommendations for preventing such disasters. In July 2004 the commission released its report, and in December Congress passed legislation to implement many of its recommendations.

In the spring of 2004, the scandal involving the abuse of prisoners at Abu Ghraib became public. Additional allegations of abuse surfaced in connection with prisoners detained by the United States at Guantanamo Bay, Cuba, and elsewhere. Many Americans asked themselves the same painful questions about these allegations: How could such terrible actions have taken place? Who was responsible? What reforms might we implement to prevent such problems? Once again, a year later, these questions remain unanswered.

We believe that the American public deserves answers. We are members of the bipartisan Liberty and Security Initiative of the Constitution Project, which is based at Georgetown University's Public Policy Institute. We have joined with other members of the initiative—Republicans and Democrats, liberals and conservatives—to call for the establishment of an independent bipartisan commission to investigate the issue of abuse of terrorist suspects. We urge Congress and the president to immediately create such a commission and to use the Sept. 11 commission as a model.

No investigation completed to date has included recommendations on how mistreatment at detention facilities might be avoided. Even the Pentagon's much-heralded report by Vice Adm. Albert T. Church, completed in March, concluded only that there were ''missed opportunities in the policy development process'' and that these opportunities ''should be considered in the development of future interrogation policies.''

Establishing an independent, bipartisan commission would also be beneficial for U.S. relationships abroad. The abuse of terrorist suspects in U.S. custody has undermined the United States' position in the world. This is a time when we should be making extra efforts to reach out to Muslims and to ask them to work with us in the war against terrorism. Instead, our failure to undertake a thorough and credible investigation has created severe resentment of the United States.

An independent bipartisan investigation can generate widespread acceptance and support for its findings. Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world.

We must move beyond the partisan battles of our highly charged political climate. To provide a credible investigation and a plan for corrective action, and to show the world that the United States takes seriously its obligations to uphold the rule of law, we urge Congress and the president to establish a commission to investigate abuse of terrorist suspects.

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

Mr. Speaker, I appreciate the words of the gentlewoman from California (Ms. HARMAN) and the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Florida (Mr. HASTINGS) as it relates to these issues. It reflects a legitimate disagreement over the direction that this investigation should take, whether it should be based in the legislative branch or based in the executive branch or some combination, which has been the history.

In fact, here in our own Congress, the Senate has had eight hearings on detainee abuse, and three on Abu Ghraib specifically. General Myers, the chairman of the Joint Chiefs; the Chief of Staff of the Army; the Secretary of Defense; and the Acting Secretary of the Army have all conducted independent reviews. There are 12 other Department of Defense reviews that have occurred, and the House Committee on Armed Services in this body has held three hearings and numerous briefings.

The legislative branch has been diligent in their oversight responsibility. And I appreciate that there are differences on this, but I particularly appreciate the way that my colleagues on the other side of the aisle have handled this. Unlike in the Senate where the detainee abuse was equated with the regime of Pol Pot and Hitler and Stalin, there is a measured approach to disagreement in this Chamber, and I think that that is the responsible approach, unlike the direction that the Senate has gone. To equate Guantanamo Bay with regimes that murdered millions of people is absurd, and it is dangerous, and it gives aid and comfort to the enemy.

As the chairman of the Committee on Armed Services in this body pointed out, detainees in Guantanamo are provided their own prayer rugs. If that were done in the public school system, it would be against the law. They are called to prayer five times a day. If that were done on the average high school intercom system, it would be a violation of the law. They are fed three nutritious meals per day at an average of $12 per detainee per day. If we multiplied what we spend on the school lunch program times three meals, they would be receiving less than a detainee in Guantanamo Bay.

And because of the ongoing judicial review that our government is engaged in with those detainees, at the end of that process, 234 detainees so far have been released from Guantanamo. And to show their great gratitude, at least a dozen of them have been identified as returning to the fight against American servicemen and -women.

I think that it is important that we keep those facts in mind, as well, as we move through this debate.

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

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

Before yielding to the gentleman from California (Mr. WAXMAN), I would

just say to my friend from Florida that this judicial review that he talks about evidently is going to take place forever.

It is not about food, Mr. Speaker. The detainees are properly fed. But they cannot see their relatives. Most of them cannot see a lawyer, and most of them have not been told what they are charged with. When I say it is Kafkaesque, Franz Kafka wrote the book ''The Trial'' that said how horrible it was to be in a situation where one does not know their accusers, they do not know what they are charged with, and they are convicted of something in sitting there. We cannot do that in this country. It is not about food. It is about rights. It is about human rights and dignity.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, it has been over a year since we saw the horrific photographs of the torture of the prisoners in Abu Ghraib prison in Iraq. Yet in Congress, we have ignored our fundamental responsibility to investigate this issue. And it is not just Abu Ghraib, but other prison camps as well where we are hearing more and more reports of instances of disrespect of the Koran and denial of human rights to detainees.

Under our system of checks and balances, the House of Representatives has a constitutional duty to ensure proper oversight of the executive branch, and for this reason I submitted an amendment to this bill to create either a select committee of the House of Representatives to examine the matter or an independent commission to conduct such an investigation. But the Republican leadership blocked both amendments. They do not want an investigation inside the House or outside by an independent group. The independent commission, I believe, would have filled this huge oversight vacuum. It was denied, and that is why I am in opposition to the previous question on the rule and the rule itself.

The reports of detainee abuse are undermining one of our Nation's most valuable assets, our reputation and respect for human rights. And they are endangering our Armed Forces and inciting hatred against the United States. As Senator BIDEN said, Guantanamo is the ''greatest propaganda tool for the recruitment of terrorists worldwide.''

Some of the allegations that have been replayed over and over again around the world may not be true. President Bush calls them ''absurd.'' But we will not know what is true and what is not true unless we investigate. And when we refuse to conduct thorough, independent investigations, the rest of the world thinks we have something to hide. When we ignore our constitutional obligations, we are not doing the administration any favor. A lack of oversight leads to a lack of accountability, and no accountability breeds arrogance and abuse of power.

Over the past year, more and more instances of detainee abuse from a growing number of locations around the world have come to light. In just the past few weeks, new evidence emerged of the desecration of the Koran at Guantanamo Bay; the involvement of Navy Seals in beating detainees in Iraq; and the gruesome, ultimately fatal torture of Afghans at the U.S. detention center at Bagram Airbase in Afghanistan. It is time for this House to put aside political calculations and fulfill our constitutional oversight responsibilities.

Let me just point out to my colleagues that we have not had an investigation since Abu Ghraib. The House held only 5 hours of public hearings in the Committee on Armed Services to investigate the abuses. In contrast, the House spent 140 hours taking witness testimony to examine whether President Clinton mishandled his Christmas card list. What is more important for the use of oversight and investigative powers of the House?

While the Senate review has been more extensive, it has not involved comprehensive public review of all relevant agencies and personnel, nor has it produced comprehensive conclusions regarding individual accountability and necessary corrective actions.

We must do our job. We need to examine these allegations and take our oversight responsibilities seriously. I urge a ''no'' vote on the rule.

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

Unquestionably, Congress's responsibility to properly oversee the activities of the entire Federal Government is preeminent, and that is why I am proud that, under the leadership of the gentleman from California (Chairman HUNTER), they have had hearings. In the Senate they have had hearings. And today, as we speak, the House Permanent Select Committee on Intelligence also has an oversight subcommittee devoted to investigating all of these issues.

Mr. Speaker, to elaborate on that, I yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished chairman of that committee.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of the rule. And before I move on to address some of the discussion that has been on the floor today, let me talk about some of the issues in the rule; and I think later on we will have an opportunity to talk about what may be unusual in this bill.

But as my colleagues on the other side today may try to destroy, we have developed a bill that will set a direction for the intelligence community and we have done it in a bipartisan way. We have checked the issues as to whether the bill is sufficient in terms of the resources to have an effective intelligence community. We have made important decisions as to the relative balance between HUMINT and our technical capabilities. We have made important decisions about the direction of our technical capabilities, and we have done it on a bipartisan basis.

This bill came out of committee with a voice vote. It shows the continued commitment of the House to support the global war on terrorism and our troops deployed abroad. We attempted this year to keep ancillary issues out of the bill, to focus the full attention of the committee on careful oversight and review of our Nation's intelligence programs. Our goal was to properly align the resources of those programs to counter the threats facing our Nation. I appreciate the efforts of the Committee on Rules to keep floor debate similarly focused on the programs that are authorized in the bill and related issues.

Again, we are setting a strategic direction for where we think the intelligence community needs to go. There will be some changes that were made as a result of the rule that we will vote on in the next few minutes, and these again were an attempt to make sure that there was not confusion about what direction we wanted to go in, what we wanted to get done, and make sure that the underlying direction for the reform of the intelligence community was the bill that was signed into law by the President last December.

I will say that I agree with some of my colleagues on the other side. My ranking member said it is the responsibility of Congress to do its work. Congress will do its work. We have been doing our work. We have had a bipartisan, constructive effort, led by the gentleman from Texas (Mr. THORNBERRY) and the gentleman from Alabama (Mr. CRAMER), to take a look at the allegations that are out there. We have been investigating these issues.

My colleague here says we have not been doing any work. My colleague has not done the basics. He maybe could have asked, has the Permanent Select Committee on Intelligence on the House side done anything to take a look at the alleged allegations or the abuses at Guantanamo, the intelligence community's relationships to Abu Ghraib? I think my ranking member on the other side has said that we have had a constructive, bipartisan effort to take a look at the allegations, to take a look at the role of the intelligence community, and to take a look at how we move forward on these types of things. But sometimes people do not even want to raise the basic questions and get the basic information that they need.

These are serious issues. The information that the folks may have in Guantanamo may save American lives. It will make our war on terror more effective.

Should these allegations be investigated? Absolutely. Are they being investigated? Absolutely. And members

on the Permanent Select Committee on Intelligence know that that work has been going on, and it has been going on in a very constructive and a very effective method.

□ 1330

I look forward to passing this bill today. I look forward to this committee continuing the work that Congress has asked it to do, and us going back and doing it in an effective way, to make sure that we will have an effective intelligence community. It is time to stop bashing our troops and our intelligence community. These people put their lives on the line every day. It is time to show them some support.

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

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am pleased to yield 2 minutes to my friend and classmate, the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise to oppose this restrictive rule for not making in order the Waxman amendment to provide for an investigation by a bipartisan, independent commission of the detainee abuses alleged at Abu Ghraib, Guantanamo Bay, and other sites.

Let me say at the outset that the men and women in our armed services ought to be praised for their selfless sacrifices. They deserve not to have their names and their good works associated with the torture and abuse that has been alleged in newspapers and other reports. That is why it is so important to have a complete and full investigation and to receive assurances that torture and abuse are not standard operating procedure in our armed forces, even if torture was authorized by Secretary Rumsfeld and Attorney General Gonzales. It is not authorized by Congress or by the American people who ultimately get to have the final say.

It also bothers me that these detainees do not have any way of asserting their innocence. The President says they are all terrorists, but what if some of them were cases of mistaken identity? What if some of them had nothing to do with terrorism? What if they have a similar name or a similar appearance, but are indeed factually innocent of all charges?

It seems to me that if the government is so sure that everyone we are holding is a terrorist, there should be no trouble convincing a court, a judge, or a military court. That would be preferable to having the government assert that all of these people are terrorists, just trust us. We cannot allow that type of abuse of power to continue in our name.

This assertion of the right to hold people forever, with no specific evidence and no due process, has not been asserted in an English-speaking country since before Magna Carta, 800 years ago, until this President had the nerve to besmirch the good name of the United States by making such an assertion. This is not how America became the Shining City on a Hill so admired by people the world over.

No executive should be permitted the power to lock people up forever without ever having to prove their guilt. That is a power that I would trust to no man, no king, no dictator, and no President.

Let me say one other thing. Torture and abuse of prisoners is not just a shameful violation of human rights, it does not work. People under torture will say anything. Intelligence professionals know better than to believe or to rely on information extracted under torture. Torture and abuse of detainees is wrong for so many reasons. It is a horrendous practice, it produces nothing but shame and more enemies for the United States, and anger from the rest of the world.

We need to aggressively investigate these abuses and put safeguards and policies into place to prevent them from ever happening again.

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

Perhaps we should remind the gentleman of some of the 545 people who are being detained in Guantanamo; 545, by the way, is fewer people than are in my county's jail on a Saturday night.

But of those 545 people who killed innocent women and children, they included a detainee named Katani who was stopped before he could board one of the planes used to strike the World Trade Center and the Pentagon, or taking care of Osama bin Laden's body guards, other members of al Qaeda and other terrorist networks and members of the Taliban. These are not your average, run-of-the-mill pick-pockets and thieves. They are hardened terrorists who have pledged everything to destroy American service men and women, to come into our homeland and wreak havoc and cause mayhem and cause death and destruction within these borders of the United States of America. They are being monitored. They are under ongoing judicial review. The eyes of the world, as this debate has evidenced, are on Guantanamo.

These are individuals who represent the very worst in our global society who would do anything to bring us harm. Yet we seem to lose all of that perspective in this very dramatic, theatrical debate that began in the Senate when there was an equation of Guantanamo with the regimes of Stalin and Hitler and Pol Pot which resulted in the torture and mutilation and death of millions of human beings. And for this similar equation to be made on the House floor that we, in our activities in Guantanamo, are even remotely close to those regimes is out of bounds.

There have been numerous Department of Defense investigations into detainee abuse, numerous House Committee on Armed Services hearings on detainee abuse, Senate committee hearings on detainee abuse, and ongoing Intelligence subcommittee reviews of what is going on there.

It is important that we step back and understand that this is an intelligence authorization bill that gives our men and women the tools they need to fight people around the world that we would not invite over for dinner; people who would do everything in their power to bring down our society, our form of government, our cloak of safety. Let us keep those things in mind when we go forward with this debate about Guantanamo and Abu Ghraib.

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

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

Just one thing for my friend from Florida: Charge it and prove it. That is all. This is a great Nation. We can charge those folks with a crime, and we can prove that they did what the gentleman said.

Mr. Speaker, I am pleased at this point to yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this rule.

We have been led to believe that the use of torture in Iraq, Afghanistan, and Guantanamo Bay, Cuba were isolated incidents; that murder, sexual assault, and physical abuse were the work of a few low-ranking guards who are now being brought to justice.

The new evidence indicates we have been misled.

Recent news accounts have detailed the deaths of two detainees in 2002 at the Bagram Collection Point in Afghanistan during interrogation by military intelligence. One man was hung by his arms in his jail cell for days and beaten so severely in the legs that he died, even though, as the newspapers reported, soldiers involved in the detention believed that the man was innocent.

Despite being ruled homicide by the coroners, the deaths were described by a military spokesman as resulting from natural causes. In the meantime, the officer was promoted and placed in charge of interrogations in Iraq's Abu Ghraib Prison.

But this story is not about low-ranking soldiers who independently ran afoul of the system; it is not a matter of a few bad apples. It is one tale in what is emerging to be a pattern of systematic abuse carried out with the knowledge and approval of senior military and civilian officials.

How do we know that the Defense Department and senior military commanders knew what was going on? Because their own documents say so. Their own documents show that the general in charge of our troops in Afghanistan knew that unapproved techniques were being used in those interrogatories. So what did he do? He made

a list of these techniques and sent them to the Joint Chiefs of Staff, who were looking for ways to alter interrogations in Guantanamo Bay.

In fact, the only time the general in charge of U.S. forces in Afghanistan seems to have issued any written policy is when he recommended that the Geneva Convention techniques be removed for everyone, regardless of whether or not they were tied to al Qaeda or the Taliban.

So let me sum it up. Advanced torture techniques were developed and used in Afghanistan and resulted in the deaths of multiple detainees. The deaths were covered up and the investigations were stalled. The techniques were shared with the interrogators at Guantanamo Bay and then spread to Iraq where the same people responsible for the deaths in Afghanistan were put in charge of the Abu Ghraib prison.

From Afghanistan to Guantanamo to Abu Ghraib, torture, lies, and coverup. This is not an accident, this is a pattern of abuse.

I want to enter into the RECORD an editorial from my hometown paper on this.

That is why I join my colleagues in calling for the creation of an independent commission on detainee abuse. The leadership in the House and, more specifically, the chairman of the Committee on Armed Services have proven both negligent and incapable of dealing with this issue as they have looked the other way and led the country to continue to believe that this is only a few bad apples, a few malcontents that went about it the wrong way when, in fact, the evidence from our own Defense Department tells us differently and has irreparably damaged the reputation of the United States, and has cast doubt on our foreign policy, and it is a new recruitment tool, as so many have commented, both in the intelligence community and in the Congress, that raises the likelihood that U.S. troops captured by enemy combatants or terrorists will be killed or tortured. It gives the radical opponents of the United States and the insurgents the fuel to feed the insurgency against U.S. soldiers and the new Iraqi Government.

The failure of this administration, which so often demands accountability of others to deal with this issue in an honest and forthright fashion, undermines our ability to implement the strategy for success in Iraq and Afghanistan and tears down our forces.

SUSPICIOUS TREATMENT

First, there were the sickening photos smuggled out of Abu Ghraib prison a year ago that shocked the world and fueled anti-American sentiment throughout the Middle East. Then, there were allegations from prisoners recently freed from Guantanamo Bay that U.S. military guards had beaten false confessions out of them and desecrated the Quran. Then. earlier this month, the New York Times reported that military interrogators at a U.S. prison in Afghanistan had killed detainees during questioning, then tried to cover up the cause of death. The interrogators didn't believe one of the men was involved in terrorism, but had beaten him to death—allegedly by accident—anyway.

Now, Amnesty International U.S.A. has released a scathing report calling the U.S. Navy Base at Guantanamo Bay, Cuba, ''the gulag of our times.'' The report's authors accuse Defense Secretary Donald Rumsfeld, Attorney General Alberto Gonzales and other top U.S. officials of being ''architects of torture.''

The human rights watchdog organization called on foreign governments to use international law to investigate U.S. officials for their abuse of detainees accused of having terrorist ties.

Meanwhile, the Associated Press has obtained 1,000 pages of U.S. government tribunal transcripts under a Freedom of Information Act lawsuit that offers chilling, firsthand accounts of alleged prisoner abuse. In one case, a Guantanamo Bay prisoner told a military panel that American soldiers had beaten him so badly, he now wets his pants.

Vice President Dick Cheney insists that the prisoners are ''peddling lies'' and that the Guantanamo detainees have been ''well-treated, treated humanely and decently.'' President Bush blasted the Amnesty report Tuesday, calling it ''absurd.''

Yet, It is quite unsettling that prisoners in Guantanamo, Afghanistan and Iraq have told strikingly similar stories.

Bush administration officials' unapologetic defense of military conduct at Guantanamo and other U.S. military prisons—in the face of mounting evidence of serious problems—is symptomatic of its increasingly familiar refusal to acknowledge mistakes and take responsibility. This arrogant stonewalling must not be allowed, especially when so much is at stake.

The well-publicized mistreatment of Muslim detainees at U.S.-run military prisons has severely damaged the United States' reputation abroad. It is the height of hypocrisy to talk of spreading democracy while our government tramples all over individual civil liberties. In the United States, a person is innocent until proven guilty, yet Muslim detainees are essentially guilty until proven innocent. Nearly 600 people have been held without charges. Up until a year ago, they could not even challenge their detentions in U.S. courts. The U.S. government had argued that as foreigners on foreign soil, they had no legal recourse, which is absurd as well as un-American.

It is high time that President Bush and Congress appoint a bipartisan panel to investigate the allegations of abuse of terrorist suspects. People on both sides of the ideological spectrum have called for such a commission, ranging from conservative former U.S. Rep. Bob Barr, R-Ga., to the Center for American Progress on the left.

If, as Rumsfeld claims, released detainees are a bunch of liars, the administration has nothing to hide.

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

Perhaps the gentleman, out of his concern for torture, would read into the RECORD the similar treatments, the abuse, the torture, the behavior shown Jessica Lynch. Perhaps the gentleman would also read into the RECORD the actions of the gentlemen who boarded American airplanes and crashed them into the World Trade Center and the Pentagon. Perhaps, out of his sense of concern about torture, he would enter into the RECORD transcripts and videos of the beheadings that have been taking place in Iraq. Perhaps the gentleman, out of his sense of concern about torture, would cover those bad apples, those bad actors, and the actions that are being taken against them.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA).

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

I rise in opposition to any further investigation of either what is taking place at Guantanamo Bay with our detainees or further investigation of Abu Ghraib.

I want to speak about Guantanamo first, because I heard some of the reports when we first brought detainees there, and I went down and visited. I walked among the prisoners, I saw the housing, I saw how they were treated. I was asked what I thought when I saw the whole thing, and I want to use my quote here on the floor. I said, ''I thought it was too good for the bastards.''

I stand here today appalled at my colleagues who, in fact, are concerned about the rights of mass murderers. And that is exactly what we have here. We have international mass murderers, enemy combatants. They had no consideration, in support of a regime, the al Qaeda regime and Osama bin Laden, who slaughtered thousands of people on our soil, and many of whom were both Americans and internationals.

What right did they respect of Barbara Olson, who worked for our Committee on Government Reform, whose plane crashed into the Pentagon that morning? And I remember Barbara. What right did they respect of Neal Levin, who I met with at the World Trade Centers, who was trapped, along with everyone who helped me and our Subcommittee on Aviation, who were all murdered on the morning of September 11 when they were in the Windows on the World restaurant? What right did they defend of those people?

How quickly we forget September 11. I am reading the book ''102 Minutes.'' I wish everyone would read it, about the thousands of people who were left trapped in the World Trade Center. What rights did these people who supported that activity exercise?

Abu Ghraib, if I hear one more thing about that and the actions of our military folks; someone described ''horrific torture.'' I saw worse things at fraternity houses in college than what our troops were involved in. And to continue the harassment.

The gentlewoman from Florida (Ms. ROS-LEHTINEN) brought into the Committee on International Relations two prisoners; one, I recall, was from Abu Ghraib. I did not see anyone from the other side there, I did not see anyone from the press there when they described their treatment under Saddam Hussein. Do my colleagues know how he dealt with overcrowding? He took them out and slaughtered them. I did not see anyone from the other side concerned about the rights of those prisoners.

One gentleman told us how he was taken from Abu Ghraib Prison; well, he described not only the beheadings, but the limb amputations, the pulling out of tongues, the electrical shocks. How dare anyone from the House or the other body compare the treatment our troops afforded this scum of the earth?

What about an investigation of the 300,000 mass graves that our troops have uncovered and the treatment that those people received.

Finally, again, that one prisoner, and no one here bothered on the other side to even attend the meeting with the prisoners to hear how Saddam Hussein treated them. He described how he was taken out, he and others, and they were all shot, and the bulldozer pushed over dirt on them; he was shot five times, and only managed to crawl away and somehow survive to tell how the other side truly tortures.

□ 1345

Mr. HASTINGS of Florida. I am convinced of some things: some of my colleagues just do not get it when it comes to human rights.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise to oppose the rule with a very simple question: What is the House Republican leadership afraid of? We say we want to promote democracy around the world. We say we want to set a good example to others, and yet the House leadership seeks to block a vote today. That is what this argument is about, a vote today on the Waxman amendment, which would simply create an independent, bipartisan commission to investigate abuses at Abu Ghraib, Guantanamo Bay, and other places around the world.

Unfortunately, the only example we seem to be setting these days is the example of the ostrich, to bury our heads in the sand, to ignore the facts, to ignore the truth.

The Bush administration and my colleagues on the other side of the aisle say that the reports of human rights abuses at these facilities have been greatly exaggerated. Then what are they afraid of? The chairman of the Intelligence Committee just says these are serious issues. They are serious issues.

We do not want quarter-truths; we do not want half-truths. Let us get at the full truth, the good, the bad and the ugly. People around the world look to the United States, not just for the statements we make, but for the actions we take. And Americans have been shocked at the reports of abuses because they know these actions do not reflect our values, and that is what this is about, our values.

And they do not represent us as a people. The United States throughout its history has been a great beacon of human rights. And very sadly, that beacon has been dimmed by the abuses that have been taking place. And the best way to reclaim our credibility on this issue is to squarely face the facts and those abuses.

We must lead by our example. We must show we will not run from the truth even when it is unpleasant. Only by confronting the truth can we learn from our mistakes. Only by examining our own conduct can we credibly talk about the misconduct of others. Let us show the world that a strong, competent Nation does not run from or hide from the truth. Let us once again lead by example.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY), the seeker of that truth, the chairman of the oversight subcommittee tasked with looking into alleged abuse.

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman from Florida for yielding and commend him on the handling of this rule, but also in helping us put this whole issue into greater context.

Because, Mr. Speaker, I think it is important for us to remind ourselves that this bill contains a number of things which try to help defend the country, try to help keep us all safer, try to prevent gross inhumane acts of slaughter by the terrorists, which we know they are intent upon committing.

And so I think it is important as we focus down on some of these specific issues, and we should talk about them, to keep the larger context in mind. The gentleman from Florida has helped to do that. In a little bit, I want to talk in greater length about the oversight subcommittee, because I think it is important to say that the chairman of the Intelligence Committee and the ranking member of the Intelligence Committee, at the beginning of this Congress, decided to create a special oversight subcommittee of the House Intelligence Committee.

And our charge is to focus at greater depth and with greater persistency on some of the key intelligence issues which we face. And we take that job very seriously. And I think we can do the job very seriously, in part because we usually do not do our job in front of the cameras. We do not do our job for partisanship.

We do not come out on the floor, in press conferences or in other places, and try to bash the administration or to protect the administration. We try to be tough, but fair. And that is the way that real oversight, particularly in the area of national security, ought to be done, rather than posturing and other things that we have seen from time to time. The problem is the work you do in the Intelligence Committee cannot be talked about openly. And so there is very little one can say about the specifics.

But just because we cannot come and detail all of our activities and some of what we found and what more we have to do, one should never take that to mean that there is not serious oversight and investigation ongoing, because there is.

And, in fact, Mr. Speaker, I believe that worldwide terrorism presents a number of challenges to us. It is absolutely true, as many of the speakers have said, that we must maintain our American values, and at the same time try to prevent acts of terrorism.

Our problem is, when we just focus on one part of that equation, when we forget that the purpose here is to prevent acts of terrorism, then I think we become unbalanced, our rhetoric becomes more sensational, and unfortunately I think the American people do not benefit from such talk.

I can only say that with my partner, the gentleman from Alabama (Mr. CRAMER), and other members of the subcommittee, with our bipartisan staff, we take our job very seriously. And we will pursue that investigation very seriously. And we will try to make sure that American values are maintained, and at the same time our troops, our homeland security folks, our policemen and others, have the information they need to keep us safe. We will keep both goals in mind.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman for his leadership and for yielding me this time.

Mr. Speaker, I rise to engage today in a colloquy with the gentlewoman from California (Ms. HARMAN), our ranking member of the Permanent Select Committee on Intelligence. And let me first thank the gentlewoman for her consistent leadership on so many national security issues.

Let me just say briefly that I appreciate this opportunity to discuss an issue very briefly that is of critical importance, that is, making sure that the United States Government is not involved in violating the will of any people anywhere in the world which duly elects a government through democratic means.

In 1982, Congress passed the Boland amendment, which prohibited the Federal Government from using taxpayer dollars for the purpose of overthrowing the Government of Nicaragua. I offered an amendment to this intelligence authorization bill that broadens this concept to ensure that our Federal intelligence dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments. Unfortunately it was not made in order.

In an ideal world, we would not specifically stipulate this, but events in Haiti and more recently in Venezuela have led me to wonder whether we need to codify this straightforward, nonpartisan position. So I think that we must do all we can not only to support

the spirit of democracy throughout the world, but also to ensure that it is allowed to flourish and to grow.

I would like to ask the gentlewoman from California (Ms. HARMAN) if she has any thought about how we need to move forward, basically because I believe again, as I said earlier, that such actions fly in the face of our own democratic principles.

Ms. HARMAN. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding.

I thank the gentlewoman for raising this issue. I want to assure her that I understand and support the general principle she has raised, and I believe that we should be mindful of that issue.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for her comments and her attention to this issue. I look forward to working with her.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, one of the previous speakers said we just do not get it. To him I would say, and to others, yes, we do get it.

I came back to this body after 9/11 precisely because of the attack on Americans and the loss of three people that I knew personally. I came back here with the idea that we needed to fight for America and defend ourselves and not tear up the Constitution in the process.

The suggestion made by some that we are engaged in wide-scale torture, that we are somehow morally equivalent with others is absolutely absurd. The proper way for us to respond to allegations is to do what the Congress is supposed to do, and what the gentleman from Texas (Mr. THORNBERRY) said we are about, which is the proper congressional oversight, not mock hearings like we had last week, not setting up independent commissions, not politicizing this, but doing it in the way the Constitution requires us to do it.

If there is any problem, it is with the Congress not doing proper oversight. We have the commitment from the committees and the subcommittees to do it. Let us rise above partisanship. Let us do the right thing, and let us get rid of this nonsense of a moral equivalency between the United States and some of those terrible regimes around the world. It is not worthy of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to this restrictive rule.

The gentleman from California (Mr. WAXMAN) offered a reasonable amendment, which was rejected by the Rules Committee, that would have put the House on record in support of a bipartisan, independent investigation into detainee abuse at Abu Ghraib prison in Iraq and the facility at Guantanamo Bay.

Because there are known cases of abuse, and there are more questions than answers about the extent of abuse on people held by or for the United States, we need to shine a very bright light on detainee treatment. Only when we know the full scale of the problem will we be able to stop, prevent, and correct any wrongs that have been done in our country's name.

And if it is true, as Vice President CHENEY says, that the prisoners are peddling lies, then let us investigate prisoner treatment so that we have evidence and not just assertions. The United States should be the standard bearer of democracy, freedom and human rights throughout the world. However, it has been over a year since the story broke about prisoner abuse at Abu Ghraib, and we have yet to conduct a through independent investigation.

Opening the door to an independent investigation would be a major step toward returning our country's standing as a moral leader. And to those who would try to justify what we do by saying, well, it is not as bad as those unspeakable beheadings or other things, well, I should certainly hope not, because we are not like them. We are better than them. We are the United States of America.

And now, those who call on our country to uphold the rule of law and who reject becoming debased ourselves by conducting torture, they become the object of relentless criticism. Those patriots who want to stand up to our values and our belief in the rule of law, we are a proud and a great Nation blessed with immense freedom and with military personnel who proudly defend us. We should not fear the truth; we should demand it with an independent investigation.

Mr. PUTNAM. Mr. Speaker, the gentlewoman is absolutely right when she says we are better than them. She is absolutely right when she says we are not equal to them. I hope she shares that thought with the senior Senator from Illinois.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I have listened to this debate with interest. And I rise in support of the rule and in support of a realistic foreign policy that some in this Chamber apparently misunderstand.

The actions of September 11, 2001, were not criminal acts; they were acts of war against this Nation.

□ 1400

One of the fundamental problems when you separate all the venom and vitriol that we have heard in this debate and certainly from someone in the other body who compared American fighting men and women to the Soviets with their gulags and the Third Reich and Pol Pot's regime in Cambodia, one of the fundamental problems seems to be the willingness of many to equate this with some sort of law enforcement problem. It is not.

And to those who are expending such efforts and such rhetoric on behalf of the alleged rights of enemies of this country, let me remind you that the Constitution's first three words are "We the people," not "they the terrorists," or "they the insurgents," or "they the accused."

In wartime the Constitution is a mechanism for the survival of the Republic. And as Mr. Justice Jackson pointed out years ago, the Constitution is not a suicide pact. This need not be a partisan controversy. One look only so far as the History Channel as columnist Thomas Sowell pointed out 2 weeks ago. Do you know what happened at World War II to unfortunate combatants; that is, those without representing a nation state or wearing the uniform or insignia of a military nation or state during World War II?

When those unlawful combatants were apprehended, they were lined up and shot. The Commander in Chief at that time was Franklin Delano Roosevelt. That was in adherence with the Geneva Convention.

We are in a war where people behead Americans. It would be nice to see one-tenth of the passion on behalf of American citizens that we see for the terrorists and their alleged rights. Vote in favor of the rule.

Mr. PUTNAM. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FLAKE). The gentleman from Florida (Mr. PUTNAM) has 2 minutes remaining. The gentleman from Florida (Mr. HASTINGS) has 1½ minutes remaining.

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

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I want to take a second to speak to my friend from Florida (Mr. HASTINGS), and he is my friend, but I think he is wrong when he says human rights issues are something that we just do not get.

Well, that is wrong. I think we do get it. I think it is fairly clear to the Members of this body, it is fairly clear to the people of this country, that many of you Democrats are very interested in human rights of the prisoners down in Guantanamo Bay, people who would kill your children, who would kill your families and destroy your homes. And we are interested in getting information in a reasonable manner from prisoners or terrorists in order to save the lives of American people, to save the lives of our military.

So it is a simple matter. It comes down to whose side are you really on?

Are you on the side of the terrorists so you can be against President Bush, or are you on the side of the American people and the American families?

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

Mr. Speaker, I answer the gentleman from Georgia (Mr. NORWOOD), I am on the side of the American people and I am on the side of the rights that I believe are principles inherent in our United States Constitution and throughout the United States Constitution.

I do not have time to yield to the gentleman, otherwise I would.

Make no mistake about it, most of us feel as strongly as most of you do, and I do not think that anybody here ought question our patriotism.

This Nation is the greatest Nation on this Earth, and we do not have to have anything to fear. We do not have to have any worry about trying people who harm this Nation.

Mr. Speaker, I will be asking Members to oppose the previous question. If the previous question is defeated, I will modify this rule so we can consider the amendment by the gentleman from California (Mr. WAXMAN) that was rejected in the Committee on Rules last night.

Mr. Speaker, I ask unanimous consent to insert the text of this amendment immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Waxman amendment has been explained. It would establish an independent commission, similar to the 9/11 Commission, to conduct an extensive, bipartisan, and thorough investigation into the multiple accounts of prisoner abuse that have occurred in Iraq, Afghanistan, and Guantanamo.

Mr. Speaker, it has been well over a year since the shocking and humiliating photographs of prisoner abuse at Abu Ghraib first became public. I doubt there is any Member of this Chamber who was not appalled at that disgraceful act. Yet, in spite of these events, the House has done very little of substance.

Mr. Speaker, if you allow me to conclude by saying, a ''no'' vote will allow Members to vote on the Waxman amendment, so we can take immediate steps to fully investigate these very disturbing incidents of prisoner mistreatment.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a vibrant, robust debate and a good solid beginning of the undeniable debate that will follow on the underlying bill.

In case you missed it from the debate over the rule, there is a lot more to this rule than just Abu Ghraib and Guantanamo. This is an important rule that allows us to consider the intelligence authorization bill that gives our men and women around the world the tools and skill and support they need to win the war against terrorism on our behalf, important new assets in terms of technical capabilities, and a tremendous investment in the most important piece that we have in intelligence, which is those hardworking men and women who were called to public service.

This is a fair rule. It allows for a great deal more consideration of these issues that we have already begun to discuss in terms of detainees and the role of American intelligence in our society and the tools that they need around the world. I encourage everyone to support it and to support the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 331—RULE FOR H.R. 2475 INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

''In the resolution strike ''and (3)'' and insert the following:

''(3) the amendment printed in Section 2 of this resolution if offered by Representative Waxman of California or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall not be subject to amendment, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (4)

SEC. 2. The amendment by Representative Waxman referred to in Section 1 is as follows:

AMENDMENT TO H.R. 2475, AS REPORTED OFFERED BY MR. WAXMAN OF CALIFORNIA

At the end, add the following new title:

TITLE V—ESTABLISHMENT OF INDEPENDENT COMMISSION TO INVESTIGATE DETAINEE ABUSES

SEC. 501. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on the Investigation of Detainee Abuses (in this title referred to as the ''Commission'').

SEC. 502. DUTIES.

(a) INVESTIGATION.—The Commission shall conduct a full and complete investigation of the abuses of detainees in connection with intelligence and intelligence-related activities of Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, including but not limited to the following:

(1) The extent of the abuses.

(2) Why the abuses occurred.

(3) Who is responsible for the abuses.

(4) Whether any particular Department of Defense, Department of State, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abuses.

(5) What policies, procedures, or mechanisms failed to prevent the abuses.

(6) What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

(7) The extent, if any, to which Guantanamo Detention Center policies influenced policies at the Abu Ghraib prison and other detention centers in and outside Iraq.

(b) ASSESSMENT, ANALYSIS, AND EVALUATION.—During the course of its investigation under subsection (a), the Commission shall assess, analyze, and evaluate relevant persons, policies, procedures, reports, and events, including but not limited to the following:

(1) The Military Chain of Command.

(2) The National Security Council.

(3) The Department of Justice.

(4) The Department of State.

(5) The Office of the White House Counsel.

(6) The Defense Intelligence Agency and the Central Intelligence Agency.

(7) The approval process for interrogation techniques used at detention facilities in Iraq, Cuba, and Afghanistan.

(8) The integration of military police and military intelligence operations to coordinate detainee interrogation.

(9) The roles and actions of private civilian contractors in the abuses and whether they violated the Military Extraterritorial Jurisdiction Act or any other United States statutes and international treaties.

(10) The role of nongovernmental organizations' warnings to United States officials about the abuses.

(11) The role of Congress and whether it was fully informed throughout the process that uncovered these abuses.

(12) The extent to which the United States complied with the applicable provisions of the Geneva Conventions of 1949, and the extent to which the United States may have violated international law by restricting the access of the International Committee of the Red Cross to detainees.

SEC. 503. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the Senate; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) OTHER QUALIFICATIONS.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, human rights policy, and foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) QUORUM; VACANCIES.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) CONFLICTS OF INTEREST.—Each member appointed to the Commission shall submit a

financial disclosure report pursuant to the Ethics in Government Act of 1978, notwithstanding the minimum required rate of compensation or time period employed.

SEC. 504. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

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

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(3) SCOPE.—In carrying out its duties under this Act, the Commission may examine the actions and representations of the current Administration as well as prior Administrations.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 505. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 509.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 506. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 507. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

(a) IN GENERAL.—Subject to subsection (b), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(b) EXCEPTION.—No person shall be provided with access to classified information under this title without the appropriate required security clearance access.

SEC. 509. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) RECOMMENDATION TO MAKE PUBLIC CERTAIN CLASSIFIED INFORMATION.—If the Commission determines that it is in the public interest that some or all of the information contained in a classified annex of a report under this section be made available to the public, the Commission shall make a recommendation to the congressional intelligence committees to make such information public, and the congressional intelligence committees shall consider the recommendation pursuant to the procedures under subsection (e).

(e) PROCEDURE FOR DECLASSIFYING INFORMATION.—

(1) The procedures referred to in subsection (d) are the procedures described in—

(A) with respect to the Permanent Select Committee on Intelligence of the House of Representatives, clause 11(g) of Rule X of the Rules of the House of Representatives, One Hundred Ninth Congress; and

(B) with respect to the Select Committee on Intelligence of the Senate, section 8 of

Senate Resolution 400, Ninety-Fourth Congress.

(2) In this section, the term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

SEC. 510. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 509(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 511. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed $5,000,000 for purposes of the activities of the Commission under this Act.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 8, as follows:

[Roll No. 288]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
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
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
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 (CT)
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)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
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
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—201

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 (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
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)
Larson (CT)
Lee
Levin
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—8

Carter
Herseth
Lewis (GA)
Murphy
Sessions
Walden (OR)
Whitfield
Young (FL)

□ 1431

Mr. GENE GREEN of Texas changed his vote from ''yea'' to ''nay.''

Mr. GILLMOR and Mr. ISTOOK changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HAYES). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF MEMBERS TO ATTEND FUNERAL OF THE HON. ''JAKE'' PICKLE

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

Mr. THOMAS. Mr. Speaker, the gentleman from New York (Mr. RANGEL) and I are in the process of putting together the potential list for flying to the Jake Pickle funeral tomorrow at 4 p.m. It is very short notice, and it will be an imposition on the funeral site. We are in contact now.

What we need to know are how many Members, beyond the Texas delegation and the Committee on Ways and Means, have a very strong interest in attending the Jake Pickle funeral? We would leave with ample time to get there prior to the 4 p.m. funeral time, and then we would immediately return. Any Member who has an interest, would they call the Committee on Ways and Means and ask for Allison Giles, 53630. We need to pull together an approximate number of Members who have a strong interest in attending the Jake Pickle funeral.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 331, I call up the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government,

the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes and ask for its immediate consideration.

The SPEAKER pro tempore. Pursuant to House Resolution 331, the bill is considered read for amendment.

The text of H.R. 2475 is as follows:

H. R. 2475

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2006''.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. _____ of the One Hundred Ninth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2006 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify promptly the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2006 the sum of $_____. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2007.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized ____ full-time personnel as of September 30, 2006. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2006 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2007.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2006, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2006 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2006 the sum of $_____.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in Part A of House Report 109–141, is adopted.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H. R. 2475

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Authority of the Director of National Intelligence to assign individuals to United States missions in foreign countries to coordinate and direct intelligence and intelligence-related activities conducted in that country.

Sec. 304. Clarification of delegation of transfer or reprogramming authority.

Sec. 305. Approval of personnel transfer for new national intelligence centers.

Sec. 306. Additional duties for the Director of Science and Technology.

Sec. 307. Comprehensive inventory of special access programs.

Sec. 308. Sense of Congress on budget execution authority procedures.

Sec. 309. Sense of Congress with respect to multi-level security clearances.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Clarification of role of the Director of Central Intelligence Agency as head of human intelligence collection.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to

be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2475 of the One Hundred Ninth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2006 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify promptly the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2006 the sum of $446,144,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2007.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 817 full-time personnel as of September 30, 2006. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2006 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2007.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2006, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2006 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2006 the sum of $244,600,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 304. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.

Paragraph (5)(B) of section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)''.

SEC. 306. ADDITIONAL DUTIES FOR THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended—

(1) by inserting ''and prioritize'' after ''coordinate'' in paragraph (3)(A); and

(2) by adding at the end the following new paragraph:

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Section 103E of such Act (50 U.S.C. 403–3e), as so added, is amended—

(1) in subsection (c)—

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

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the community; and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF THE INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) perform systematic identification and assessment of the most significant intelligence challenges that require technical solutions; and

''(2) examine options to enhance the responsiveness of research and design programs to meet the requirements of the intelligence community for timely support.''.

(c) REPORT.—Not later than June 30, 2006, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021. Such report may be submitted in classified form and shall include—

(1) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(2) goals for advanced research and development and a strategy to achieve such goals;

(3) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(4) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(5) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

SEC. 307. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2006, the Director of National Intelligence shall submit to the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).

SEC. 308. SENSE OF CONGRESS ON BUDGET EXECUTION AUTHORITY PROCEDURES.

It is the sense of Congress that the Director of National Intelligence should expeditiously establish the necessary budgetary processes and procedures with the heads of the departments containing agencies or organizations within the intelligence community, and the heads of such agencies and organizations, in order to—

(1) implement the budget execution authorities provided under, and submit the reports to Congress required by, subsection (c) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643); and

(2) carry out the duties and authorities of the Director of National Intelligence with respect to the transfer and reprogramming of funds under the National Intelligence Program under subsection (d) of such section, as so amended.

SEC. 309. SENSE OF CONGRESS WITH RESPECT TO MULTI-LEVEL SECURITY CLEARANCES.

It is the sense of Congress that the Director of National Intelligence should promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the report, if offered by the gentlewoman from New York (Mrs. MALONEY), or her designee, which shall be considered read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes of debate on the bill.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 2475, the Intelligence Authorization Act for Fiscal Year 2006. This is a very good bill, a bill we can be very

proud of, and a bill that every Member of the House can and should support.

Before I talk about some of the details in the bill, I would like to recognize the gentlewoman from California (Ms. HARMAN). We have worked hard on the Permanent Select Committee on Intelligence to keep this committee focused on the job that needs to be done and to do so on a bipartisan basis, and I thank the gentlewoman for working with us in that process and being able to maintain that spirit as we bring this bill to the floor on a bipartisan basis. I also thank her staff and our staff for helping us through this process in bringing this bill here today.

Mr. Speaker, 3 years ago when he was chairman of the Permanent Select Committee on Intelligence, Porter Goss, now director of the Central Intelligence Agency, asked me to take a strategic look at the technical capabilities within the United States intelligence community. He wanted me to see how the technical intelligence collection systems all work together, evaluate their individual contributions to national security, and see if there were redundancies to understand the affordability of the many systems and, most importantly, understand the impacts on the rest of the intelligence community.

What Mr. Goss really asked us to do was to go back, and we have expanded that in the committee over the past 8 or 9 months, to take a look at the strategic framework that we face in the world today and how we should respond to the threats. So we spent a considerable amount of time looking at the threats that America faces: What is the threat environment that is out there today; what do we expect it to be in 3, 5 and 7 years, so we can shape the proper intelligence community to give our policymakers and our military the right information to make good decisions and keep our soldiers safe?

We have then taken that to take a look at the feedback we have gotten from the 9/11 Commission, the feedback we have gotten from the WMD Commission as to the particular strengths within the intelligence community and also some of the particular weaknesses.

So as we put this bill together, we really focused on making sure that we had a good balance between our human capabilities, the investment we were making in our human capabilities for the long term, and the investment we were making in our technical capabilities. This bill does that by investing more in our human capabilities.

On the technical capabilities, it takes a very, very hard look at the different programs that we have in place there. It makes sure that what we do is put in place programs that will complement each other, give us the information that we need, and hopefully put us on a framework and on a pathway to balancing human capabilities with our technical capabilities.

Also in that area, this bill moves forward and holds some of our contractors accountable for their performance. This is an area where tactically we may disagree on some of the points on how to make that happen, but we are very much in sync on a bipartisan basis that we need a strategic plan and we need to have our contractors perform. It will also lay the framework for a discussion we will have throughout this year about how to make sure that in a time where we have limited budgets and limited programs underway, that we maintain the industrial base here in the United States.

So there are a lot of things that we do in this bill to make sure that we have got the balance and are moving in the right direction on our technical capabilities.

Another key element of this bill is we have heard consistently from our field personnel and others within the intelligence community, especially those involved in the counterterrorism effort, that we cannot fund counterterrorism on an ad hoc basis. So what we did in this bill is we have authorized the majority of the dollars that we believe will be needed to build our intelligence capability and to fund the war on terrorism.

We think it is important to send to the intelligence community a clear signal of how much money they are going to have so they can do the appropriate planning and the ramping up of resources in the waging of this global war on terrorism.

As I said at the beginning of my statement, we have done this on a bipartisan basis. We have taken a strategic look at what the intelligence community, where it needs to be and where it needs to go. We are going to continue working in that effort. I think as Members see through the debate, we have made a lot of progress and there is more work to do.

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

Ms. HARMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2475, the strongest intelligence authorization bill to emerge from the Permanent Select Committee on Intelligence in recent memory. Without the funding authorized in this bill, the brave men and women of the intelligence community would not be able to do their jobs which are so vital to the defense of our country. I and many other members of the committee have visited these intelligence professionals in some of the most austere places of the world, and they deserve our gratitude and support.

I appreciate the comments of the gentleman from Michigan (Mr. HOEKSTRA) and thank him and all of the members and staff of our hardworking committee for their bipartisanship and patriotism. As one of our members, the gentleman from Maryland (Mr. RUPPERSBERGER) often says, we put America first.

Our members have made a difference. In April 2004, all nine Democrats on the Intelligence Committee introduced legislation that became the basis for the 9/11 Commission's Report and the intelligence reform legislation passed by Congress last fall. That reform dramatically reshaped our intelligence community, unifying 15 agencies under the leadership of a director of National Intelligence.

This year's intelligence authorization bill authorizes funds for that new office. The DNI must succeed in his job and he deserves our support. He is responsible for ensuring that intelligence is timely, accurate and actionable. To do this, he needs authority to build and execute budgets and move personnel. So I am pleased that we removed a provision in this bill that would have severely eroded the DNI's authority to move personnel around the intelligence community.

Mr. Speaker, in the fight against terrorists, intelligence is the tip of the spear. Some see this fight as a traditional war, requiring wartime emergency budgets and wartime authorities for the President. That may have been the right approach immediately after 9/11. We fought a war in Afghanistan and achieved an impressive victory.

But the terrorist threat has changed. Today we no longer face a centralized top-down terrorist organization operating out of one country. We face a network of loosely affiliated terrorist groups which operate as franchises around the world, and that is why I believe we are living in an era of terror.

This legislation does some good things to help us achieve victory in an era of terror.

First, it ends our reliance on emergency supplemental budgets for counterterrorism. The budget the President sent to Congress this year funded less than 40 percent of the intelligence community counterterrorism requirements, leaving the rest for emergency supplementals. This bill changes that on a bipartisan basis, and we fund 100 percent of CT requirements.

Second, this legislation incorporates a resolution introduced by all nine Democrats, urging the new DNI to establish a multi-tiered security clearance system to allow patriotic Americans with relatives in foreign countries to obtain security clearances and serve our Nation. It is high time we do this. This will help with field officers who can speak the languages and blend in with terrorist groups, penetrate proliferation networks, and recruit spies against the toughest targets.

□ 1445

Victory in an era of terror will not be achieved by military might alone, Mr. Speaker. Victory will require America to win the argument for the hearts and minds of the next generation in the Arab and Muslim world. I fear that we are presently losing that argument.

The ongoing revelations about abuses at Guantanamo Bay and elsewhere undermine our ability to maintain the moral high ground and be seen as a beacon of democracy and human

rights. I am encouraged that our committee's new oversight subcommittee is investigating abuses that have occurred in our interrogation and detention programs within the intelligence community. This is a serious bipartisan investigation. But I also support a broader public bipartisan inquiry into detention policies across the government so that our efforts to fight the terrorists do not become a moral black eye for America that undermines our security.

One area where this legislation can be improved, Mr. Speaker, is in its approach to technical systems. The details of these systems are classified and cannot be discussed openly. But I am concerned that we have made sudden, drastic cuts to certain programs that may lead to a gap in our intelligence capabilities and erode the industrial base needed to develop critical capabilities in the future. I am pleased that the chairman is committed to addressing this problem with me as the bill moves to conference.

Overall, Mr. Speaker, this is strong legislation that puts us on the right track to achieve victory in an era of terror. There is more, much more, we must do and we will. The brave men and women of the intelligence community deserve nothing less.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a member of the committee.

Mr. RENZI. Mr. Speaker, I rise in support of H.R. 2475. As a member of the Permanent Select Committee on Intelligence from Arizona, securing our borders has become one of our top priorities. Intelligence and border security go hand in hand as America strengthens and secures its borders, particularly in the Southwest. This bill funds activities necessary to keep America safe and, under the gentleman from Michigan's leadership, for the first time this bill helps to provide our Nation with actionable intelligence when it comes to border security.

This legislation addresses the critical need for enhanced counternarcotics and counterterrorism collection and analysis throughout Mexico and Central and South America. It provides full funding to the director of National Intelligence to develop and implement a comprehensive intelligence collection strategy to help stem the illegal flow of drugs, contraband and special interest aliens. In addition, this bill authorizes the necessary funds to provide the intelligence community the resources required to fulfill the intelligence operations in Iraq and other pressing intelligence missions around the globe. The bill increases the funding over last year that provides additional personnel billets for linguists, analysts and human collection, invests in new facilities and training opportunities, and develops innovative technical tools.

In line with the President's priorities, this legislation significantly enhances our global human intelligence collection capabilities. Human intelligence requires boots on the ground across the globe and those boots need linguistic skills, in-depth cultural and tradecraft training, technical tools and a dedicated support staff to be successful. H.R. 2475 provides both the people and the infrastructure to expand and improve U.S. human intelligence collection in regions around the world.

Experts estimate that almost 100 foreign entities, including both state and nonstate actors, actively engage in espionage against the United States. H.R. 2475 significantly reduces these threats and improves our counterintelligence activities. Intelligence is our first line of defense. Actionable intelligence saves lives and determines battlefield victory. I ask my colleagues to support this bipartisan bill and help reduce the threat and make America more secure.

Ms. HARMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who is ranking member of the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, a mouthful that we call HACI.

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

Mr. BOSWELL. Mr. Speaker, I do rise in support of H.R. 2475. It may not be a perfect bill, but there are many, many good things in it. I am very pleased that the bill before us today no longer includes a provision that would have undermined the authorities of Ambassador Negroponte, the newly appointed director of National Intelligence. My colleagues and I put a lot of effort into passing an intelligence reform bill last year as was just discussed. We worked hard on giving the director of National Intelligence all the authorities he needed to make the intelligence community function as a community, including the authority to transfer people to new intelligence centers if and as needed. To tie Ambassador Negroponte's hands before his organization has been stood up, it did not seem like a smart thing to do. I would not have supported this bill had the provision limiting the DNI's personnel transfer authorities not been taken out of the bill.

I thank the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) for their efforts to remove this provision and I thank 9/11 Commission chairmen, Governor Tom Kean and Congressman Lee Hamilton, for clearly stating their opposition to it. I look forward to us addressing the other recommendations by the Commission. It is also my belief that the DNI has to control the money to be able to fulfill his charge of responsibility.

I am pleased that this year's authorization bill also fixes the number one issue my colleagues and I raised last year, full funding for counterterrorism operations. H.R. 2475 authorizes full funding for the intelligence community's counterterrorism operations this year. That should remove impediments to the intelligence community's ability to plan their operations. Maybe this will be the year we are able to hunt down Osama bin Laden. I certainly hope so, and I know we all feel that way. The world will be better off once he is taken care of.

Again, I thank the gentleman from Michigan and the gentlewoman from California for leading the Intelligence Committee in a bipartisan fashion. National security must be a bipartisan issue and that is the direction the committee is returning to.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the chairwoman of the Subcommittee on Technical and Tactical Intelligence.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the gentleman for bringing forward this bill and I want to thank the ranking member as well for making this a bipartisan bill and working together. I think a lot of credit also goes to our very capable staff who have worked very hard and very professionally to pull together a very good piece of work.

The technical and tactical subcommittee has been very active over the last 5 months looking at our intelligence systems as they relate to the military and also the high-cost technical collection programs that our Nation relies on. The members of that committee have given their personal time and traveled in many instances across the country, and I wanted to thank the members of the subcommittee and particularly the gentlewoman from California (Ms. ESHOO) for working very hard in this area. We have tried to understand what works, what is not working, do a detailed review of some of these very expensive programs, looking at what complements each other, where the gaps are, where the overlaps are, so that we can improve our intelligence capability and make sure that we are using every dollar wisely.

This bill makes several very important changes in direction in our intelligence community. We have found that research and development is underfunded pretty much across the entire intelligence community and it is poorly coordinated, both in pathfinding research and in incremental research in our current capabilities.

There are several large programs that are significantly off track which causes a draining of funds away from other intelligence priorities. We will not give contractors blank checks to cover cost, schedule, and performance problems that they have failed to manage. We have to control this budget because cost overruns compromise other intelligence programs and put us as Members of Congress in the difficult position of managing different risks.

This bill strengthens human intelligence. It strengthens our analytical

capability. It strengthens translation and language capability. And we insist that systems have to include plans to task sensors, exploit the bits and bytes that come out of sensors, and disseminate information to people who need it. If you do not have that, what you really have is a science experiment, not an intelligence capability. In short, we have come forward with an integrated strategic approach to the purchase of high-cost technologies.

We have much work yet to do to win the war on terrorism. When we win it, it will be because of two things: the bravery of our soldiers and the superiority of American intelligence. I thank the gentleman for bringing this bill forward. I look forward to voting for it.

Ms. HARMAN. Mr. Speaker, the new news on our committee is that we have stood up an oversight subcommittee. Much discussion has been made about this already today.

It is my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER) who is ranking member of the intelligence oversight subcommittee.

Mr. CRAMER. Mr. Speaker, I thank the ranking member, I thank the chairman, I thank the staff of both sides of the aisle. I stand in enthusiastic and strong support of H.R. 2475. This bill addresses several issues of great concern to the members of the committee and, in fact, to all Americans. These issues were first raised or detailed by several blue ribbon commissions that reviewed the performance of the intelligence community after 9/11 and by the Congress in the intelligence reform bill that was passed last year.

This bill invests in an analytical initiative that draws on expertise resident at three centers: the Missile and Space Intelligence Center in Huntsville, Alabama; the National Air and Space Intelligence Center in Dayton, Ohio; and at the National Ground Intelligence Center in Charlottesville, Virginia. These centers will collaboratively assess the vulnerabilities of aircraft to foreign missiles and other airborne threats and will develop countermeasures to protect commercial aircraft at home and protect military aircraft for our troops in Iraq and Afghanistan. The bill provides for much needed upgrades to information networks in these centers, allowing them to eliminate possible information gaps and to integrate stovepiped information. As recommended by the WMD Commission, this will ensure that analysts and operators have the information they need when they need it.

Last year's intelligence legislation significantly reformed the intelligence community. Real reform, however, requires accountability and oversight. I want to thank the chairman and the ranking member. This year, we have set up, and the gentleman from Texas (Mr. THORNBERRY) is here and I assume is going to speak in a few minutes as well, this oversight subcommittee. This oversight subcommittee has been working just as it should work. I am encouraged by our efforts to date to provide meaningful congressional oversight of the entire intelligence community. We have initiated in-depth reviews of intelligence community interrogation and detention operations, and we are actively pursuing answers to tough questions. We are also monitoring the standup of the new DNI, ensuring that the intelligence community implements the changes specified in the legislation.

Again, I thank the chairman, I thank the ranking member. We are off to a fine start and this is an excellent bill. The Members should support it.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of the Subcommittee on Oversight who has been working very effectively with the gentleman from Alabama (Mr. CRAMER) to do the work that an oversight subcommittee is expected to do.

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this bill. I also rise in appreciation for the work that the chairman and the ranking member have done in this bill and in fulfilling Congress' role vis-a-vis the intelligence agencies in general. Further, I appreciate my partner on the oversight subcommittee, the gentleman from Alabama (Mr. CRAMER), and all that he means to this joint effort.

Mr. Speaker, the members of this committee are serious, hardworking, knowledgeable, committed members. So much of what we do on the Intelligence Committee is done behind closed doors. That can be an advantage and a disadvantage. It is an advantage, in a sense, not to do work in front of the television cameras and without press releases and without all the partisanship that sometimes attends some of what we do in Congress. It can be a disadvantage because we cannot talk with our constituents or even many of our colleagues about what we do. The only reason to be on this committee is to contribute to the national security of the country, and I believe that all members on both sides of the aisle in fact do that.

At the beginning of this Congress, the chairman and the ranking member decided to create an oversight subcommittee. It became clear from the report of the 9/11 Commission, from the Rob Silverman Commission on Weapons of Mass Destruction, in fact, a host of other studies and reports, some even before the attacks of September 11, 2001, that Congress has to do its job.

□ 1500

It is not enough just to say that the executive branch needs to change the way it does its work in the post-Cold War world. We have to do our job as well, and we should expect more of ourselves.

One of the things we have done differently is to create this oversight subcommittee to, as I mentioned a few moments ago, have greater depth but also greater persistence in our oversight of key intelligence issues. The rules of the full Permanent Select Committee on Intelligence give us our mandate this year, which include oversight of the intelligence reform bill that Congress passed last fall. It gives specific emphasis on items for oversight that include community-wide information-sharing, leaks of classified information, analysis and information-assuring technologies, as well as audits and investigation and tracking congressionally directed actions.

That is our mandate and it is a full plate, but members on both sides of the aisle are going about that agenda working in not just a bipartisan but really nonpartisan way.

And, in addition, I think Members on both sides agree with the Robb-Silberman panel when they suggest that we should have these oversight subcommittees, but we should not just hop around following newspaper articles and doing our efforts, that we ought to have strategic oversight. In fact, they say on page 338 of their commission report: ''We suggest that . . . the oversight committees limit their activities to 'strategic oversight,' meaning they would set an agenda at the start of the year or session of Congress, based on top priorities, such as information sharing, and stick to that agenda.''

That is exactly what the gentleman from Alabama (Mr. CRAMER) and I are attempting to do: to be tough but fair, to not be apologists for the administration but not to be bashers of the administration, to try to pursue the national security interests of the country as it relates to intelligence oversight. That is the way serious oversight is done, and I look forward to continuing to work from that perspective.

Ms. HARMAN. Madam Speaker, my home State of California produces many of the platforms and systems that give us the technical edge in intelligence, and I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO), my California friend, ranking member of the Technical and Tactical Intelligence Subcommittee of the Permanent Select Committee on Intelligence.

Ms. ESHOO. Madam Speaker, first I would like to thank the gentlewoman from California (Ms. HARMAN), our distinguished ranking member, for her exceptional leadership on the committee; certainly to the gentleman from Michigan (Chairman Hoekstra) for the tone that he has brought to the committee. I think it is much improved, and I think it is a result of the bipartisanship that we have enjoyed since the chairman has arrived that we see it in this piece of legislation which I am proud to support.

I am especially pleased to see the multilevel security clearance legislation introduced in March by committee Democrats, my colleagues that I am so

proud of, that is in this bill. This provision will help the intelligence community leverage the cultural and linguistic skills of a broader candidate pool, which is so important to our intelligence community.

During the markup of this bill, I offered an amendment requiring inspectors general at the Defense and State Departments, the CIA, and the DNI inspector general to establish telephone hotlines for intelligence professionals to report complaints if they believe policymakers are attempting to unduly or improperly influence them. I think that it is an important effort because there is a question mark in the mind of the American people on this very subject.

As a result, the chairman agreed to include language in this bill about the need to ensure ombudsmen in these agencies to fulfill their role to protect analysts and other professionals within the intelligence community. The committee made a commitment to perform effective oversight in this matter; so I withdraw my amendment, and I thank the chairman for that effort.

As the ranking member of the Technical and Tactical Intelligence Subcommittee, I am concerned that this bill reduces or eliminates funding for several key programs in the administration's request without full justification. Missing is an in-depth consideration of the effect that funding reductions will have on the overall intelligence architecture, the viability of our industrial base, which is essential. Once that disassembles, we cannot put Humpty Dumpty back together again, as well as overarching national security requirements. I hope the DNI and the Secretary of Defense will conduct a comprehensive review and explain the strategic linkages between collection requirements, capabilities, and developing programs. This review would better support future funding deliberations and decisions by the committee. It is very important that that be done.

In closing, I want to express one of my deep concerns, and I know that it is the concern that many of my colleagues share, and that is the continuing reports of torture and other abuses of detainees. From Abu Ghraib to Guantanamo Bay, the mounting revelations have become more than an embarrassment to our country. They are a liability to our deployed servicemembers. If, in fact, the Congress and its committees of jurisdiction fail to fully investigate, I support a special commission to do so. We have to have a full accounting for the American people and have the determination to seek that.

So, in closing, I want to thank my colleagues, the chairman, certainly our ranking member, all of my colleagues on the committee, and most especially a superb and dedicated staff. I salute them. I respect them for the work that they have done certainly on both sides of the aisle.

Mr. HOEKSTRA. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), a new member of the committee, a very valuable member, and also a member of the House Committee on Armed Services.

Mr. MCHUGH. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise in strong support of this legislation, H.R. 2475. As the distinguished chairman so graciously recognized, I am one of the newer members of this committee; and I must say in that respect, I am enormously impressed by the bipartisan attitude that all the members bring to this very important issue, that of national security and its interface with our intelligence communities. That is a tribute to all of the members, Democrat and Republican alike, but I think it is a particular tribute to the distinguished gentleman from Michigan (Chairman HOEKSTRA) and also the gentlewoman from California (Ms. HARMAN), ranking member, who have worked so well together and provided that leadership of bipartisanship.

The chairman noted, Madam Speaker, that I am a member of the House Committee on Armed Services, and in that capacity I have the honor of serving as chairman of the Military Personnel Subcommittee; and as such, I have been particularly interested in programs that aid the warfighter, those brave men and women who are putting their lives on the line each and every day for our freedoms and for our interests. And I am pleased to report that this legislation contains very important increases in funding for military intelligence programs.

In particular, H.R. 2475 includes significant increases in funding for operations in Iraq, Afghanistan, for the global war on terrorism, and thereby decreases the reliance on supplemental budgeting. Budgeting by supplemental, at least in my opinion, Madam Speaker, is inefficient; and it hinders the effective planning of our intelligence operations. And this bill very importantly takes a major step away from reliance on those supplementals and seeks to provide full funding to fight terrorism and for intelligence operations in Iraq.

There is also increased funding for critical initiatives such as foreign language training for our troops in the field and for greater numbers of defense intelligence analysts. This intelligence authorization bill builds upon actions already taken by the House Committee on Armed Services dictating a career path for military linguists, and we should be very proud of this initiative in these regards.

The net result, Madam Speaker, is that our intelligence personnel and our military will be better trained and equipped to perform their invaluable missions. These are important steps, and they have been taken with the necessary consultation with the Committee on Armed Services. And I am happy to report that the Permanent Select Committee on Intelligence has worked very closely with the gentleman from California (Chairman HUNTER), with the gentleman from Missouri (Mr. SKELTON), distinguished ranking member, with respect to our authorizations. And I would certainly argue that they complement one another very closely. To the extent that there are differences, and I think differences are and will continue to be inevitable, I know all of us on both sides of the aisle and in both committees will work to constructively breach those differences and bring about agreements on remaining issues as the authorization process continues.

So I urge unanimous support of this very fine piece of legislation.

Ms. HARMAN. Madam Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), ranking member on the Intelligence Policy Subcommittee.

Mr. HOLT. Madam Speaker, I thank the gentlewoman from California for yielding me this time, and I also thank the chairman and the staff for putting together in a congenial atmosphere a good bill.

There are some good features to the bill, and I am pleased that it gives the new Director of National Intelligence the authority and resources necessary for him to succeed, and I am also satisfied that the bill gives the intelligence community 100 percent of the funds that it needs for counterterrorism programs. I am encouraged by the bill's emphasis on human intelligence and the recommendation to create a multilevel security clearance system that will allow the intelligence community to harness the power of America's diversity.

More must be done, however, to encourage the use of open source, or public, information. Last year we gave the intelligence community an urging to increase its collection, analysis, and use of open-source information. And I look forward to working with the DNI to move these efforts forward.

I am also pleased that the bill advances our foreign language training efforts within the intelligence community, and I will continue to work with my colleagues to strengthen our language capabilities throughout the Federal Government.

I do want to express serious concern about a couple of matters. First, the administration's recommendations to close or realign military bases has the potential to disrupt vital intelligence expertise. Bases like Fort Monmouth, in my home State of New Jersey, play critical intelligence roles that have not been taken fully into account in the process. I would like to thank the chairman and ranking member for urging the Director of National Intelligence to evaluate the effect of base realignment on our Nation's intelligence capabilities, and I will include their letter at this point in the RECORD.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

Washington, DC, May 26, 2005.

Ambassador JOHN NEGROPONTE,

Director of National Intelligence, New Executive Office Building, Washington, DC.

DEAR AMBASSADOR NEGROPONTE: During the markup of the Fiscal Year 2006 Intelligence Authorization bill, Members of the Committee raised questions about the potential impacts that the Defense Department's Base Realignment and Closure (BRAC) Commission recommendations could have on the nation's intelligence capabilities. The Members believe strongly that such impacts should be factored into the final decision process.

Many intelligence programs, for example, are dependent on subject matter experts made up of military personnel, government civilians, and contractors. These people form the analytic depth and breadth of the Intelligence Community, as well as much of the core of its engineering, scientific and technical expertise. Based on past BRAC experiences, we can logically assume that many of the intelligence personnel that would be affected by the latest recommendations could refuse to uproot their families and relocate. The Intelligence Community depends on this intellectual capital, and we should well understand how the resulting loss of these people would affect intelligence activities and, thereby, the nation's security.

The BRAC recommendations could affect the nation's intelligence capabilities in many other ways. Accordingly, we want to ensure that these intelligence-related impacts be considered in the deliberations that result in the final BRAC decisions. We believe that your position as the Director of National Intelligence puts you in a unique position to best understand and, accordingly, respond to these potential impacts.

Therefore, we ask you to evaluate the affects of base realignment and closure on the nation's intelligence capabilities. We further ask that you provide the Committee with the results of your review no later than the date that the President provides his final approval and certification of the BRAC report to the Congress.

Sincerely,

PETER HOEKSTRA,
Chairman.

JANE HARMAN,
Ranking Member.

Madam Speaker, I also express my deep disappointment with the decision of the Committee on Rules to disallow a moderate and reasonable amendment by the gentleman from California (Mr. WAXMAN) that would have mandated the creation of a 9/11-style commission to investigate how the executive branch has handled detainees. We need that investigation, and we can do some of it within the committee; but we do need a public 9/11-style commission.

Madam Speaker, I support this bill, and I urge my colleagues to support it as well.

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

Ms. HARMAN. Madam Speaker, I served for 6 years on the Committee on Armed Services and came to admire greatly our next speaker.

Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), ranking member.

Mr. SKELTON. Madam Speaker, I certainly thank the gentlewoman for yielding me this time. She is doing such a superb job on the Permanent Select Committee on Intelligence. We thank her for her efforts, along with the chairman as well.

Let me say I rise in support of this intelligence authorization bill. In doing so, I want to make a few observations about the state of our national intelligence capabilities, as well as some comments about the bill.

Within the span of 2 years, the United States had two very obvious and public examples of intelligence failures: the September 11, 2001, terrorist attacks; and the completely incorrect conclusions reached about Iraq's weapons of mass destruction programs. These and other failures have been recognized by both the 9/11 Commission and the Robb-Silberman Commission on Weapons of Mass Destruction.

Last year's intelligence reform bill was an important first step in rectifying deficiencies in our intelligence capabilities. I believe intelligence is the tip of the spear. It is the tip of the spear in helping our warfighters. The new Director of National Intelligence represents an important benchmark in the creation of a Goldwater-Nichols-like structure for our intelligence community.

The Goldwater-Nichols law, as we all know, altered command relationships among our military services in such a way that has fostered joint operations and enabled our military to become the very best in the world.

□ 1515

I am optimistic that the new director of Intelligence will be able to unify the group of disparate intelligence organizations that comprise the intelligence community to produce better capability, communication, and inoperability than has been the case in the past. I am also pleased that the gentleman from California (Chairman HUNTER) and the gentleman from Michigan (Chairman Hoekstra) have been able to resolve their differences over the transfer of personnel who perform intelligence functions.

While the establishment of the director of National Intelligence is an important step, I believe much more remains to be done if we are to really improve our intelligence capability. First, I think Congress needs to do a better job of overseeing our intelligence operations than it has in the past. My own view is that some of our intelligence failures could have been avoided with vigorous congressional oversight.

Second, we need to aggressively follow up on the 9/11 Commission's recommendations.

We need to expand our efforts to secure international stores of nuclear materials, particularly in the nations ofthe former Soviet Union. Governor Kean, co-chair of the 9/11 Commission, recently said there is no greater danger to our country than a terrorist group acquiring these materials. I want to echo his concern that we must be sensitive to the fact that intelligence activities can sometimes intrude upon the lives of Americans. In a free society, we must have checks and balances. I think we need to appoint a Federal civil liberties board to prevent and redress constitutional abuses by intelligence and law enforcement agencies. Although last year's law created a civil liberties board, the administration has yet to name any members to the board, something that is long overdue.

Madam Speaker, this is a good bill I believe members should support. I commend the gentleman from Michigan, Chairman HOEKSTRA, and the gentlewoman from California, Ranking Member HARMAN, for a job well done.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the chairman of the House Committee on Armed Services, and our partner in making sure that we have a solid and strong intelligence community as well as the best fighting forces, the best military in the world.

Mr. HUNTER. Madam Speaker, I want to thank the chairman for his kind words. It is appropriate that I follow the ranking member of the Committee on Armed Services, the distinguished gentleman from Missouri and his remarks, because he talked about Goldwater-Nichols, and Goldwater-Nichols did drive jointness in the military.

Another thing that Goldwater-Nichols did, and it was primarily as a result of the debacle in Lebanon with the marines, is to drive what was known as the chain of command rule, meaning that when you had a combatant commander, formerly known as a CINC, that combatant commander was in charge of everything in that warfighting theater, whether it was a rivet joint aircraft or a soldier or a marine, special operator, or a tactical intelligence gatherer in that area. That was a major issue that we had to work on, and we had to build a seam and a protection for the chain of command and, at the same time, afford to the national intelligence gatherers the resources and the opportunity to carry out their mission.

I think that the bill, the 9/11 bill did a pretty good job of that, and I want to commend the gentleman from Michigan (Chairman HOEKSTRA) and the gentlewoman from California (Ranking Member HARMAN) for their participation in working that. My good colleague, the gentleman from Missouri (Mr. SKELTON) and I really look forward to Mr. Negroponte getting off to the right start. He is a guy with a lot of good judgment, great experience in very difficult and inconvenient and dangerous missions, in my estimation, and I think that is probably a requisite for this job.

I want to thank the gentleman from Michigan (Mr. HOEKSTRA) also, because there were a couple of provisions in this bill that we thought had a chain of command problem, and he looked at those and worked on them and took them out in the rule, and I want to let

him know I appreciate that. That was important to us. We are working together, and we both want to see this new apparatus, this intelligence apparatus that has to work so well with the defense apparatus moving off to a good new start in this war against terror.

So my thanks to the chairman and thanks to the ranking member. We have a lot of work to do, but we have a good bill here, and I hope every Member supports it.

Ms. HARMAN. Madam Speaker, I yield myself 15 seconds to say to the last speaker that I applaud his comments about the need for this new legislation to succeed. It is critical, in my view, to move from a 1947 business model, which is the one we were operating under, to this one.

I also would point out to our colleagues, as the last speaker knows, that battlefield intelligence is not included in the DNI construct that we built.

Madam Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), a recent addition to our committee, who is a very active member of our new Subcommittee on Oversight.

Mr. RUPPERSBERGER. Madam Speaker, as my colleagues have pointed out, a lot of good, hard, work has been put into this bill, which places our committee and the intelligence community on the path of success for achieving the goals set forth in the recommendations of the 9/11 Commission and the WMD Commissions. The turf battles are ending and we now have a director of National Intelligence to oversee and coordinate efforts, but we all must work together in order to make sure that the DNI can succeed.

I thank the gentleman from Michigan (Chairman HOEKSTRA) and the gentlewoman from California (Ranking Member HARMAN) for leading by example and promoting bipartisan efforts in our oversight role. I also want to thank our staff for their hard work.

Our newly established Subcommittee on Oversight has already taken the reins of leadership and is investigating the abuses that have occurred in our interrogation and detention programs. These abuses only serve to embolden terrorist actions against us and it increases risk to our military forces and American citizens abroad. These abuses also hurt our reputation abroad and allow the insurgents to recruit people to attack us.

I also look forward to continuing work with my colleagues on solutions to the security clearance challenges faced by the intelligence community and State and local governments who need to access information to protect our homeland. This bill's endorsement of a multilevel security clearance system will enhance flexibility in hiring practices and access to information. Current clearance wait times sometimes exceed a year. Terrorists will not wait a year, and neither can we.

Let me close by praising the excellent work of the Armed Forces Medical Intelligence Center and the National Security Agency, NSA, based in my district. Our committee recognizes their challenges, and we fully support their efforts in the global war on terrorism and in Iraq and Afghanistan. I urge my Democratic colleagues to join me in supporting this bill.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, as we take a look at the technical programs and we take a look at the structure of the intelligence community, at the end of the day it is about the people in the intelligence community. As we have conducted our oversight responsibilities in developing this bill, we have had the opportunity to meet and work with many of the intelligence professionals throughout the community and around the world. I believe I can speak for the rest of my colleagues when I say that we hold in the highest regard the work accomplished by these dedicated U.S. intelligence community personnel.

At great sacrifice, often under extreme and intense conditions, and at great personal risk, the men and women of the intelligence community continue to perform their missions with great energy, professionalism, and devotion to the national security mission. I commend these patriots for their heroism, their integrity, and their perseverance. These honorable people form the first line of defense for our Nation. Our freedoms and the very security of our country rely on their successes. Those successes are things we cannot and do not often have the opportunity to talk about.

Unfortunately, and quite wrongly, it is the rare but overlooked publicized failures that they are credited with. I stand here today and say thank you to these tremendous people. They deserve our support, and that is what we are doing with this legislation today.

Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I associate myself totally with the comments that our chairman just made.

Madam Speaker, it is now my pleasure to yield 2¼ minutes to the gentleman from Massachusetts (Mr. TIERNEY), our rookie on our side.

Mr. TIERNEY. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise to discuss H.R. 2475. It is a bill that, as people have said, takes a number of steps to strengthen our intelligence capabilities and, for those reasons, is supportable. Nevertheless, like most bills, it has parts that need to be moved on and worked on still.

As was mentioned, I am new to this committee, so first I want to recognize the efforts of all of my colleagues on the committee and the staff who did incredible work on this. I also want to acknowledge the fact that my minority colleagues have been outspoken during the past couple of years on a number of issues, and I want to thank them and my majority colleagues for incorporating those issues in this bill and, of course, the majority adding their own approval.

On the plus side, as has been mentioned, 100 percent funding for counterterrorism in the base budget is a huge step forward. We need to make sure we build on that. The White House proposal to fund 60 percent of that in a supplemental budget would have undermined our plans and operations, so 100 percent is a big step in the right direction. The bipartisan willingness to keenly scrutinize architectural programs for the quality, for the program management, for the budget responsibility, for cost is also important. It is helpful to allow for investments in human intelligence, and it can bring more public confidence to the work we do in this area.

I think it would be well-placed to put that kind of scrutiny on the whole budget at large, and I think we should consider making more of the Select Committee on Intelligence budget process public, to the extent possible, including at least the aggregate amount of money being spent so that the public will be able to focus on that and have more confidence.

The best intelligence oversight begins with looking at the 9/11 Commission's recommendations for reform of Congress's intelligence committees. We still need to do a considerable amount of work there concerning how those committees will be formulated and what budgetary appropriation aspect will be within what body. We need renewed oversight, and the Subcommittee on Oversight that has been formed and mentioned earlier is an improvement. Its time would be well spent if we ensure that the DNI and the DNI office is set up largely in line with Commission recommendations. We do not need another sprawling bureaucracy. It will be well-served to have a streamlined executive staff that utilizes existing agencies and moves forward on that basis. And it has to have the authority to ensure that the network agencies are reformed, coordinated, and effective. It also needs the authority to make sure that we have the appropriate budgetary and personnel powers within the DNI to work.

The DNI should follow the recommendation of the blue ribbon commission to establish a Civil Liberties Board and ensure that it effectively protects the civil liberties, even as we make sure aggressive intelligence measures are pursued. This too is essential to maintain public trust. It is as important as it is to require that we use taxpayer money wisely, and it is every bit as essential that our intelligence operate within the law.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I would like to get to some of the specifics of the legislation. I want to make an observation about the overall position we have

taken. It is my belief, and we have seen it today, that we may be harshly criticized by some for being too bold or aggressive with some of our actions. Indeed, we have already been told that we were not incremental enough. I want to take head-on those who take such positions.

There is no question that what is being proposed today is bold and sweeping in some areas. Without getting into the classified specifics, based on our strategic review, we are cutting back dramatically in some cases, on some technical programs that have had poor performance or could be modified for better utility for the Nation's intelligence efforts.

We are terminating some programs that we do not believe fit in the overall architecture for the intelligence community. We have analyzed these programs extensively, asked the tough questions, and focused on the resulting intelligence output. To paraphrase from a Hollywood movie line, these programs have been weighed, they have been measured, and they have been found wanting.

We are then taking the resulting savings and applying that to historically underfunded areas in the human intelligence and human capital areas. Specifically, we are focusing needed emphasis on adding human intelligence specialists, improving the training of analysts, improving the training of case officers, and making more robust the infrastructure necessary to gain their expertise, and then better employ that expertise.

We have quite simply in the past paid too much lip service to those basic needs, while continuing to fund expensive technical programs that, although important, do not make up for the lack of analysts, lack of worldwide coverage, lack of training, and lack of basic infrastructure. In sum, we are doing the heavy lifting that should have been done long ago. We are acting boldly and positively on the task our former chairman gave us.

Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I yield myself 1 minute to comment on the remarks the chairman just made.

Madam Speaker, it is not a zero-sum game, it is not a trade-off between what we call HUMINT, that is, human intelligence, which is primarily the use of spies to tell us the plans and intention of the bad guys, and technology. It is a positive-sum game, or we hope it is a positive-sum game, that balances correctly our investments in HUMINT and our investments in technology.

I said earlier that my home State of California makes many of the technical platforms that we use effectively to gather intelligence. I agree with our chairman that we should take a clear-eyed look at what works and what does not work and what capabilities we need to defeat present and future threats. But some of us, I would say a majority on the minority side, believe that the weighing, measuring, and finding wanting that has gone on in this bill needs further review, that the balance can be better struck.

I look forward to working with the chairman on a better balance as this bill comes to conference, keeping in mind that we want a positive-sum outcome.

Madam Speaker, it is now my pleasure to yield 1 minute to the gentleman from New York (Mr. CROWLEY), a very serious Member of this body, not on our committee.

Mr. CROWLEY. Madam Speaker, I thank my gentle friend and colleague from California for yielding me this time.

I rise in strong support of the national intelligence bill. I want to thank the committee for its great work. I especially want to focus my praise on the gentlewoman from California (Ranking Member HARMAN) for her great work in leading on this issue. It was Democrats, led by the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. HASTINGS), that pushed the 9/11 Commission to be started last year, as the Republicans and the White House blocked their work and opposed their mission. I believe the Republicans fear the truth that may come from that Commission.

Later, when the 9/11 Commission issued its recommendations and the Speaker said he would not implement any legislative changes without a majority of the majority, it was again Democrats and the gentlewoman from California (Ms. HARMAN) who led the fight for a real intelligence shakeup and for the creation of a director of National Intelligence.

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Democrats fixed those problems and fought back changes this year to bring us back to the bad old days of intelligence turf wars.

This bill reflects the new world we live in, a dangerous world that has gotten more dangerous since September 11; and we need to be involved, and more heavily involved, to protect all Americans, no matter where they are on this planet and the bill does that.

Representing one of the most diverse congressional districts in the U.S., I interact with a number of immigrants and their families who are from every corner of the globe. And the one thing that unifies them all is their love of this great country. And they can and will be helpful in helping this country infiltrate terror networks that threaten our country.

This bill will help them do that.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I want to just first compliment the chairman and ranking member for their excellent work on this legislation, their excellent work in general, and frankly the work that they have done in helping to create such a strong structure for intelligence.

The Cold War is over. The world is a more dangerous place. We need to be able to not contain and react to an event; we need to be able to detect and prevent it. It means that we need very good intelligence, both intelligence directed with technology and intelligence that occurs from very good human capital.

I think the gentleman from Michigan (Mr. HOEKSTRA) and our incredible ranking member, the gentlewoman from California (Ms. HARMAN), have done an excellent job in drafting this legislation. My compliments to both of them. They give credit to the full Congress and the work that they have done.

Ms. HARMAN. Madam Speaker, I thank the last speaker for his generous words and ask how much time remains on each side.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentlewoman from California (Ms. HARMAN) has 8 minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 8½ minutes remaining.

Ms. HARMAN. Madam Speaker, we at the moment have no other speakers on the floor. And I reserve the right to close for our side.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, we have no additional speakers at this time either, so I believe I have the right to close. The gentlewoman will close on her side, and we will have no additional speakers. I will close on our side.

Ms. HARMAN. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, the last 4 years have witnessed two of the worst intelligence failures in our Nation's history. Congress passed intelligence reform and created the DNI position to give the brave women and men of the intelligence community the tools they need to collect and analyze accurate and timely intelligence.

We cannot have any more catastrophic failures where we fail to connect the dots or believe too fervently in the claims of bogus sources. This legislation, the authorization bill we are considering today, is the first funding bill under our new intelligence organization.

It is a strong bill that deserves our support. As we said earlier, for the first time we fully funded counterterrorism in the base budget so we can plan CT operations against our enemies. For the first time we have urged the DNI to create multitier security clearances so we can field a diverse group of intelligence officers who speak the languages and understand the cultures of our adversaries.

I am proud to say these were two ideas offered by the committee Democrats that gained bipartisan support in our committee. As I have said, there are ways this bill can be improved further. And I look forward to working on

this as we move to conference. But this is a bipartisan product that deserves bipartisan support.

And before I close, I do want to thank again the hard-working members on both sides of the committee who put so much effort into it day after day, and moreover the hard-working staff on a bipartisan basis.

And let me just identify those on the minority side who are sitting on the floor with me today: David Buckley, staff director; Chuck Gault, deputy staff director; Jeremy Bash, general counsel; Mike DeLaney; Larry Hanauer; John Keefe; Pam Moore; Wyndee Parker, special counsel; and Christine York. They make us look good, and I urge passage of this legislation before us.

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

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

Mr. HOEKSTRA. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, today before closing general debate, I would like to briefly offer congratulations and recognition to Mr. Charles G. Allen, as many of us know him, Charlie, as he completes his tour of duty as the assistant director of the Central Intelligence Agency for collection.

He has served the intelligence community with great distinction, and I will later seek consent in the House to submit a more lengthy tribute into the RECORD.

But just briefly, he is a native of North Carolina. Mr. Allen has served the Central Intelligence Agency and the Nation with distinction since 1958, holding a variety of positions of increasing responsibility, both in analytical and managerial capacity. He served overseas in an intelligence liaison capacity from 1974 to 1977, and from 1977 to 1980 he held management positions of increasing responsibility and importance in the Directorate of Intelligence.

I think that all of the Members in the House, and all of the Members and the staff on the committee who have gotten to know Mr. Allen over the last number of years, number one, we are glad that he is still working on special assignment with Mr. Goss; but we really want to extend our congratulations to him for almost slightly over 45 years of service to this country within the intelligence community, a real national asset in the intelligence business.

Madam Speaker, I include for the RECORD a statement on Assistant Director Allen.

Mr. HOEKSTRA. Madam Speaker, I rise today to offer congratulations and recognition to Mr. Charles E. Allen as he completes his tour of duty as the Assistant Director of Central Intelligence for Collection. Since its creation by the Congress 7 years ago, he has served in this position with distinction.

Mr. Allen was appointed as the first Assistant Director of Central Intelligence for Collection. As such, he was responsible for Intelligence Community collection management, and specifications for our next generation of collection systems. During these past 7 years he has come to personify the position, personalize the management of this nation's scarce intelligence collection assets, confound his early critics, and overall achieve positive results beyond even the expectations of his supporters, who are legion. His service has been a great asset, and Congress has regularly drawn upon his experience and judgment.

A native of North Carolina, Mr. Allen has served the Central Intelligence Agency and the Nation with distinction since 1958, holding a variety of positions of increasing responsibility both in analytic and managerial capacities. He served overseas in an intelligence liaison capacity from 1974 to 1977, and from 1977 to 1980 he held management positions of increasing responsibility and importance in the Directorate of Intelligence.

Mr. Allen served as program manager of a major classified project, from 1980 to 1982 in the Office of the Director of Central Intelligence, and was subsequently detailed to the Office of the Secretary of Defense where he held a senior position in strategic mobilization planning.

In 1985 the Director of Central Intelligence requested Mr. Allen's return from the Secretary of Defense's office to serve as the National Intelligence Officer for Counterterrorism, and later as Chief of Intelligence in the CIA's newly established Counterterrorist Center. Many of Mr. Allen's successes have and shall continue to remain secret, but two that have become more publicly known illustrate his contributions; he played a key role in apprehending the hijackers who killed an American citizen on the cruise ship *Achille Lauro*, and he correctly brought to the DCI's attention certain matters which served to stimulate the Iran-Contra investigation.

Mr. Allen served as the National Intelligence Officer for Warning from 1988 to 1994 and chaired the Intelligence Community's Warning Committee. From these positions he issued timely warnings of events of momentous importance, confounding most intelligence officers who did not share his prescience.

Mr. Allen was awarded the National Intelligence Medal for Achievement in 1983 by DCI Casey and the President's Award for Distinguished Federal Civilian Service in 1986 by President Reagan. In 1991, he was presented the CIA Commendation Medal for provision of warning intelligence in Desert Shield/Desert Storm.

He and his wife, Kay, reside in Herndon, Virginia, where they raised four children.

Madam Speaker, Mr. Allen has already enjoyed a long and luminous career in intelligence, and as he steps down from his current position I hope all my colleagues will recognize the extraordinary contributions Mr. Charles E. Allen has made to our National Security as a lifelong professional intelligence officer. I hope my colleagues will honor him as a great American and pioneer in the management of intelligence collection inter alia.

Finally, Madam Speaker, I ask my colleagues to join me in expressing our confidence in his continued ability and willingness to serve the Nation as she shall call upon him.

Ms. HARMAN. Madam Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from California.

Ms. HARMAN. I thank the chairman for yielding to me. Charlie Allen is as close as you can come to a legend in the intelligence community. Before the intelligence reform bill passed last year, he was one of the few senior intelligence officers who could get 15 disparate agencies to function as a community. He did that mainly through sheer force of personality.

Our Nation collects intelligence through a variety of means, from spies on the ground to satellites overhead, and everything in between. In his capacity as the assistant director for collection, Charlie got the collectors to understand that they were most effective when they worked together as a team against the hardest targets.

He got them to understand that integrated collection strategies yielded the best outcomes. Under Charlie's leadership, the collectors in the intelligence community have scored some truly impressive victories, and it is unfortunate that these cannot be recounted in public.

I will just tell you that Charlie's service to the Nation was made clear to me the day he told the committee that he had been with the CIA for nearly 50 years. That is an astounding record, and it is certainly appropriate as we close debate on what I think is one of the best authorization bills ever, that we recognize Charlie's service to our Nation.

Mr. HOEKSTRA. Madam Speaker, in closing, again I would like to thank my colleagues on the other side of the aisle, the staff on both sides of the aisle who have worked to put together a very, very good bill, my colleagues on my side of the aisle.

We have put together, I think, a very, very strong bill. I think it deserves broad bipartisan support. It sets us in the right direction. As my colleague has indicated, there is more work to do. We do need to take a look at the technical programs. These are critical to the long-term success of our intelligence community, to make sure that public policymakers have the information that we need to make the right decisions.

I appreciate the gentlewoman from California's (Ms. HARMAN) support as we have gone through this process and recognizing that there are issues and concerns about the performance of some of these programs and so that we have the agreement on that.

Where we are disagreeing and having some discussions right now is what is the most effective way to respond to those problems and issues. We want accountability. We want performance. We want to spend the taxpayer dollars wisely. And I am sure that as we continue to go through this process, work with our colleagues on the other side of this building, and work with the administration, we will come to a conclusion, hopefully, that we can all agree to.

I applaud the committee and our work in taking some of these steps

that I think we all recognize needed to be taken and that we are committed to addressing those problems.

With that, Madam Speaker, I would encourage my colleagues to support this bill.

Ms. PELOSI. Madam Speaker, the preamble to the Constitution tells us that one of the first responsibilities of the Federal government is to ''provide for the common defense.''

My 10 years on the House Intelligence Committee have given me an appreciation for the vital role the men and women in our intelligence agencies play in doing just that.

Many of them take extraordinary risks on a daily basis in an effort to gather the information policy makers and military commanders need to make sound decisions. They are deeply dedicated to preserving our country's security, and each of us is grateful for their hard work and sacrifice.

They need an intelligence system that is as strong, smart, and competent as they are, and this bill takes several strong steps towards making sure we have that system.

I want to commend Chairman HOEKSTRA and Ranking Member HARMAN for their leadership and hard work in making sure that this legislation addresses not only the immediate needs of the intelligence community, but helps plan for the future as well.

However, it would be a mistake for us to pass this bill and declare that our work is done and that we have fulfilled our responsibility to the intelligence community and the American people.

It has now been more than 1,700 days since the September 11th terrorist attacks changed our Nation, and laid bare the holes in our intelligence gathering system.

It has been 11 months since the independent 9/11 Commission issued its findings and made its recommendations about how to close those gaps.

It has been nearly a year since the Senate Intelligence Committee concluded that our intelligence on Iraq's weapons of mass destruction capabilities was fundamentally flawed—a conclusion that was recently confirmed by the Presidential Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.

In part, this bill provides the resources the intelligence community needs to prepare for the future by learning from mistakes made in the past. However, these recent reports—notably those of the 9/11 Commission and the Robb-Silberman Commission—point to the need to do far more than simply fund the intelligence community.

These two commissions made many recommendations for significant change in the way the intelligence agencies operate and are overseen by Congress, the way the intelligence community is managed, and in other matters associated with better protecting the American people from the threats posed by terrorists, particularly terrorists armed with weapons of mass destruction.

It was an intelligence authorization bill that established the 9/11 Commission, and it is therefore appropriate that in the context of the debate on this authorization measure, and with the first anniversary of the release of the Commission's report and recommendations fast approaching, we reflect on the recommendations that have been implemented, and on those that have not.

The Commission concluded that more centralized management of the intelligence community was needed, and that the manager had to have considerable power over people and money. The first Director of National Intelligence, Ambassador Negroponte is now in office. He faces a daunting task. We all hope he is successful in it.

That is why it was so surprising and regrettable that the Intelligence Committee, over the objections of Congresswoman HARMAN and the other Democratic Members, chose to welcome him with an effort to restrict his power. What a terribly negative message that provision sent about the commitment of the majority to intelligence reform. This bill is much improved with that provision removed, as the rule has done.

The impetus for this ill-advised action reportedly came from officials in the Department of Defense. We created the position of DNI to help address the interagency squabbling that leads to intelligence failures. This is simply no place for power grabs or bureaucratic self-protection and preservation on the part of the Pentagon.

Just as it was an intelligence authorization bill that created the 9/11 commission, I had hoped that this intelligence authorization would include Mr. WAXMAN's proposal to create a commission to investigate the prisoner abuses in Afghanistan, at Abu Ghraib, and at Guantanamo.

That will not occur as a result of actions taken by the Republican majority on the Rules Committee. For our international standing, our sense of fairness and decency, and to establish more effective means of intelligence gathering, these abuses must be examined.

As former Ambassador Thomas Pickering, attorney Floyd Abrams, and our former colleague Bob Barr wrote in The Washington Post on June 7: ''This is a time when we should be making extra efforts to reach out to Muslims and to ask them to work with us in the war against terrorism. Instead, our failure to undertake a thorough and credible investigation has caused severe resentment of the United States.''

Some of those who opposed most strongly an independent investigation of the 9/11 attacks also oppose an independent investigation of the prisoner abuse scandal. That is unacceptable.

But just as the American people would not accept the initial refusal to establish a 9/11 Commission, so too will demands continue for an independent commission to investigate the prisoner abuses in Iraq, Guantanamo Bay, and elsewhere.

Our country's standing in the eyes of the world depends on getting to the bottom of the prisoner abuse matter—a fact that will ultimately force the majority of this House to stop placing obstacles in the path of a full and independent inquiry.

Unfortunately this is not the only initiative this Congress has failed to act on. Despite the unanimity with which they were adopted and the near universal acclaim they have produced, some critical recommendations made by the 9/11 Commission have gone unfulfilled. For example, Chairman Kean pointed earlier this month to the failure to allocate more of the broadcast spectrum to first responder communications as ''almost a scandal.'' Congresswoman HARMAN has been a leader in trying to resolve this problem and I congratulate her for her efforts.

Chairman Kean also emphasized what has long been known to Members of the Intelligence Committee: the greatest danger facing the United States is a terrorist attack involving weapons of mass destruction, and the best way to address that is to safeguard or destroy WMD components, especially nuclear material, at its source.

Intelligence plays a huge role in efforts to combat proliferation of nuclear material and technology, but money is needed to better protect or acquire these materials in the countries where they were developed. We are simply not providing enough resources to this effort.

Finally, the 9/11 Commissioners have been clear in their assessment that, unless Congress overhauls the procedures by which it oversees the work of the intelligence agencies, intelligence reform will not be successful.

The House has not undertaken the kind of comprehensive review of the oversight process that the Commission believes to be necessary. I have let the Speaker know, repeatedly, that Democrats are prepared to work cooperatively on this review. It is imperative that we begin this task soon—we have already waited far too long.

This bill enjoys broad bipartisan support from members of the Committee, and I intend to support it. In doing so, however, I urge that the House dedicate itself to finishing the job begun last fall with the adoption of the 9/11 intelligence reform bill and address completely all of the recommendations of the 9/11 Commission.

Mr. EVERETT. Madam Speaker, I rise today in strong support of H.R. 2475, the Intelligence Authorization Bill for fiscal year 2006.

As one of several ''cross-over'' members who serve on both the Intelligence and Armed Services Committees, this legislation strikes a reasonable balance between our national intelligence needs, and the needs of our warfighters. As we know from our work on the Intelligence Reform Act last fall, this is not an easy task.

Madam Speaker, it would be disingenuous to state that all is well within the Intelligence Community. For a number of years, the Select Committee on Intelligence has been systematically identifying major shortfalls in providing for our foreign intelligence needs. These include: funding shortfalls, major limitations in human intelligence, limited capabilities in foreign language specialists, aging information technology systems, and the lack of strategic planning with regard to the Intelligence Community's overhead intelligence collection programs.

Madam Speaker, this bill represents a major step forward in correcting many of these problems by funding programs, operations, and personnel that are vital to the security of the United States. The policies and programs in this bill will enable us to strengthen our intelligence capabilities to ensure that we are providing the best foreign intelligence efforts possible.

In particular, this bill begins to balance the resources applied to technical collection programs with those applied to human source collection. In years past, funding cuts greatly reduced the Intelligence Community's ability to provide global collection and analytic coverage. The global war on terrorism has led to increased funding, but there is still only limited capability to focus on other issues around the

world. This bill reinvigorates capabilities that have long been ignored.

I have a personal concern about the Intelligence Community's capabilities against foreign missile systems. Therefore, at my direction the bill includes specific funding increases to allow for expanded modeling and simulation of foreign systems, exploitation of foreign missile systems, and all-source missile event analysis.

Madam Speaker, this bill puts a great deal of emphasis on getting the Intelligence Community ''back to the basics.'' In short, this bill continues to correct the systemic problems that left us underprepared for warning against terrorist attacks on America, and begins the process of returning human intelligence collection to a worldwide endeavor.

I feel that this is a good bill that balances the increased investment against critical priorities with procedures for effectively monitoring the wise investment of the taxpayers' money. Madam Speaker, I urge my colleagues to support H.R. 2475.

Mr. TIAHRT. Mr. Speaker, I rise in support of H.R. 2475, ''The Intelligence Authorization Act for Fiscal Year 2006''. I thank my friend and colleague from Michigan for yielding me this time.

For almost 4 years, the U.S. Intelligence Community has been at the forefront of the Global War on Terror. Working long hours, under often primitive conditions, the men and women of the Intelligence Community have performed spectacularly under the most stressing of operational tempos. The legislation before us today authorizes the funding necessary to support the men and women of the Intelligence Community and to keep our country safe. However, a sufficient balance must be maintained between fighting terror and maintaining global awareness of emerging threats. Therefore, the legislation before us lays the budgetary and programmatic groundwork that will ensure that the U.S. Intelligence Community is prepared and able to face the challenges and national security threats of the future.

First and foremost, this legislation provides the appropriate balance between technical, human and open source collection.

This bill provides sufficient funds to ensure that the U.S. retains its technical collection edge for the next 20 years. It also increases the resources necessary to provide a strong, global human and open source intelligence collection capability. Achieving this balance required some hard choices on several highly regarded technical collection systems, however, the Committee was able to reach bipartisan consensus on the need to eliminate some redundant or outdated systems.

Second, this legislation strengthens innovation across the Intelligence Community.

The legislation includes a significant increase in the resources devoted to advanced research and technology development including increased funding for new sensors and platforms, data mining and information assurance technologies. To ensure that these resources are used wisely, this legislation also strengthens the authorities and responsibilities of the Intelligence Community's Chief Scientist.

Third, this legislation revitalizes our intelligence analysis and production capabilities.

Our intelligence community analysts are frequently asked to turn fragmentary and seemingly random puzzle pieces into a coherent picture. To help bring the picture into focus, this legislation provides for improved training opportunities (particularly for languages), new analytic tools, increased personnel and better tools to enable information sharing.

Fourth and finally, this legislation continues the efforts begun in the Intelligence Reform and Terrorism Prevention Act of 2004 to strengthen and define the authorities and responsibilities of the Director of National Intelligence.

The Intelligence Community is our first-line of defense against an elusive and unstructured threat that has shown willingness to harm America. It is vital that this community has the resources and authorities necessary to effectively target both the terrorist threats of today as well as new threats of tomorrow. H.R. 2475 provides those resources.

I strongly urge my colleagues to support this legislation in the bipartisan manner that our national security efforts demand.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise in strong support of H.R. 2475, the Intelligence Authorization Act of 2006. I congratulate Chairman HOEKSTRA for presenting a strong bill that addresses our major intelligence requirements.

Madam Speaker, as chair of the Intelligence Policy Subcommittee, I have been tasked to look at the vast range of threats faced by the United States, and work to ensure that the intelligence services devote the necessary resources to respond to those threats.

As we consider this bill, we are in the midst of a war with a vicious enemy—a war on terrorism that must be won. Our troops are also engaged in a bloody effort to stabilize Iraq.

Our war-fighters must have timely, accurate information about the enemy, and this bill makes every effort to guarantee that intelligence is provided. Thus, there is an essential force protection component to this authorization.

But we cannot focus solely on the collection of near-term, tactical battlefield intelligence. We must also ensure that our political leaders have good information about big picture threats to U.S. interests globally.

The Intelligence Community must focus its resources on the nuclear programs in Iran, North Korea, and other major proliferators of weapons of mass destruction.

We must fully understand the ongoing military modernization of China, and know how Beijing intends to use its emerging capabilities. Russia remains a nuclear superpower with thousands of nuclear warheads, and prudence dictates we have good intelligence regarding Russia's intentions.

The behavior of these important nations can have a deep impact on our national security, and the United States must not become the victim of a ''strategic surprise''.

To protect our people and inform our political leaders, we must have the capability to collect good, accurate information. It is increasingly difficult to predict where the next crisis may erupt, but our leaders must have the ability to anticipate significant events.

H.R. 2475 places much needed emphasis on our collection and analysis capabilities. I am pleased that this bill increases the investment in human intelligence and the capabilities they provide for us.

It provides additional resources for professional training and language education for intelligence officers being deployed overseas.

The legislation also authorizes powerful new tools that will assist our intelligence analysts to sort through and properly understand the information that has been gathered.

At a time when the threats to u.s. national security are so great, H.R. 2475 supports the effort to provide our leaders with focused, timely intelligence. I urge my colleagues to support this legislation and once again, I congratulate my chairman on his outstanding effort.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Madam Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MALONEY:

At the end of title III (page 14, after line 23) insert the following:

SEC. 310. REPORTS ON FAILURE TO TIMELY IMPLEMENT THE NATIONAL COUNTERTERRORISM CENTER.

(a) INITIAL REPORT ON FAILURE TO MEET DEADLINES IMPOSED UNDER LAW.—Not later than 30 days after the date of the enactment of this Act, the President shall provide written notice to Congress explaining the failure of the executive branch to implement the National Counterterrorism Center, as established under section 119 of the National Security Act of 1947, as added by section 1021 of the National Security Intelligence Reform Act of 2004 (title I of the Intelligence Reform and Terrorism Prevention Act of 2004; Public Law 108–458), by the deadlines imposed under section 1097(a) of such Act for the implementation of such Center, including the failure by the President to nominate an individual to serve as Director of the National Counterterrorism Center.

(b) SUBSEQUENT MONTHLY UPDATES.—The President shall provide to Congress monthly updates to the initial notice to Congress under subsection (a) until the National Counterterrorism Center is fully implemented and operational.

The SPEAKER pro tempore. Pursuant to House Resolution 331, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

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

Our amendment requires the President to keep the Congress and the American people updated monthly on the progress of the implementation and operation of the National Counterterrorism Center until it is fully implemented and operational.

The Congress and the President recognize the National Counterterrorism Center as a critical office for the safety of our country. The Congress and the President agreed that it had to be up and running, fully operational and fully staffed, by June 17, 2005, or last Friday.

While director Admiral John Redd was nominated on June 10, he has yet to be confirmed by the Senate, and he

has many challenges before him, chief among which is to get this center fully staffed and operational.

The Bush administration manages by goals and reports. A fully operational and staffed NCTC is a goal that must be attained as quickly as possible.

The National Counterterrorism Center was a core element of the Intelligence Reform and Terrorism Prevention Act of 2004. The center must be the central organization for analyzing and integrating all foreign and domestic intelligence on terrorism.

It also is to conduct strategic operational planning for counterterrorism operations at home and abroad, integrating all elements of national power. In short, the NCTC was created to bring all of the pieces together to prevent a future attack. The Congress and the President established June 17, last Friday, as the deadline for the NCTC.

Unfortunately, we cannot stand here today and say that it is fully operational and fully implemented. This is not the only deadline in this important bill to be missed. I have a chart that I requested from the Congressional Research Service. It is an 8-page chart of deadlines.

And what CRS found is no fewer than 22 deadlines have been missed in the first 6 months of this bill becoming law. And many other important deadlines are looming. Some of the deadlines we have missed include: developing a national transportation strategy, a number of port security strategic plans, and streamlining the security clearance process.

We must keep the implementation of this bill on track; hence the need for this amendment. This is not to say that there has not been substantial progress. Prior to the NCTC being created in law, President Bush created the NCTC last August by executive order.

This center has operated for months under the direction of an interim director. A positive step towards the goal of implementation took place on June 10 when Retired Vice Admiral John Redd was nominated to be the permanent director of the NCTC.

□ 1545

I would like to note that when we originally submitted this amendment to the Committee on Rules on June 2, no NCTC director had been nominated. Upon confirmation, the new director and Ambassador Negroponte will be faced with a number of issues before full implementation. Chief among these issues is working out the inconsistencies between the statute and the executive order. The existing inconsistencies which have been identified by CRS hold much danger of creating confusion which could undermine the maximum functioning of the NCTC.

Another example of these inconsistencies relates to the danger that the tactic supplied to foreign intelligence collection may be applied against U.S. citizens. Thus, the importance of a robust Civil Liberties Board, the beginnings of which were included in the enacted statute.

This amendment will motivate all of the participants to get the job done to protect the American people. I am confident that the Permanent Select Committee on Intelligence, under the leadership of the gentleman from Michigan (Mr. HOEKSTRA) and the ranking member, the gentlewoman from California (Ms. HARMAN), will relentlessly monitor the implementation of these important deadlines. It is too important to the safety of the American people.

Just as the Goldwater-Nichols bill unified the Army, Navy, and Air Force into a single effective fighting force, so too does the intelligence reform legislation draw together the isolated elements of the intelligence community into a unified shield to protect the American people.

The basic function of the NCTC is to prevent another 9/11. As someone who represents a city that was attacked on 9/11, we owe it to the victims and to all Americans to put this central defense mechanism against future attacks in place. We must fulfill the promise of this functional restructuring of the intelligence community for the safety of the American people.

For me, the intelligence bill was the most important bill we passed since I have been in this Congress, and I am deeply grateful to the families of the victims who fought so hard for the enactment of this bill along with the President and my colleagues in this Congress.

Our amendment is a step towards implementing this important bill.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I rise to claim the time in opposition to the amendment, but I do not object to the amendment.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the gentleman from Michigan controlling the time in opposition?

There was no objection.

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

Madam Speaker, I will not oppose this amendment. I believe the author will have a perfecting amendment.

Mrs. MALONEY. Madam Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from New York.

Mrs. MALONEY. Madam Speaker, I appreciate very much the gentleman from Michigan (Chairman HOEKSTRA) not opposing my amendment and all the hard work that he and the gentlewoman from California (Ms. HARMAN) did on the intelligence bill.

I would like to note the concern that the gentleman reported to me or gave to me about the reporting requirement.

MODIFICATION TO AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Madam Speaker, I ask unanimous consent that the amendment be modified to accept changing the reporting requirement in the amendment from the President to the Director of National Intelligence, Ambassador Negroponte.

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

The Clerk read as follows:

Amendment as modified, offered by Mrs. MALONEY:

At the end of title III (page 14, after line 23) insert the following:

SEC. 310. REPORTS ON FAILURE TO TIMELY IMPLEMENT THE NATIONAL COUNTERTERRORISM CENTER.

(a) INITIAL REPORT ON FAILURE TO MEET DEADLINES IMPOSED UNDER LAW.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall provide written notice to Congress explaining the failure of the executive branch to implement the National Counterterrorism Center, as established under section 119 of the National Security Act of 1947, as added by section 1021 of the National Security Intelligence Reform Act of 2004 (title I of the Intelligence Reform and Terrorism Prevention Act of 2004; Public Law 108–458), by the deadlines imposed under section 1097(a) of such Act for the implementation of such Center, including the failure by the President to nominate an individual to serve as Director of the National Counterterrorism Center.

(b) SUBSEQUENT MONTHLY UPDATES.—The Director of National Intelligence shall provide to Congress monthly updates to the initial notice to Congress under subsection (a) until the National Counterterrorism Center is fully implemented and operational.

The SPEAKER pro tempore. Without objection, the amendment is modified.

There was no objection.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague, the gentlewoman from New York (Mrs. MALONEY) for that change.

I think the reason we are accepting the amendment is in the spirit that it was offered by my colleague from New York and, I believe, my colleague from Connecticut. We on the committee, the gentlewoman from California (Ms. HARMAN) and myself have laid down as one of the parameters and one of the things that we expect from the oversight subcommittee is to vigorously and aggressively track the implementation of the intelligence reform bill.

I agree in the time that the gentlewoman and I have been in Congress together until we pass Federal prison industries reform, this will be one of the most significant pieces of legislation that we will have worked on together.

There are some talking points on the technicality as to what ''fully operational'' means, and those types of things; and whether it is fully operational now and whether it could have been fully operational before June 17, because that is when the law came into effect, we fully understand and appreciate the concern that the gentlewoman has in bringing this amendment forward, that we on the committee and that Congress and the American people be fully informed as to the progress we are making in implementing the intelligence reform bill.

We are committed to doing that. We are committed to staying informed on

the committee, riding herd over the director of National Intelligence to make sure that this bill is implemented to the full intent of Congress when we passed it.

So it is in light of the spirit of that approach that we accept this amendment.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. HARMAN), the ranking member.

Ms. HARMAN. Madam Speaker, I thank the gentlewoman for yielding me time. I want to commend her and the gentleman from Connecticut (Mr. SHAYS) for the enormous work they did outside the intelligence committee. As we were considering the intelligence reform legislation last year, the faces that I saw on a constant basis were theirs and the families. And I often have said that the families were the wind beneath our wings. I would add a couple of Members of Congress to that, too, and I thank them for all they did.

I am very pleased that the majority is accepting the amendment. It is a good idea for us to make absolutely clear that the NCTC, the National Counter Terrorism Center, is a vital piece of the reform we enacted last year and that it needs to be fully operational ASAP.

To explain further, one of the big mistakes we made leading up to 9/11 is everyone now knows our failure to connect the dots. Obviously, having a fusion center designed for this purpose is a very good way to make sure we do not fail to connect the dots the next time.

So it took, I would say, the introduction of this amendment to cause the President to nominate a very able fellow, Vice Admiral Redd, to be the director of the NCTC. He did that 2 days after this amendment was presented in the Committee on Rules. And perhaps now that we are accepting it as part of today's debate, the NCTC will become fully operational even before that prison reform bill is enacted.

In conclusion, Madam Speaker, I strongly support this. I support the team that has brought this to us. And I would note to this body, that bill last year that we worked so hard on gets its real sea legs today as the House takes this necessary step in funding its critical parts and in making clear that we will not accept any efforts to roll back the jurisdiction of the DNI, who is going to be the commander of the tip of the spear in this era of terror.

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

Mrs. MALONEY. Madam Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), and I commend his leadership and support on this amendment and his hard work on the intelligence reform committee. We both had many victims that were lost from our respective districts and we worked closely throughout that period with the families and with our colleagues on that important bill. I thank the gentleman for his hard work.

Mr. SHAYS. Madam Speaker, I thank the gentlewoman for yielding me time. I thank her for her very hard work and the work again of the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN).

I rise, obviously, in support of this amendment that we are offering, as amended, which would require the director of National Intelligence to provide Congress written explanation why the National Counter Terrorism Center, NCTC, is not fully operational since the June 17 deadline set forth in Public Law 108–458.

The Joint Inquiry and the 9/11 Commission both found that the lack of information-sharing and coordination within the intelligence community led to numerous missed opportunities to detect and prevent September 11 terrorist attacks.

The establishment of the NCTC was a key 9/11 Commission recommendation and an integral part of the effort to increase information-sharing and coordination among intelligence agencies.

The director will serve a critical function in our Nation's intelligence capability, as he will report to the President and to the director of National Intelligence.

The NCTC, once fully operational, will be the Nation's primary agency for now analyzing terrorist threats and planning counterterrorism operations at home and abroad.

The deadline by which the NCTC was required by law to be fully operational has passed, and while I am pleased the President nominated Vice Admiral John Redd as the Center's permanent director on June 10, I wish Congress had received this nomination sooner than a week before the deadline so that the Center could have been operational on time.

The bottom line is it has been done. We are making progress. I thank the gentleman from Michigan (Mr. HOEKSTRA) for accepting this amendment and the gentlewoman from California (Ms. HARMAN) as well. It is an amendment that I think deserves passage and I thank them for accepting it.

Mr. HOEKSTRA. Madam Speaker, I yield myself the balance of my time.

I thank my colleagues for working through this amendment and making the necessary changes. As I indicated earlier, we are willing to accept this amendment.

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

Mrs. MALONEY. Madam Speaker, I yield myself the balance of my time.

I thank the gentleman from Michigan (Chairman HOEKSTRA) for accepting the amendment. Certainly certain issues are above partisan politics. The defense, the protection of our Nation, intelligence reform, is certainly among them.

The gentleman and the ranking member have really worked together in the best interest of the American people on this important issue. I thank the gentleman for his support.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to show my support for the men and women who work in the intelligence community each day sacrificing their lives so that we may remain safe. This measure, H.R. 2475, does authorize 100 percent of the funding requests made by the community, which is a positive departure from the measure proposed in 2005, which funded only 26 percent of the requests. In addition, this legislation improves upon the President's request of only 40 percent of the community's counterterrorism funding needs. This departure is important because this measure is the first authorization bill to come to the floor since passage of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458)—the families of the victims of 9/11 as well as the entire international community still look to us for responsible action in the area of intelligence.

I also applaud the Committee's inclusion of provisions for the recruitment and clearing of personnel adept in language skills necessary to truly aid our intelligence-gathering and processing initiative.

However, I join my colleagues in disagreeing with Section 305 of the bill as reported out of Committee. This section gives congressional committees a ''pocket veto'' of the personnel transfers that the new Director of National Intelligence might recommend. Absent passage of the Manager's Amendment offered by Mr. HOEKSTRA, this provision will contravene much of the authority conferred in the Intelligence Reform and Terrorism Prevention Act that was signed into law by the President last year. Public Law 108–458 contains provisions that I offered that deal with commercial alien smuggling such as penalty enhancement as well as an outreach section that would require publication of the enhancements by DHS to act as a deterrent.

I support the amendment that will be offered by my colleague from New York, Mrs. MALONEY that would require a report to Congress until the Director of the National Counterterrorism Center has been confirmed and until the Center is fully functional.

Madam Speaker, for the reasons above stated, I support the legislation with reservations.

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

The SPEAKER pro tempore. Pursuant to House Resolution 331, the previous question is ordered on the bill and the amendment, as modified, offered by the gentlewoman from New York (Mrs. MALONEY).

The question is on the amendment, as modified, offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment, as modified, was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Speaker, I offer a motion to recommit with instructions.

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

Mr. WAXMAN. I am, Madam Speaker, in its current form.

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

The Clerk read as follows:

Mr. Waxman of California moves to recommit the bill H.R. 2475 to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following new title:

TITLE V—ESTABLISHMENT OF INDEPENDENT COMMISSION TO INVESTIGATE DETAINEE ABUSES

SEC. 501. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on the Investigation of Detainee Abuses (in this title referred to as the ''Commission'').

SEC. 502. DUTIES.

(a) INVESTIGATION.—The Commission shall conduct a full, complete, independent, and impartial investigation of intelligence and intelligence-related activities carried out in Operation Iraqi Freedom, Operation Enduring Freedom, and any operation within the Global War on Terrorism in connection with abuses of detainees, including but not limited to the following:

(1) The extent of the abuses.

(2) Why the abuses occurred.

(3) Who is responsible for the abuses.

(4) Whether any particular Department of Defense, Department of State, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abuses.

(5) What policies, procedures, or mechanisms failed to prevent the abuses.

(6) What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

(7) The extent, if any, to which Guantanamo Detention Center policies influenced policies at the Abu Ghraib prison and other detention centers in and outside Iraq.

(b) ASSESSMENT, ANALYSIS, AND EVALUATION.—During the course of its investigation under subsection (a), the Commission shall assess, analyze, and evaluate relevant persons, policies, procedures, reports, and events, including but not limited to the following:

(1) The Military Chain of Command.

(2) The National Security Council.

(3) The Department of Justice.

(4) The Department of State.

(5) The Office of the White House Counsel.

(6) The Defense Intelligence Agency and the Central Intelligence Agency.

(7) The approval process for interrogation techniques used at detention facilities in Iraq, Cuba, Afghanistan, and elsewhere.

(8) The integration of military police and military intelligence operations to coordinate detainee interrogation.

(9) The roles and actions of private civilian contractors in the abuses and whether they violated the Military Extraterritorial Jurisdiction Act or any other United States statutes or international treaties to which the United States is a party.

(10) The role of nongovernmental organizations' warnings to United States officials about the abuses.

(11) The role of Congress and whether it was fully informed throughout the process that uncovered these abuses.

(12) The extent to which the United States complied with the applicable provisions of the Geneva Conventions of 1949, and the extent to which the United States may have violated international law by restricting the access of the International Committee of the Red Cross to detainees.

(13) The extent to which the United States complied with the applicable provisions of other human rights treaties, including the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 503. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President;

(2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the Senate; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) OTHER QUALIFICATIONS.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, international human rights and humanitarian law, and foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) CHAIRMAN AND VICE CHAIRMAN.—The chairman and vice chairman of the Commission shall be elected by a majority vote of the members.

(5) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) QUORUM; VACANCIES.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) CONFLICTS OF INTEREST.—Each member appointed to the Commission shall be independent of any agency, individual, or institution that may be the subject of investigation by the Commission.

SEC. 504. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

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

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) IN GENERAL.—A subpoena may be issued under this subsection only—

(i) by the agreement of the chairman and the vice chairman; or

(ii) by the affirmative vote of 6 members of the Commission.

(B) SIGNATURE.—Subject to subparagraph (A), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(3) SCOPE.—In carrying out its duties under this Act, the Commission may examine the actions and representations of the current Administration as well as prior Administrations.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—Departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

SEC. 505. PUBLIC HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 509.

(b) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 506. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The chairman and the vice chairman jointly, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants.

SEC. 507. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at a reasonable rate for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

SEC. 508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

(a) IN GENERAL.—Subject to subsection (b), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(b) EXCEPTION.—No person shall be provided with access to classified information under this title without the appropriate required security clearance access.

SEC. 509. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) RECOMMENDATION TO MAKE PUBLIC CERTAIN CLASSIFIED INFORMATION.—If the Commission determines that it is in the public interest that some or all of the information contained in a classified annex of a report under this section be made available to the public, the Commission shall make a recommendation to the congressional intelligence committees to make such information public, and the congressional intelligence committees shall consider the recommendation pursuant to the procedures under subsection (e).

(e) PROCEDURE FOR DECLASSIFYING INFORMATION.—

(1) The procedures referred to in subsection (d) are the procedures described in—

(A) with respect to the Permanent Select Committee on Intelligence of the House of Representatives, clause 11(g) of Rule X of the Rules of the House of Representatives, One Hundred Ninth Congress; and

(B) with respect to the Select Committee on Intelligence of the Senate, section 8 of Senate Resolution 400, Ninety-Fourth Congress.

(2) In this section, the term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

SEC. 510. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 509(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 511. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed $5,000,000 for purposes of the activities of the Commission under this Act.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

Mr. WAXMAN (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

□ 1600

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to the rule, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes in support of his motion.

Mr. WAXMAN. Madam Speaker, this motion to recommit would amend the bill to add language establishing an independent commission to examine detainee abuses.

In the year since the horrific photographs of prisoner abuse at Abu Ghraib surfaced, more and more instances of detainee abuse from a growing number of locations around the world have come to light.

The reports of detainee abuse are undermining one of our Nation's most valuable assets: our reputation for respect for human rights.

The Pentagon's internal investigations of the abuse allegations have resulted in conflicting conclusions. Some of these reports have been little more than whitewashes.

Congress has failed to conduct a comprehensive public investigation of detainee abuse allegations at Guantanamo, Abu Ghraib, Bagram and other facilities. We have abdicated our constitutional duty to conduct responsible oversight.

My motion to recommit would fill the huge oversight gap. A lack of oversight leads to a lack of accountability, and no accountability breeds arrogance and abuse of power.

It is time for this House to take our oversight responsibility seriously, and I urge a ''yes'' vote on the motion to recommit.

Mr. Speaker, I yield to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence, my colleague.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding to me and commend him for sponsoring this notion of an independent commission to look at detainee abuses.

Mr. Speaker, though I am a strong supporter of this legislation, I think it would be even better if it included language to establish this commission, and so I support the motion to recommit the bill for the purpose of adding the gentleman from California's (Mr. WAXMAN) amendment.

Military historians often talk about the ''fog of war.'' I believe our intelligence professionals operate in a fog of law, a confusing patchwork of treaties, laws, memos and policies.

Article I, section 8 of the Constitution says that it is Congress' responsibility to establish rules concerning captures on land and water. I hope that we will seize this responsibility.

But as Congress studies the policy options going forward, it is vital that we have the facts. Only a bipartisan, independent commission can get to the bottom of what happened among administration policymakers within the military chain of command and out in the field.

The steady stream of revelations about Guantanamo and other facilities around the world erode our moral credibility, just as we are trying to win the hearts and minds of the Arab and Muslim world.

It is vital to our national security, Mr. Speaker, that we fix this problem so that our detention and interrogation policies get us actionable intelligence without creating a whole new generation of terrorist recruits. Pretending that there is no problem is not a strategy for success.

So in conclusion, Mr. Speaker, our committee, on a bipartisan basis, is looking into these issues through our Subcommittee on Oversight. I commend our progress; but in addition, I think the public will have more confidence in what we are doing if we also have an outside, independent commission.

In that spirit, I support the Waxman motion to recommit.

Mr. WAXMAN. Mr. Speaker, the failure to have an investigation of detainee abuse is eroding our moral standard in the world. It is also endangering our Armed Forces and inciting hatred against the United States. As Senator BIDEN said about Guantanamo, it is the greatest propaganda tool for the recruitment of terrorists worldwide.

Some of the allegations that have been repeated over and over again may not be true. In fact, I hope they are not true. President Bush calls them absurd, but we do not know what is true and what is not unless we investigate; and when we refuse to conduct a thorough, independent, credible investigation, the rest of the world thinks we have something to hide.

The independent commission established by this proposal would establish a 10-member bipartisan commission modeled on the successful 9/11 commission. I think we need this. I think we need it badly.

If the Congress had done its job of oversight, we might well say the job is done and we do not need to do anything further; but Congress has done relatively little on this whole matter. The reports that have been issued by the

various investigative agencies have been in conflict.

This is why I ask my colleagues to support this motion to recommit. Vote ''aye.''

Mr. HOEKSTRA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) is recognized.

Mr. HOEKSTRA. Mr. Speaker, I am a little confused, as I listened to those on the other side as to whether we have or have not done oversight. The author of the amendment says there has been no oversight. My ranking member applauds the work that the committee has done in its role of doing oversight on a bipartisan basis.

Mr. Speaker, we are at a time of war that was not begun by the making of the United States. We are at war against an international terrorist movement that has engaged our country in a clash of values driven by those who fundamentally oppose American democracy and freedom.

The 9/11 Commission emphasized the importance of engaging the terrorists in the ''struggle of ideas,'' noting that many views in the Muslim world of the United States are ''at best uninformed about the United States and, at worst, informed by cartoonish stereotypes among intellectuals who caricature U.S. values and policies. Local newspapers and the few influential satellite broadcasters, like al Jazeera, often reinforce the jihadist theme that portrays the United States as anti-Muslim.''

Mr. Speaker, comments that significantly exaggerate and overstate the situation in Guantanamo Bay do nothing but reinforce the false perceptions of America that have encouraged our enemies.

There is aggressive oversight under way by the executive branch and by Congress into our detention procedures. It is only because of this aggressive oversight and the freedoms provided by American democracy that we are having this discussion in the first place. The system is working properly, and we should continue to let it work; and for those who do not know about the work that is going on, perhaps they could ask.

So when senior Members of Congress, including a member of the minority leadership in the Senate, exaggerate and distort these issues, including by comparing American soldiers to Nazis, those comments do nothing but reinforce the false prejudices abroad that have led us to war.

As an example, I note that the al Jazeera network gave prominent coverage to the remarks of a Member of the Senate comparing the actions of U.S. soldiers to Nazis, Soviet gulags, and a mad regime like Pol Pot's Khmer Rouge in Cambodia.

A columnist in the Chicago Sun Times said of those remarks: ''He should at least be made a little uncomfortable over what he's done.'' What did he do? ''In a time of war, make an inflammatory libel against his country's military that has no value whatsoever except to America's enemies.''

We are better than those who oppose us. Our oversight has exposed our weaknesses. Now is the time to move on.

To quote from President Roosevelt's ''Man in the Arena'' speech: ''It is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deeds could have done them better.''

I want this Congress to be seen as a doer of deeds. If we fail, we fail while daringly great. To do anything less would be unworthy of the House of Representatives.

Self-loathing of America on the floor of this House accomplishes nothing but fueling the fires abroad that seek to destroy America's democracy and our way of life. I encourage my colleagues to vote ''no'' on this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on passage of H.R. 2475 and on the motions to suspend the rules previously postponed in the following order:

H.J. Res. 52, by the yeas and nays,

H. Con. Res. 160, by the yeas and nays,

H. Con. Res. 180, de novo.

The vote was taken by electronic device, and there were—yeas 197, nays 228, not voting 8, as follows:

[Roll No. 289]

YEAS—197

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
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)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
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

NAYS—228

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
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
Castle
Chabot
Chocola
Coble
Cole (OK)
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
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 (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica

Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
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
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—8

Carter
Conaway
Herseth
Lewis (GA)
Murphy
Pence
Sessions
Young (FL)

□ 1639

Mrs. KELLY, Mr. BUYER, and Mr. ABERCROMBIE changed their vote from ''yea'' to ''nay.''

Messrs. GONZALEZ, ETHERIDGE and CHANDLER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PETRI). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 409, nays 16, not voting 8, as follows:

[Roll No. 290]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (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
McGovern
McHenry
McHugh
McIntyre
McKeon
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)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

NAYS—16

Conyers
Duncan
Jackson (IL)
Kucinich
Lee
McDermott
McKinney
Oberstar
Owens
Paul
Payne
Rangel
Stark
Waters
Watson
Woolsey

NOT VOTING—8

Carter
Conaway
Herseth
Lewis (GA)
Murphy
Pence
Sessions
Young (FL)

□ 1647

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONAWAY. Mr. Speaker, I was detained and unable to cast a vote on H.R. 2475, the Intelligence Authorization Act for FY06, on June 21, 2005. I was enroute to Brownwood, Texas to attend the funeral of Lance Corporal Mario Castillo, a Marine from the 11th District of Texas. Please let the RECORD reflect that had I been here, I would have voted ''yes.''

AUTHORIZING CLERK TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2475, the Clerk be authorized to make such technical and confirming changes as necessary to reflect the actions of the House.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the remaining votes will be 5-minute votes.

There was no objection.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 52.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and

pass the joint resolution, H.J. Res. 52, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 2, not voting 8, as follows:

[Roll No. 291]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
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
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
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)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
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)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—8

Carter
Conaway
Deal (GA)
Herseth
Lewis (GA)
Murphy
Sessions
Young (FL)

□ 1655

So (two thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 160.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 292]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
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)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
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)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Carter
Conaway
Deal (GA)
Herseth
Lewis (GA)
Murphy
Sessions
Young (FL)

□ 1705

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on June 21, 2005, I was unavoidably detained on official business in my Congressional District. During rollcall vote No. 288, if present, I would have voted "yea." On rollcall vote No. 289, I would have voted "no." On final passage of H.R. 2475, authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities, rollcall vote 290, I would have voted "yea." On passage of H.J. Res. 52, rollcall vote 291, I would have voted "yea." On passage of H. Con. Res. 160, rollcall vote 292, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MURPHY. Mr. Speaker, due to official business relating to the visit of BRAC Commissioner General Lloyd Newton to the 911th Airlift Wing, Air Force Reserve in my Congressional District, I was not present in the Chamber on Tuesday, June 21, 2005, and was regrettably unable to cast my vote on rollcall No. 288, rollcall No. 289, rollcall No. 290, rollcall No. 291, and rollcall No. 292.

Had I been present, I would have voted "yea" on rollcall No. 288; "no" on rollcall No. 289; "yea" on rollcall No. 290; "yea" on rollcall No. 291; and "yea" on rollcall No. 292.

SUPPORTING FIREFIGHTER LIFE SAFETY SUMMIT INITIATIVES AND MISSION OF NATIONAL FALLEN FIREFIGHTERS FOUNDATION AND UNITED STATES FIRE ADMINISTRATION

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 180.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 180.

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

A motion to reconsider was laid on the table.

REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–143) on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCCAUL of Texas). 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.

TAKING STEPS TO FIX NICS

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. Mr. Speaker, currently, when someone wants to buy a gun, they are subject to a background check, and once he or she is cleared, the records of that transaction are destroyed after 24 hours. But 24 hours is simply not enough time to ensure a gun is not sold to someone who should not be buying guns. Why? Because the National Instant Background Check System, or NICS, is not effective enough to warrant such a quick turnaround time on gun purchase records.

NICS is a database to check potential firearm buyers for any criminal record or history of mental illness.

□ 1715

Mr. Speaker, however, the NICS system is only as good as the information States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system.

In these States, many felons will not be listed on the NICS system and would be able to purchase guns with no questions asked. In 13 States, domestic violence restraining orders are not accessible through the NICS system. Common sense would dictate that you do not sell a gun to someone who has been recently served with a restraining order.

Thirty-three States have not automated or do not share mental health records that would disqualify certain individuals from purchasing a gun under existing law. Also felony convictions in some States will not show up on another State's background check.

I understand the political realities of this Congress when it comes to new gun laws. Many on both sides of the aisle see anything longer than a 24-hour period to hold records as a de facto gun registry.

So we must take measures to fix the NICS system to make sure that our existing laws are enforced. I have introduced legislation with the gentleman from Michigan (Mr. DINGELL), the NICS Improvement Act of 2005, that will give States grants to update their NICS database.

This is the same bill that passed the House by a voice vote in the 107th Congress. No one person was denied his or her second amendment rights because of this bill. Even the National Rifle Association approved the bill in 2002.

It is the States' responsibility to make sure that NICS databases are in order. But if so many States are facing budget problems, many simply cannot afford to dedicate resources to updating their NICS system.

Meanwhile, too many criminals are slipping through the cracks of our background check system. This is unacceptable, especially in the post-9/11 era. Until we fix the NICS system, our law enforcement officers will continue to be within a tight deadline to determine whether or not background checks cover all of the bases.

With my bill, we can ensure that the NICS system does its job at the point of purchase. Mr. Speaker, please bring the NICS Improvement Act up for a vote this summer. It is time that we

close the legal loopholes that make it so easy for criminals to buy guns and so difficult for law enforcement agencies to keep us safe.

Mr. Speaker, this is a bill that can work. This is a bill that has bipartisan support. This is a bill that can save lives, especially those of our police officers.

BRING DOWN AMERICA'S DRUG PRICES

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about prescription drugs, and more importantly about what Americans pay for prescription drugs compared to consumers in other industrialized countries.

I have this chart, and I know that on television it is a little hard for the Members who are watching their offices to see these numbers, but if you go to my Web site at gil.house.gov, you can see this chart and other comparisons that we have, not only with the United States and Germany, as this chart is, but with other countries, because we now have pharmacists literally around the world who regularly share with us what their prices are for prescription drugs.

What you see here are 10 of the most commonly prescribed drugs in the United States. You can buy those drugs in Frankfurt, Germany for $455.57. Those same 10 drugs here in the United States are $1,040.04. Americans pay 128 percent more for the same drugs made in the same plants under the same FDA approval.

Let me give you one example we have talked about before: Zocor, an excellent drug. Many heart patients take Zocor. As a matter of fact, some of our colleagues here in Congress take Zocor. And depending on what Federal program you are under, you can be paying a copay of $30 for that drug. Federal Members of Congress may be paying $30 when consumers in Germany can walk into the Metropolitan Pharmacy in Frankfurt, Germany, and they can buy that drug for $23.80.

The copay here in the United States, in many cases, is $30. The regular price in Rochester, Minnesota, for that drug, $85.39. And again, these are the same drugs, made in the same plants with the same FDA approval. What is wrong with this picture?

Well, what is wrong with this picture is that American consumers are held hostage. In countries like Germany, they have what is called parallel trade. So a pharmacist in Frankfurt, for example, if they want to buy that Zocor, if they can buy that Zocor in Sweden cheaper than they can buy it from the distributors in Germany, they are allowed to do that.

That creates a competitive marketplace. That is what we are trying to encourage with the Pharmaceutical Market Access Act. Now, our Founders understood that the Federal Government is created by the States and not the other way around.

But the States in many cases have been referred to as the laboratory of democracy. And the interesting thing is State governments, and more importantly the Governors of those States, are not standing by idly.

What they are doing is they are creating their own programs. In Illinois, in Kansas, in my own State of Minnesota, Minnesotans now have access to buying drugs from Canada, and they recently added Great Britain.

The I-SaveRx program, now in Illinois, includes Canada, the United Kingdom, and Ireland. Now, many of the people here in Washington, our own FDA says that is not safe. Well, some of these States have now over a year of experience and they have demonstrated that this can be done safely.

The list goes on. Missouri, Nevada, I think was just signed into law either yesterday or today, the law takes effect July 1st, so that people in Nevada will have access to drugs from foreign countries at much more competitive prices. New Hampshire, North Dakota has joined the list. We now have 11 States, and we do not know how many cities have joined this list.

But it really is time for us at the Federal level to do our job to make sure that Americans have access to world-class drugs at world-market prices. Mr. Speaker, this is not a mystery. It can be done. What we know is that the Europeans are not intrinsically smarter than we are.

If they figured out how to do this parallel trade, we can do it as well. Mr. Speaker, it is time for Americans to have access to these drugs at 128 percent cheaper than they can buy them in the United States.

BEST GOVERNMENT MONEY CAN BUY

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, we often hear that the American people have a negative opinion of the job we do here in Congress. In fact, recent polling indicates that 53 percent of the country disapproves of the way Congress handles its job.

In a recent CNN poll, 71 percent of the American people said Congress fails to share their priorities and values. Some around here may wonder why that is. Could it be because while American families struggle to pay their education bills, their medical bills, save for their retirement, this Congress has come to be handing out special favors, and that is all they see of this Congress?

Could it be because ours has become a government of the special interests, for the special interests? Mr. Speaker, when your gavel comes down, it is to open the people's House, not the auction house. What have the American people seen of late?

They have seen that when we had a tax bill problem of $4 billion on the corporate side, we were trying to fix a $4 billion problem, it ended up costing the taxpayers $150 billion in special interest favors. Only in this Congress, only in this country could you stick the taxpayers with a $150 billion bill to bail out corporate interests, when you were trying to fix only a $4 billion problem.

And rather than creating jobs as the bill was intended, it is creatively named the Jobs Creation Bill, it was nothing more than a multi-billion dollar giveaway to special interests. Or consider last year's prescription drug bill for Medicare.

It is about an $800 billion handout to the prescription drug industry after having been one of the largest contributors to the campaign committee, both for Democrats and Republicans; and it actually ended up with producing an additional $153 billion in profits for the pharmaceutical industry.

While we were working on that legislation, a Member of this body was actually negotiating a job to go to work for that industry and represent it. Or now that we are talking about the energy bill, we are talking about a $14 billion taxpayer giveaway to the energy industry, and oil is now being charged at $59 a barrel.

If it is not profitable at $59 a barrel, what more do we have to give them? Neither does it ever reduce our dependence on foreign oil. And the pundits here in Washington wonder why the American people out in the country do not like their Congress?

But it is not just the administration and their congressional allies that have worked to craft legislation benefiting a single industry. In some cases the special interests actually sit at the table drafting the legislation that impacts them.

For instance, recently we were all shocked to learn that Philip Cooney, the former chief of staff for the White House counsel on environmental quality and a former lobbyist at the American Petroleum Institute, consistently changed government reports on global warming.

After leaving the White House, and having been discovered having literally changed government reports on the impacts of global warming, where does he end up with a job? Exxon, a company opposed to any legislation on global warming. Then there is the tobacco lawsuit. The U.S. Government won its case handily against Big Tobacco; but rather then seeking the maximum penalty of $130 billion, the government suddenly decided to only ask for $10 billion where Philip Morris' attorney said they were very surprised at this decision.

Nobody seems to know how the decision was made, but in the past weeks it

has become clear that the associate attorney general, Robert McCalum, a former employee at a firm representing tobacco executives and industry, forced the government to reduce its own penalties to pennies on the dollar.

But if Americans are not turned off by the corporate goodies dished out by Congress, and if industry execs crafting the policies that benefit their own companies do not get them worked up, maybe it is the revolving door between the public and private sector.

As I mentioned, a colleague of ours went off to represent the prescription drug industry known as Big Pharma, after having passed an $800 billion prescription drug bill.

And, by the way, the chairman of the health subcommittee dealing with the very same bill is now employed by other drug companies. Mr. Speaker, the American people are concerned that Congress does not reflect their priorities or their values. Sadly, they are right.

We have a government that has become beholden to the special interests; and their voices, the voices of the American people have been quieted by the voices of the special interests.

And as far as the government special interests are concerned, this is the best government money can buy. Mr. Speaker, the gavel marks the opening of the people's HOUSE, not the auction house. This election is about returning that gavel to its rightful owners, the American people.

The President and his advisors tout the fact that they do not pay attention to polling data. Well, maybe, it is time they did, because the message is loud and clear, the American people want their House back.

GUANTANAMO BAY AND THE KORAN

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. Mr. Speaker, over the past week or 10 days, we have heard a lot of haranguing about what is going on down at the Guantanamo detention facility regarding the prisoners who were involved in terrorist activities and opposed our troops over in Iraq and elsewhere in the world.

And some people in the Congress have even equated what is going on down there with Hitler, Stalin, Pol Pot, and what happened in World War II and the concentration camps. And it is reprehensible that that comparison is even being thought about, let alone being expressed by one of my colleagues.

So I wanted to come tonight and give to the American people who may be paying attention back in their offices some facts about Guantanamo and what is going on down there.

Forgive me for reading this to you, but I think it is extremely important. I want to put everything in context. Our men and women down there are serving with honor and dignity.

Since September 11, 2001, more than 70,000 detainees have been captured in the global war on terror in Afghanistan and in Iraq. Some 800 suspected members of al Qaeda or the Taliban have been sent to GITMO, no one under 18 years of age. Approximately 520 remain.

Approximately 235 have been released, transferred to other countries, and 61 are awaiting release or transfer right now. GITMO houses some of the most dangerous individuals linked to the most dangerous organizations in the world, all wishing harm to the United States of America and our citizens: terrorist trainers and financiers, would-be suicide bombers, bomb makers and Osama bin Laden's own personal body guard. One such terrorist currently being detained at GITMO is Mohammed Al-Khatani, believed to be the intended 20th hijacker that attacked the World Trade Center, the Pentagon, and other areas back on 9/11.

Al-Khatani and his fellow murderers and criminals have provided valuable information at GITMO, including organizational structure of al Qaeda and other terrorist groups; the extent of terrorist presence in Europe, the U.S. and the Middle East; al Qaeda's pursuit of weapons of mass destruction; terrorist skill sets; general and specialized operative training; and how to legitimize financial activities that are used to hide terrorist operations.

Mr. Speaker, intelligence gained at Guantanamo has literally prevented terrorist attacks and saved possibly thousands, maybe hundreds of thousands, of American lives. U.S. misconduct versus detainee misconduct: there has been a lot of misinformation about that. After the much publicized and now retracted May 2005 Newsweek article alleging Koran abuse by the U.S. military officials, Brigadier General Jay Hood conducted an exhaustive investigation.

□ 1730

Brigadier General Hood's investigation determined some interesting findings which run contrary to the claims we are hearing about today. For instance, U.S. soldiers used latex gloves and clean towels while even handling the Koran. U.S. soldiers routinely must search detainees Korans when they refuse to show them for security searches. U.S. soldiers inspect for weapons by touching the Koran through surgical masks. Surgical masks are used to hang detainees' Korans during security searches. And when a guard accidentally knocked one of them off, it was fully investigated and deemed an accident.

An outside contractor stepped on a Koran during an interrogation. After an investigation was completed, the contractor apologized and was terminated because he accidentally stepped on the Koran.

On the contrary, Mr. Speaker, Brigadier General Hood's investigation found the detainees themselves regularly displayed less regard for the Koran. For instance, on May 14, 2003, a guard observed a detainee ripping up his Koran in small pieces. July 5, 2003, a guard observed two detainees accuse a third of not being a man. In response, the detainee urinated on one of their Korans. January 19, 2005, four guards witnessed a detainee tear up his Koran and flush it down the toilet. January 23, 2005, four guards witnessed a detainee rip pages out of his Koran and throw them down the toilet. The detainee stated he did so because he wanted to be moved to another camp.

These detainees are trained to resist interrogation. The U.S. discovered a captured al Qaeda training manual, the terrorist training manual, the Manchester document, that instructs members to allege abuse and mistreatment and torture if they are captured.

Mr. Speaker, it is also important to note that detainees are only sent to GITMO after a thorough screening process that identifies individuals who pose a threat to the United States of America or who have valuable intelligence information.

Combatant status review tribunals. All detainees have been reviewed by a tribunal. There is an administrative review board which reviews each case at least once annually for possible release based on the threat. More than 130 boards have been completed to date. Military commissions, trials with full and vigorous representation for those suspected of committing war crimes, awaiting resolution of various U.S. Federal court rulings and reviews.

Mr. Speaker, I am sorry I am out of time. There is more information that needs to be given to my colleagues and the American people. But we have treated those terrorists down there so well compared to the way they treat our people, beheading and everything that has gone on in Iraq and elsewhere in the world. Our troops are doing the humane main thing in accordance with the humanity of their fellow man, and they are treating those terrorists so much better than is being publicized in the press, and the American people have a right to know about it.

So let's talk about what is really going on at GTMO, where I want to stress, that the vast majority of our brave service men and women are serving with honor and dignity.

Since September 11, 2001, more than 70,000 detainees have been captured in the global war on terror in Afghanistan and Iraq.

Some 800 suspected members of Al Qaeda or the Taliban have been sent to GTMO (no one under 18 years old).

Approximately 520 remain; approximately 235 have been released/transferred to other countries; and, 61 are awaiting release or transfer.

GTMO houses some of the most dangerous individuals, linked to the most dangerous organizations in the world, all wishing to harm the U.S., including:

Terrorist trainers and financiers; would-be suicide bombers; bomb makers; and, Osama bin Laden's own bodyguards.

One such terrorist currently being detained at GTMO is Mohammed Al-Khatani, believed to be the intended 20th 9/11 hijacker.

Al-Khatani and his fellow murderers and criminals have provided valuable information, including:

Organization structure of Al-Qaeda and other terrorist groups; extent of terrorist presence in Europe, the U.S., and the middle east; Al-Qaeda's pursuit of WMD; terrorist skill sets: general and specialized operative training; and, how legitimate financial activities are used to hide terrorist operations.

Mr. Speaker, intelligence gained at Guantanamo has literally prevented terrorist attacks and saved American lives.

After the much publicized—and now retracted—May 2005 Newsweek article alleging Koran abuse by U.S. military officials, Brigadier General Jay Hood conducted an exhaustive investigation.

Brig. Gen. Hood's investigation determined some interesting findings, which run contrary to the claims we are hearing today. For instance:

U.S. soldiers used latex gloves and clean towels while handling the Koran—U.S. soldiers routinely must search detainee's Korans when they refuse to show them for security searches;

U.S. soldiers inspected for weapons by touching Koran through surgical mask—surgical masks are used to hang detainee's Korans during security searches. When a guard accidentally knocked one off it was fully investigated and deemed an accident.

An outside contractor stepped on a Koran during a interrogation—after an investigation was completed, the contractor apologized and was terminated.

On the contrary Mr. Speaker, Brig. Gen. Hood's investigation found that detainees themselves regularly displayed far less regard for the Koran, for instance:

May 14, 2003—A guard observed a detainee rip his Koran into small pieces.

June 5, 2003—A guard observed two detainees accuse a third of not being a man. In response, the detainee urinated on one of their Korans.

January 19, 2005—Four guards witnessed a detainee tear up his Koran and try to flush it down the toilet.

January 23, 2005—Four guards witnessed a detainee rip pages out of his Koran and throw them down the toilet. The detainee stated he did so because he wanted to be moved to another camp.

These detainees are trained to resist interrogation.

The U.S. discovered a "captured al Qaeda training manual"—the Manchester Document—that instructs members to allege abuse & torture if captured.

Mr. Speaker, it is also important to note that detainees are only sent to GTMO after a thorough screening process that identifies individuals who pose a threat to the U.S. or have valuable intelligence info.

Combatant status review tribunals—All detainees have been reviewed by a tribunal.

Administrative review boards—Review each case at least once annually for possible release based on threat. More than 130 boards completed to date.

Military Commissions—Trials with full and vigorous representation for those suspected of committing war crimes. *Awaiting resolution of various U.S. Federal Court rulings and reviews.

The GTMO detention facility is transparent and has been fully scrutinized.

To set the record straight Mr. Speaker, the U.S. Government has released more than 16,000 pages of documents regarding detainee operation, including classified interrogation techniques.

Since 2002, GTMO has provided granted access to the following:

International Red Cross—Had 24/7 access to the facility at it's discretion and a permanent presence; Media—400 visits by 1,000 national and international journalists; 11 Senators, 77 Represenatives, and 99 Congressional staff members; and, lawyers for detainees.

RENEGOTIATE CAFTA

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 13 months ago the President of the United States signed the Central American Free Trade Agreement. The trade agreement is an agreement between the United States and six Latin American countries, five in Central America and the Dominican Republic. It has been 13 months, as I said, since the President signed this agreement.

The majority leader, the gentleman from Texas (Mr. DeLAY), the most powerful Republican in the House, promised a vote in 2004. He promised a vote by Memorial Day. Now he promised a vote, I think he means it this time, by July 4.

It is simple, the reason we have not voted on the Central American Free Trade Agreement, and that is because of the broad opposition in this House and among the American people. Republicans and Democrats by the dozens in this House oppose the Central American Free Trade Agreement. Business organizations, labor unions, both in the United States and in the six Latin American countries, oppose the Central American Free Trade Agreement. The Latin American Council of Churches, as do many religious leaders and churches and organizations in the United States, oppose the Central American Free Trade Agreement. Environmentalists, active environmentalists, food safety advocates, all kinds of very broad-based organizations oppose the Central American Free Trade Agreement.

Today, Mr. Speaker, the gentleman from North Carolina (Mr. JONES) and I did a news conference at the Capitol with 23 business leaders speaking out, business leaders representing 23 businesses speaking out against the Central American Free Trade Agreement. The reason is simply that our policy is not working. Our trade policy in this country has failed us for 12 years.

Just look at this chart. Since 1992, the year I was elected to Congress, the trade deficit, number of dollars' worth of exports versus imports, our trade deficit internationally was $38 billion. Today after NAFTA, PNTR, TPA, all these trade agreements, our trade deficit last year was $618 billion. From $38 billion to $618 billion.

Now, maybe those are just numbers, but those numbers translate into something much more important than economist data. These numbers translate into manufacturing job losses. The States in red have lost 20 percent of their manufacturing in the last 5 years. The States in blue have lost 15 to 20 percent. Ohio, my State, 217,000 jobs lost; Michigan 210,000; Illinois 224,000. These are just manufacturing job losses. People who make a decent wage, a middle-class wage, who have health benefits, who have earned pensions, thousands, hundreds of thousands of them, have lost their jobs; 228,000 in North Carolina; 130,000 in Mississippi and Alabama; 353,000 in California; 201,000 in the State of Texas; 200,000 in the State of Pennsylvania; 72,000 in the State of Florida. In State after State after State, we are losing hundreds of thousands of manufacturing jobs.

Our the trade policy is not working. CAFTA is more of the same. CAFTA is a dysfunctional cousin of the North American Free Trade Agreement. It was an agreement that was negotiated by the select few, benefiting the select few.

Now, supporters of CAFTA tell us, as they always do in trade agreements, that as a result of this agreement U.S. companies will export more products to the developing world. Unfortunately, Mr. Speaker, if you look at this chart, that is simply not the case.

The U.S. typical average wage is $38,000. The average wage in El Salvador is 4,800; Honduras 2,600; Nicaragua 2,300. To say that people in those countries are going to buy products made in this country simply does not pass the credibility test. Hondurans are not going to be able to buy cars made in Ohio. Nicaraguans making $2,300 a year are not going to be able to buy prime beef raised in Nebraska. Guatemalans making $4,100 a year are not going to be able to buy steel from Pennsylvania or apparel from North and South Carolina, or be able to buy software from Seattle.

Mr. Speaker, those 23 business organizations that spoke out against CAFTA today, labor unions in all seven countries, environmentalists, food safety advocates, small businesses, farmers and ranchers in all seven countries, in Latin America and in this country, are simply saying renegotiate CAFTA; come up with a different Central American Free Trade Agreement that will help all of us.

If we are going to protect prescription drugs, we should protect workers. If we are going to protect Hollywood films, as CAFTA does, we should protect the environment and food safety.

Mr. Speaker, we should pass a trade agreement that works for all of us in this country, not just a select few.

HUMANE TREATMENT FOR GITMO PRISONERS

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, it is about supper time here in the United States. I wonder what is on the plates across our dinner tables. Perhaps lemon baked fish, broccoli, steamed carrots, fresh fruit. Sounds healthy to me, maybe delicious to some. This menu could be on any menu of any home or restaurant in the United States tonight.

But, Mr. Speaker, this menu is also what is being served in Guantanamo Bay prison on any given night. Mr. Speaker, we have a purpose in Guantanamo Bay. It is to house outlaws, criminals, radical terrorists; they are locked up there.

These detainees are people that have killed Americans and want to keep killing Americans. These are people picked up off the battlefield. They were not wearing uniforms. They were not state sponsored, but there were there for a reason, and that was to execute innocent people on the battlefield.

The Geneva Convention, Mr. Speaker, protects those people who are at war, who have a chain of command. They wear a uniform. They do not have concealed weapons and they do not kill the innocents. Mr. Speaker, terrorists do just the opposite. They kill innocents. They have concealed weapons. They certainly do not wear uniforms, and there is no chain of command. They are not protected, Mr. Speaker, by the Geneva Convention.

International law allows any nation the right to detain any combatants for a conflict's duration to prevent them from killing and to gather further useful information. The detainees at Guantanamo are enemy combatants. They are there because they shot our troops. They were involved in terrorism. Any many of them have information that could prevent further attacks.

Some of them have been released. And at least 12 of them have been recaptured on the battlefield trying to kill Americans.

Ann Coulter describes the tactics at Guantanamo Bay in her latest article. She said, Interrogators there cannot yell at detainees. They cannot serve the detainees cold meals except in certain circumstances. Cannot poke the detainees in the chest or engage in any type of pushing without some type of monitor. And we cannot subject the detainees to temperatures changes, of all things.

Once a suspected terrorist gets to Guantanamo, they are not treated like the Nazis treated the Poles and the Jews in World War II. Those that compare the Nazi concentration camps to Guantanamo owe an apology to those people and those families that died in those concentration camps, and they owe an apology to the American troops.

My dad served in World War II. He helped liberate those concentration camps, and 50 years later I went to Dachau and saw what it was like. And Guantanamo Bay, to be compared to a Nazi concentration camp, it is a sham and it is shameful conduct.

We even know that some of the prisoners at Guantanamo Bay have actually gained weight while they have been there. Mr. Speaker, before I became a Member of Congress, I dealt with criminals all my life. First, as a prosecutor, as you did, and then as a criminal court judge for 22 years. I saw murderers, thieves and street terrorists. And they came through my court. And we sent them to jail. We sent them to Texas jails and Texas prisons. And, Mr. Speaker, those are jails, those are prisons where no one wants to go. That is what prison and jail is about.

So I invite those that criticize the activities in Guantanamo Bay to go there, go with me and see firsthand, before other outrageous statements are made about the conduct there.

So tomorrow night at Guantanamo Bay, orange glazed chicken, fresh fruit crepes, steamed peas, and mushrooms and rice pilaf. It does not sound like bread and water to me.

And do you think our troops and in Afghanistan and Iraq are getting crepes tonight? Probably not. They are eating C-rations out of cans as they stand there in the desert and the heat, protecting the world for democracy.

Those that say there is inhumane torture there in Guantanamo, let me say this: That dog just will not hunt.

We need to be more concerned about Americans being killed by terrorists in Iraq than we are about some terrorist that is locked up in Guantanamo Bay that gets a cold blueberry muffin.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Once again in the Subcommittee on Transportation of the Committee on Appropriations, we see Amtrak being treated like an ugly stepchild of this Nation's transportation system.

If we are wondering why only 19 percent of the American people feel that the Congress is in tune with their priorities, the cuts in Amtrak is one blatant reason why.

Yesterday we passed a $408 billion defense appropriations bill, and it did not even include the costs of the war in Iraq. We are cutting Amtrak routes to local governments throughout the United States that have no other form of public transportation. We are spending $1 billion a week in Iraq, $4 billion a month, but this administration zeroes out funding for Amtrak, and the Committee on Appropriations does not even give them enough money to operate the Northeast corridor.

Just one week's investment in Iraq would significantly improve passenger rail for the entire country for an entire year. The current funding issue concerning Amtrak brings up a fundamental question as to where this Nation stands on public transportation. We have an opportunity to improve the system that serves our needs for passenger rail service, or we can let it fall apart and leave this country's travelers and businessmen with absolutely no alternative forms of public transportation.

□ 1745

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get to work each day waiting for a train that is not coming.

We continue to subsidize highways and aviation; but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

This issue is much bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue to provide services; we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again, we see the Bush administration paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs.

It is time for this administration to step up to the plate and make a decision about Amtrak based on what is best for the traveling public, not what is best for the right wing of the Republican Party and the bean counters at OMB.

I represent central Florida, which depends on tourists for its economic survival. We need people to be able to get to the State and enjoy it. Ever since September 11, more and more people are turning from the airlines to Amtrak; and they deserve safe and dependable service.

This is just one example of Amtrak's impact on my State. Amtrak runs four long distance trains from Florida, employing 990 residents, with wages totaling over $43 million, who purchased

over $13 million in goods and services last year. They are doing the same thing in every State that they run in.

Some people think the solution to the problem is privatizing the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes will be maintained and routes to rural locations will be expensive and few.

I was in New York shortly after September 11 when the plane leaving JFK airport crashed into the Bronx. I, along with many of my colleagues in both the House and Senate, took Amtrak back to Washington. I realized once again just how important Amtrak is to the American people and how important it is for the Nation to have alternative modes of transportation.

This is not about fiscal policy. This is about providing a safe and reliable public transportation system that the citizens of this country need and deserve.

I am asking all of my colleagues to join me and support the full funding of Amtrak.

INFORMATION THE AMERICAN PEOPLE DESERVE

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, last week H.J. Res. 55 was introduced. This resolution requires the President to develop and implement a plan for the withdrawal of U.S. troops from Iraq. The plan would be announced before December 31, 2005, with the withdrawal to commence no later than October 1, 2006.

The media and the opponents of this plan immediately and incorrectly claimed it would set a date certain for a total withdrawal. The resolution, hardly radical in nature, simply restates the policy announced by the administration. We have been told repeatedly that there will be no permanent occupation of Iraq and the management will be turned over to the Iraqis as soon as possible.

The resolution merely pressures the administration to be more precise in its stated goals and make plans to achieve them in a time frame that negates the perception we are involved in a permanent occupation of Iraq.

The sharpest criticism of this resolution is that it would, if implemented, give insurgents in Iraq information that is helpful to their cause and harmful to our troops. This is a reasonable concern, which we address by not setting a precise time for exiting Iraq. The critics, though, infer that the enemy should never have any hint as to our intentions.

Yet, as we prepared to invade Iraq, the administration generously informed the Iraqis exactly about our plans to use ''shock and awe'' military force. With this information, many Iraqi fighters, anticipating immediate military defeat, disappeared into the slums and hills and survived to fight another day, which they have.

One could argue that this information made available to the enemy was clearly used against us. This argument used to criticize H.J. Res. 55, that it might reveal our intentions, is not automatically valid. It could just as easily be argued that conveying to the enemy that we do not plan an indefinite occupation, as is our stated policy, will save many American lives.

But what we convey or do not convey to the Iraqi people is not the most crucial issue. The more important issue is this. Do the American people deserve to know more about our goals: the length of time we expect to be in Iraq; how many more Americans are likely to be killed and wounded; will there be a military draft; what is the likelihood of lingering diseases that our veterans may suffer, remember Agent Orange and the Persian Gulf War syndrome; and how many more tax dollars are required to fight this war indefinitely?

The message insurgents do need to hear and believe is that we are serious when we say we have no desire for a permanent occupation of Iraq. We must stick to this policy announced by the administration.

A plausible argument can be made that the guerrillas are inspired by our presence in Iraq, which to them seems endless. Iraqi deaths, whether through direct U.S. military action, collateral damage, or Iraqis killing Iraqis, serve to inspire an even greater number of Iraqis to join the insurgency. Because we are in charge, justly or not, we are blamed for all the deaths.

Continuing to justify our presence in Iraq because we must punish those for 9/11 is disingenuous to say the least. We are sadly now at greater risk than before 9/11. We refuse to deal with our own borders while chastising the Syrians for not securing their borders with Iraq. An end game needs to be in place, and the American people deserve to know exactly what that plan is. They are the ones who must send their sons and daughters off to war and pay the bills when they come due.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

(Mrs. JONES of Ohio addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

SMART SECURITY AND IRAQ WITHDRAWAL PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, our Constitution states that Members of Congress must be chosen by the people of the United States and Congress must represent the people of the United States. That means that we, as Members of Congress, need to listen and act when the people speak.

Well, the American people have spoken. The latest Gallup poll released last week indicates that the American people are ready for our military forces in Iraq to begin coming home.

Nearly 60 percent of Americans believe that the United States should bring home some or all of our troops from Iraq. Just as revealing, the Gallup poll showed that only 36 percent of Americans support maintaining our current troop levels in Iraq. This is the lowest level of support for the war since it began in March 2003.

The American people have stated loud and clear where they stand, and their numbers are increasing. They know that the only way to keep our sons and daughters from being killed in Iraq and the only way to end the death and destruction that occur there every single day is to start the process of bringing our troops home. Clearly, the American people are way ahead of Congress on this issue.

Unfortunately, the President of the United States is way behind on the issue of Iraq. We have asked the President to come up with a plan for ending the war. He has not; so we will.

Our efforts to come up with a plan began in January when I introduced legislation calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation.

We continued our effort on May 25 when I introduced an amendment to the defense authorization bill calling for the President to create a plan for Iraq; 128 Members of Congress, including five Republicans and one Independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a smarter agenda, an agenda for Iraq, an agenda that will go beyond when we bring our troops home from Iraq.

It is more important that we have a plan for the future than a continued military occupation, because this 2-year war has left us disturbingly weakened, weakened against the true security threats we face here at home. Let us not forget that Osama bin Laden is still at large, and al Qaeda continues to recruit new members in Iraq and elsewhere.

Once we have a plan in place to end the war in Iraq, we can start the long process of securing the United States and Iraq for the future. We can accomplish this through SMART Security.

SMART Security, which has the support of 50 Members of Congress, is a Sensible Multilateral American Response to Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART Security will prevent acts of terrorism in countries like Iraq by addressing the root conditions which give rise to terrorism in the first place: poverty, despair, resource scarcity, and lack of educational opportunities.

SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART addresses global emergencies diplomatically, instead of by resorting to armed conflict.

Instead of maintaining a long-term military occupation of Iraq, our future efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance, coordinated with our international allies to rebuild Iraq's war-torn physical and economic infrastructure.

That is what I mean when I talk about SMART Security. We can defend America by relying on the very best of American values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Mr. Speaker, we must follow a smarter approach, and we must do this as we work to help the Iraqi people. That means implementing a plan to end the war in Iraq. I invite the President, all Americans, and all Members of Congress to join me in this effort.

MEDIA SPIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, in this job, all of us are used to misinformation, lies and distortions and manipulation by the media. We refer to that as spin; but, Mr. Speaker, I never expected such spin to come from the no-spin zone of Bill O'Reilly.

Mr. Speaker, on Friday my staff confirmed that I was to do a television show with Mr. O'Reilly last evening. It was initially scheduled to be seven o'clock. I had a 5:15 meeting scheduled with the Secretary of Energy.

At some point in time yesterday morning, the O'Reilly show changed that appointment to 5:50. My 5:15 meeting was still in place. My staff was fully in touch with the O'Reilly show. We gave them the information, and I attended a very important meeting with Secretary of Energy Bodman in his office, a classified meeting, on the specific problems with the threats of the nuclear program and capabilities of the former Soviet states.

That meeting ran over, partly because the meeting was interrupted several times by important phone calls the Secretary had to make.

Following that meeting, which ended somewhere around 6:15, as my colleagues know, we had a series of six votes on the House floor.

Mr. O'Reilly proceeded to tell his national audience last night that I ''snubbed'' him; that I failed to call him; that I was inconsiderate; that I was rude.

Talk about spin, Mr. Speaker. So today, I sent a memo to Mr. O'Reilly explaining the facts, and I would remind Mr. O'Reilly that the Secretary of Energy and an important meeting on nuclear issues in the former Soviet States takes my top priority.

□ 1800

So do the six votes I had to pass last night on the defense appropriation bill for 2006.

Mr. O'Reilly, we do not need more spin. We need honesty and candor. You call for it every day. Now perhaps your staff is not providing the appropriate level of service to you.

Mr. Speaker, because I had some contacts from constituents and Members, I would put the summary of my statement to Mr. O'Reilly and the notes of my staff about their contact with Mr. O'Reilly's show into the CONGRESSIONAL RECORD.

BILL O'REILLY, I have now witnessed the ultimate spin—from, of all people, you.

My scheduled taping last evening between 6–6:30 pm was pre-empted by a prolonged 5:15 pm meeting with the Secretary of Energy Sam Bodman regarding important National Security issues related to non-proliferation activities in the former Soviet states and by a series of 6 recorded votes on the Floor of the House that started at 6:30 pm and lasted until 7:15 pm.

Contrary to your spin, my staff did give notice to your staff of both conflicts and kept them informed of my status during the scheduled taping. In addition my staff offered for me to appear as soon as votes ended. Finally when I tried to personally reach you, your staff was not willing to provide my staff with a suitable number.

As much as I would have enjoyed returning to your show, my job as a Member of Congress and as Vice Chairman of both the House Armed Services Committee and Homeland Security Committee is to cast my recorded vote on issues that affect our nation, in this case, the 2006 Defense Appropriations bill and related amendments which will fund our troops through 2006.

I hope you understand these obligations and I apologize for any inconvenience this unanticipated series of events caused to you and your staff.

CURT WELDON.

As of Friday, O'Reilly was marked as tentative on the PR calendar and CW's calendar at 7:00 pm.

After I left on Friday the DOE meeting was set up for 5:15 pm.

At some point on Monday morning, O'Reilly was confirmed by PR and changed on their calendar to 5:50.

At 12:35 pm, I was notified of the change via e-mail from Kristina.

I spoke to Peter on the phone and asked if O'Reilly could be moved to later given Curt's 5:15 meeting. He informed me it couldn't but not to worry if Curt wasn't there right at 6:00.

The change was made to CW's calendar at 1:25 pm.

I spoke to Porter around 1:30 and informed him of Curt's schedule prior to O'Reilly (i.e. a meeting with the Sec. of DOE). I told him Russ would be with him and gave him mine and Russ' numbers.

From 5:45–6:30 Porter called me looking for Curt and Russ. I informed him they were still in the classified meeting and I was not able to get in touch with him.

Around 6:15 I asked if they need to cancel—Porter said that wasn't an option.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members are reminded to address their comments to the Chair.

IMMIGRATION REFORM

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. Mr. Speaker, as I raise this issue with my colleagues, first I want to acknowledge that I believe that there are a number of efforts trying to make their way through the House and Senate on immigration reform that really should give us an opportunity to have a degree of synergism to respond to the concerns of the American people.

I rise today because I just finished a hearing in the Subcommittee on Immigration and Claims on the important topic of employer sanctions. It would seem we should have agreement that employers should be penalized when they engage in the hiring of undocumented aliens. But interestingly enough, there is not agreement. The business community is particularly sensitive to this, claiming they are not able to find enough workers to fill these jobs. Then, of course, I think the AFL–CIO has a meritorious argument that when you enforce employer sanctions, employers who are unscrupulous will then enforce them against innocent persons, some documented and some undocumented, by either massively firing them or punishing them with lower wages and bad working conditions.

Interestingly enough, those who are fired will go out the door and that unscrupulous employer will then find others who are more timid to fulfill those jobs and they themselves may be undocumented. There are many issues that cannot be handled piecemeal.

Let me share another thought that came up in the hearing. There is a basic pilot program that requires employers to provide certain documentation when they hire an individual. Interestingly enough, only a few of the employers around the Nation can participate. Why? Because we have not given the Department of Homeland Security enough dollars to work the program beyond it being a pilot program.

It was also brought to our attention that maybe we should look to those who make the fraudulent documents and find a way to weed them out.

What this Nation really needs is comprehensive immigration reform. And so

I offer to my colleagues the Save America Comprehensive Immigration Act of 2005. It is H.R. 2092. We call it the fix-it bill. There are many fine efforts going through the United States Congress. But what I think immigrants need is a bill that fixes some of the 1996 immigration reform effort.

So we start off by focusing on family-based immigration by increasing the allocation of family-based visas. In speaking to a group of IndoAmericans, it was sad to hear the complaint about not being able to have loved ones come to the United States simply for a visit or simply to visit relatives in the United States that are ill or having some event. I have heard that from many, many immigrant communities around America, many of them documented with status, but yet they cannot invite their relatives to visit.

Another issue is protection against processing delays. Many offices have had to deal with constituents of Members when they call the various centers that deal with immigration where they have lost paperwork or lost fingerprints, stopping the good flow of immigration.

This bill includes acquisition of citizenship for children born abroad and out of wedlock to a United States citizen father. It allows aunts, uncles or grandparents to adopt orphaned or abandoned children of the deceased relative so it does not leave in limbo children outside of the country who have a United States citizen father, or orphaned children here in the United States who do not have an immediate parent, a mother or father.

It provides earned access to legalization. We run away from the language of amnesty only because people give it just a bad name. But we give earned access to people who are hardworking and providing income and taxes to the United States. We realize that intelligence, meaning keeping the bad guys out, is important so we provide more resources for border security. And we understand the issues of OTMs, other than Mexicans, that are coming across the border, maybe some who may want to do us harm, and we want to build up security at the northern and southern border.

Employment-based immigration. We want to deal with the unfair immigration-related employment practices, and we have in this particular legislation protection for American jobs. We have in this legislation training of Americans and the ability for an employer to have to attest that they cannot find an American for this job before they can hire someone who is not a citizen of the United States of America.

We address the question of removal waivers. We address the question of diversity visas.

Mr. Speaker, in conclusion, we address the question of the violence against women who happen to be undocumented. This is a comprehensive approach to the broken immigration system. I for one look forward to working with my colleagues and to give a hearing to all of the immigration bills that bring together the various thought processes of this Congress, Republicans and Democrats alike. Until we open the door to listening to all of us who have these ideas, we are not going to move immigration reform along.

I call on the chairmen and ranking members of our respective hearings to call for hearings in the House and the Senate on this important legislation and the legislation of my colleagues so we can finally answer the concerns of the American people.

REMEMBERING THE HON. JAKE PICKLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Speaker, Texas and our Nation has lost one of its most genuine and gracious public servants. Last Saturday morning, James Jarell Pickle, ''Jake,'' passed away on Saturday, with his wife by his side. For 31 years, Congressman Jake Pickle represented my hometown in this esteemed body as a Representative to the 10th Congressional District of Texas. And he did so with integrity, humility, honor, and a sense of humor that we should all attempt to mirror.

As a current holder of Congressman Pickle's seat, I work hard every day to provide the same kind of service to my constituents that Jake Pickle did to those he served. He was not just good at what he did, he was the best.

His family talks about the proudest vote he ever cast was in 1964 when he voted for the Civil Rights Act. He was one of only six southern Representatives to vote for that important piece of legislation. In the 1980s, he worked hours on end to protect Social Security and keep it solvent. He worked even harder in the 1990s to turn Austin into the high-tech society that it is today.

It is because of Jake Pickle that Austin continues to see new high-tech businesses locate to Texas's capital city. The University of Texas has also benefited greatly because of Jake Pickle. UT would not be churning out the latest in technology and new patents, as it now does every year, without the help that Congressman Pickle provided. It is also my honor to represent the research arm of the University of Texas which bears the name J.J. Pickle Research Campus.

But even as good and as smart a politician as he was, he is known today not for his ability to influence legislation or to help bring new business to his district, but rather for being a good and decent man. It is for this reason his nickname was Gentleman Jake. This gentleman served in the Navy during World War II, and worked his way through college by delivering milk to Austin homeowners. During his first congressional campaign and every time after when he was out in public, he was shaking the hands of those he served. He enjoyed hearing about their lives and telling stories about his. He listened to their problems and sometimes used his own money to fix whatever problems they were having.

Representative Jake Pickle was a good man who will be terribly missed by all who knew him.

So tonight as I stand in the well of this esteemed body, a place so loved and respected by Jake, I am comforted in the thought that the Lord above is thankful to have this great servant back home in heaven where I am sure he is telling stories and shaking the hands of everyone that he meets.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 109–144) on the resolution (H. Res. 334) providing for consideration of the bill (H.R. 2985) making appropriations for the legislative branch for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEFEAT CENTRAL AMERICAN FREE TRADE AGREEMENT

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. Mr. Speaker, we have coming before us pretty soon an issue called CAFTA, the Central America Free Trade Agreement. I want to start my comments, Ross Perot, when he was a candidate for the Presidency on October 19, 1992 at a Presidential debate said, ''You implement that the NAFTA, the Mexican trade agreement where they pay people a dollar an hour, have no health care, no retirement, no pollution controls, and you are going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt.''

Mr. Speaker, Mr. Perot was exactly right. We know Ross Perot as a successful businessman and a man who loves and cares about America.

Let me tell Members what happened since December 1993 when NAFTA became the law of the land. Before NAFTA, we ran a trade surplus with Mexico. Now the U.S. runs a $45 billion annual trade deficit with Mexico; from a trade surplus to a trade deficit.

In addition, my home State of North Carolina since NAFTA became the law of the land has lost over 200,000 manufacturing jobs. The United States has lost over 2.5 million manufacturing jobs.

Let me give some facts about illegal aliens coming from Mexico across the

border. Prior to NAFTA, the average was 2 million. Since NAFTA, it is better than 7.5 million. CAFTA will continue these trends. Eighty-five percent of the language in CAFTA is identical to the language in NAFTA.

Let me give another example of what has happened to American jobs. In 2002, the Congress, I did not support this legislation, decided to give the President trade promotion authority, known as TPA. Since that time, America's annual trade deficit grew $195 billion to $617 billion. That is how much the trade deficit grew.

Let me give an example of TPA and how it relates to North Carolina. Since TPA passed, North Carolina has lost over 52,000 manufacturing jobs. The United States has lost over 600,000 manufacturing jobs.

□ 1815

Mr. Speaker, on my left I have got two news articles, one from a couple of years ago in the Raleigh paper known as the News & Observer; it says, Pillowtex Goes Bust, erasing 6,450 jobs. These were five plants in North Carolina that lost that many jobs, 6,450. Then I have got another article from a business in my county I share with the gentleman from North Carolina (Mr. BUTTERFIELD), the Wilson Daily Times, says VF Jeanswear Closes Plants, Last 445 Jobs Gone By Next Summer. The jobs are going down to Honduras.

Mr. Speaker, a couple of more points. CAFTA means more U.S. job losses. We know what NAFTA has done. We know what Trade Promotion Authority, TPA, has done. CAFTA provides every incentive to outsource jobs to Central America. Average wages in Nicaragua are 95 cents an hour; Guatemala, $1 an hour; El Salvador, $1.25 an hour. Plus, these countries have few labor and environmental standards and CAFTA does little to improve them.

CAFTA will allow the Chinese to backdoor fabrics into Central America where it can be assembled and shipped into United States duty-free. The last thing we need is to help China. We have already outsourced 1.5 million jobs to China in the last 15 years.

Mr. Speaker, as I begin to close, I want to show my fellow colleagues that might be watching in their offices, recently this was dropped by my office, and it says candy decorated fruit snacks, real fruit. Then you turn it over and it says, ''made in China.'' If the candy we are eating now in America, many of it is made in China, then I wonder if one day at the rate we are going of losing these manufacturing jobs, that we might be buying our tanks for our military from China.

I hope, Mr. Speaker, that does not happen. I hope the House will defeat CAFTA. It is not good for America, it is not good for the American worker, and I do not even believe it is good for the people who live in Central America.

Mr. Speaker, with that I will close by asking God to please bless our men and women in uniform and their families and ask God to please continue to bless America.

THE BUDGET DEFICIT

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, this is not the first nor will it be the last time that we take the floor of the House here in the well of the House to address a problem that is of great concern to all of us, and that is the budget deficit. This year past, it was $412 billion and while it appears to be improving, thankfully, a bit for the current fiscal year, it still will come in likely in the range of $350 billion, and that will make it the third-largest deficit in our Nation's history, the third in a row where we have approached the pinnacle, the largest deficits we have run in our country's history.

We are not here to score political points. We are here to call attention to a problem that we think has grave consequences. It may be that we do not feel or see the consequences right now, but we feel that a day of reckoning lies on or just over the horizon. I believe that, because sooner or later the fundamentals in any market begin to take hold. It happened to the dot coms; it could happen again to us with the budget deficit that we are running today and the trade deficit we are running also today. It could hammer the dollar. After all, the fundamental is, simply stated, like this. When you raise the demand for credit, which is what you do when the government runs a deficit of $312 billion, $412 billion, when you raise the demand for credit, eventually you raise the price of credit. In other words, you raise interest rates. What do interest rates do when they go up? They stifle growth in the economy, long-term growth and short-term growth. They could have devastating consequences, for example, on the housing market, on the automobile market. That is a likely consequence of the policies we are running today.

For the time being, we have not felt or seen the results, the consequences, and largely that is due to the fact that this country is running large current account deficits, which means we are pumping dollars into the world economy which come back here, are recycled here by the purchase of our Treasury bonds and Treasury notes. So for now, foreigners are lending us the money to bridge our budget, which is sparing us the effect of high interest rates.

But at the same time, debt means dependence, and over the course of years if we continue this practice, we will find ourselves having undercut our independence in foreign policy which is something none of us wants. Even when foreigners buy our debt and spare us the outlay for now, we still have to pay the interest. We still have debt service. The debt service in the total budget this past year was $165 billion, $170 billion, and it is going up inexorably because we have got more debt, and interest rates are rising again. As those two factors converge, you are going to see the debt service, the interest we pay on the national debt, go up to $200 billion, $225 billion, $250 billion within the foreseeable future. This is an obligation that has to be paid. Indeed, there is no other item in the budget that is more obligatory. The United States of America has to pay its interest on its national debt or otherwise our currency and our credit would collapse. But once we pay the debt, once we pay the debt service, the effects are that priorities in the budget we could otherwise afford and fund and increase, such as medical research and scientific research and education for our children and Social Security and Medicare for the elderly become all the harder to fund because the interest has to be paid first.

This deficit problem is all the more distressing because it did not have to be. Just a few short years ago in the year 2000, the last full fiscal year of the Clinton administration, this country was running a surplus of $236 billion. It is a fact. You can look it up. Every year the Clinton administration was in office due to two budget plans we adopted, one in 1993, another in 1997, the bottom line of the budget got better and better and better.

The President came to office and inherited a deficit of $290 billion. He sent us on February 17 a deficit reduction plan that barely passed the House, a one-vote margin, barely passed the Senate, the Vice President's tie-breaking vote.

But look what happened, as this chart here shows. The deficit every year came down and down and down to the point where in the year 2000, we had a surplus, without including Social Security, a unified surplus of $236 billion. Unprecedented. This was the surplus that President Bush inherited when he came to office in the year 2001. And that is why I say this did not have to be. We did not just fall out of the sky with these enormous deficits. We did it because of policies that were adopted and passed in this House. Not by all of us. Most of us on our side of the aisle voted against them. Foreseeing this problem and knowing how difficult it had been to move the budget finally back into the black again for the first time in 30, 40 years, we did not want to see us backslide into deficit, but that is exactly what happened.

What we have seen now is that we have gone from a surplus, projected, of $5.6 trillion between 2002 and 2011. That was the 10-year projection that Mr. Bush's own economists made at the Office of Management and Budget when he took office, $5.6 trillion. We have gone from a projected surplus of $5.6

trillion to a projected deficit of $3.8 trillion over that same 10-year period of time. That is a swing of $9.4 trillion in the wrong direction. We have never seen a fiscal reversal like this, at least since the Great Depression, $9.4 trillion in the wrong direction, and much of that was policy driven.

The President says we have got to get our hands around spending, but a large part of this problem was driven by his insistence that we have unprecedentedly large tax cuts, and when the surpluses that we thought were going to obtain over that 10-year period of time appeared to be overstated substantially, by some estimates as much as 50 percent, the President charged ahead with his tax cuts. In 2002, 2003, in addition to 2001, there were substantial tax cuts, and the loss of revenues has had a big impact on the bottom line and has helped put the deficit almost intractably in the red again.

But most of the spending increases have come on the discretionary side of the budget in the appropriation bills that we adopt every year in four different accounts, four different programmatic areas, which is important to know, because all of these areas are areas where the President has sought and we have provided what he has sought in the way of additional increases in spending.

If you look at the increases in spending over and above current services, and that is the amount of money necessary to maintain the government services at their existing level, if you look at those spikes in the budget that rise above funding for current services alone, you will find the landscape for 4 years dotted by the same increases, namely, defense, homeland security, the response to 9/11, they account for 90 to 95 percent of the increases in spending.

So, while the President is saying that Congress needs to tighten spending, in truth much of the spending that has driven the budget into deficit is spending that has been called for for defense and homeland security and for the response to 9/11, called for by the President, passed by the Congress, and the fact of the matter is we are simply not paying the tab for these necessary expenses.

I am not disputing the need for this money. What I am disputing and calling attention to is the fact that we are taking the tab for defense in our time against terrorists in the Middle East and elsewhere and shoving this tab off onto our children.

That is why I often say that the deficit is a problem for the economy because eventually it will raise interest rates and stifle long-term growth, eventually it will affect the priorities in the budget because debt service is obligatory and has to be paid; and as debt service increases, other things get eclipsed and shoved aside. But the biggest problem with the deficit in my book is moral, because what we are doing is instead of paying for defense in our time, we are telling our children they have got to pay for defense in their time and our time, too, or at least the incremental cost of it.

This is the concern that we would like to address tonight, the fact that we are not facing up to the situation that confronts us and the fact that we have a budget deficit of enormous proportions and by any honest, fair, and accurate calculation or projection of what it is likely to be, it shows little signs of abating over the next 10 years, as this particular chart right here will show.

This chart shows where we believe, using Congressional Budget Office numbers, the President's budget, if implemented over the next 10 years, will take us. The budget deficit will get a bit better, as indeed it is scheduled to improve this year, probably $350 billion. Good news. The bad news is that the President in projecting the future course of the deficit, number one, is only giving us a 5-year projection; and, number two, he has left out some significant costs, such as the cost of maintaining troops in Afghanistan and Iraq after the year 2005, such as the cost of fixing Social Security, such as the cost of repairing something we call the alternative minimum tax, which actually raises tax revenues above the level that would otherwise exist if people were not required to pay this alternative minimum tax. It will soon, by 2010, affect 30 million tax filers as opposed to 4 million this year.

I do not think politically that is likely to happen, and if you fix it to avert that problem, the problem of having the alternative minimum tax apply to middle-income families, for whom it was never intended, then you get a result here of a deficit, 10 years from now, equal to $621 billion. No improvement; and indeed after a few years of slight moderation, a worsening deficit every year to the point where at the end of our 10-year time frame, it is up to $621 billion.

Let me just wrap up this introductory presentation of what concerns us about the budget by showing you sort of the back-of-an-envelope, the easiest way I know to explain what I think is an out-of-control situation. Back in 2001 when the Bush administration was pushing its tax cuts, they came to us and they said, The future looks so rosy that you can pass these tax cuts, you can pass these defense increases, you can pass our budget, and we won't be back to ask you to increase the debt ceiling of the United States, a legal limit beyond which we cannot borrow. We won't be back until 2008, 2010.

Well, the Republicans in the House and the Republicans in the Senate passed the President's budget pretty much as he requested, with a few moderations. The next year they were back, hat in hand. 2002, notwithstanding what they told us the previous year, they needed an increase in the debt ceiling of the United States of $450 billion. The following year, 2003, they were back again. This time they wanted a phenomenal increase in the debt ceiling of the United States, $984 billion, an increase in 1 year of $984 billion. How much is that? That amount is equal to the entire debt of the United States the year that Ronald Reagan took office. It is a bit more than that, as a matter of fact. The following year, having obtained a $984 billion increase on May 26, 2003, the following September, 2004, Secretary Snow was back saying, I need $800 billion more.

□ 1830

They ran through $984 billion of debt ceiling in 1 fiscal year and came back hat in hand and asked for $800 billion more, which the Congress passed in late November of last year. And then when the budget resolution was brought to the floor this year, the Republican budget resolution, when it passed the House and passed the Senate, buried in it was a provision that called for another increase in the debt ceiling of $781 billion.

This is a budget which they claim will eventually move us to halving the deficit over 5 years. At the same time they make that claim, they bury in that budget a request provision that Congress increase the debt ceiling by $781 billion. Add those together, 4 fiscal years, we get an increase in the deficit, an increase in the national debt of $3.015 trillion. That is just phenomenal.

There it is on the back of an envelope. It sums up the fiscal course and policy of this administration as succinctly as anything we can present: $3 trillion of additional debt-borrowing capacity, which will basically all be used up by the end of this fiscal year, and they will be back again asking for more.

So this is what concerns us. We frankly do not think the country can continue on this course. And that is why we are here tonight to talk about a problem that we think should be a front-burner problem for both parties, both Houses, both executive branch and the Congress. It needs more attention than it is now receiving.

Mr. Speaker, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for organizing this event to talk about the Federal deficit and the Federal debt. And the chart he has up there is really significant.

What our Republican friends are doing, if we look at what they do and not what they say, they have decided that the most important thing in this country is to increase payments for interest on the national debt. It makes no sense, but that is what they are doing. And let me give a couple of numbers. In 2004, the Federal Government paid $160 billion for net interest on the Federal debt held by public investors. By 2010, we will be spending about $312 billion, almost double the $160 billion that we spent last year.

So it is pretty clear when we look at the chart in front of us here today that over the next 6 years education spending will not go up much at all, environmental spending will be about the same, spending on veterans benefits will go up slightly; but there is an explosion in interest on the national debt. So the Republicans in this House are basically saying we are not spending enough on interest on the national debt. The trouble with that is that it is of virtually no use, virtually no use to any of us.

Think about the contrast between fiscal year 2005, which we are in, and fiscal year 2006, the coming year. There is an increase in spending on interest on the national debt of $36 billion. That is with a ''B.'' Thirty-six billion dollars, that is what we will spend on interest in the national debt next year more than we have spent this year.

And then let us look at what we are doing. This year how much is the increase that the Department of Education is getting from Labor, Health and Human Services, and Education bill? $118 million. That is the increase in the bill, a tiny increase. Far less than 1 percent. $36 billion more this coming year for interest on the national debt, $118 million more for education. Those priorities are completely out of whack.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the chart we have here shows graphically exactly what the gentleman is saying, namely, interest just a bit over $150 billion in 2004, the last fiscal year; but by 2010 if the Bush policies are completely implemented over the next 6 years, look what happens to debt service. That big rising red spike goes from $150 billion to over $300 billion, and it eclipses everything else in the budget.

Mr. ALLEN. Mr. Speaker, will the gentleman yield further?

Mr. SPRATT. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, just one more point here. I think we have a moral obligation to our children that can be easily summarized: number one, protect them from harm. And that is what governments at all levels do, try to do, and that is what a lot of social service agencies try to do, protect our children from harm.

Number two, we need to give them a healthy start in life. We have to provide them with quality health care. Number three, we have to create opportunity for them, and that means investing in education, giving them a chance to succeed in life.

So as I said before, $36 billion more is what the Republicans in the House want to spend on interest on the national debt. But they are cutting the Maternal and Child Health block grant by $24 million, or 3 percent. They are failing to raise the maximum Pell grant by even $100. They are doing that by only $50. The bill is making a 5 percent cut in the Healthy Start Initiative, which makes targeted grants to improve prenatal and infant care in areas with high infant mortality rates.

So in those areas with high infant mortality rates, we are just saying we are going to take money away from those parents and their kids. We are going to take it away because we have to pay interest on the national debt. They are freezing money for the child care block grant at last year's level. They are freezing after-school health care funds. It goes on and on. It is just an abomination.

To do what we are doing in this budget to our children, cutting their health care funds, decreasing opportunity, simply so we can pay for tax cuts and a war in Iraq is beyond belief, and we need to reverse it.

I want to thank the gentleman for yielding to me. I want to thank the gentleman from Virginia for letting me go at this moment in the proceeding. And I am very grateful for all the work the gentleman from South Carolina is doing.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Maine for his comments.

Mr. Speaker, I now yield to the gentleman from Virginia (Mr. SCOTT).

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

I just want to point out some of the things that he did not mention in his presentation, and using this same chart. Could he explain what PAYGO means?

Mr. SPRATT. Mr. Speaker, PAYGO is shorthand for a rule we adopted in 1991 and helped us achieve the phenomenal fiscal results I just showed the Members, where every year from 1993 to the year 2000, we had a better bottom line and a surplus of $236 billion in the year 2000. PAYGO simply provides that if we want to have a tax cut when we have got a deficit, it has to be deficit neutral. That is to say the tax cut must be offset by a tax increase somewhere else within the Tax Code, or we must go to an entitlement program, which is permanent spending, and cut it enough to offset the loss of revenues. By the same token, if we want to increase or improve a new entitlement, we have to identify a revenue stream or other entitlement cuts to pay for it. It has to be, bottom line, deficit neutral.

Mr. SCOTT of Virginia. And if the gentleman will continue to yield, as a result of that fiscal responsibility and the tough votes that we cast, we were able to eliminate the deficit and go into surplus, a $236 billion surplus.

What we are looking at now is it does not get any better. After we have gotten back into the ditch, it does not get any better.

Could the gentleman explain what this blue line up here is?

Mr. SPRATT. Reclaiming my time, Mr. Speaker, the blue line, believe it or not, is the path the Bush administration plotted when it was trying to sell its initial budget, its tax cuts, its defense increases, to the Congress of the United States. They said even with these policies, this is the budget we foresee. This is the bottom line that we foresee between 2005 and 2011.

Mr. SCOTT of Virginia. And, Mr. Speaker, just a few years later, look at where we are. The President, down in the ditch where we are now, has promised to reduce the deficit 50 percent. First of all, how modest a goal is that from someone who inherited a $5 trillion surplus to say that he is going to clean up half the mess that he has caused? Is that a realistic goal? Is that a fair goal to be judged by?

Mr. SPRATT. Mr. Speaker, reclaiming my time, I do not think, given his budget policies, it is a realistic statement of what is likely to happen. One can call it a goal if they will, but I do not think it is a goal that is likely to be achieved under the policies that are now being furthered by this administration.

Mr. SCOTT of Virginia. Mr. Speaker, in other words, what the gentleman is saying is that he started with a surplus; he is now in a deficit, only promises to eliminate half the deficit; and he probably will not even be able to do that.

Mr. SPRATT. Reclaiming my time, Mr. Speaker, the gentleman is holding a chart there that indicates the likely path that we think the budget will follow if we factor everything into it that is politically realistic: a fix in Social Security, a fix to the alternative minimum tax, and some reasonable provision for maintaining troops in Afghanistan and Iraq after 2005.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman will continue to yield, if we run up deficits, we have to pay interest on the national debt. And we had a $5 trillion surplus projected. Now we have over $3 trillion in deficits. The interest that we are going to pay goes up. By 2010, according to this chart, where the interest we were going to pay was going down and the interest we have got to pay is going up, by 2010 the increase in interest is over $230 billion, and that is $230 billion that we are going to have to pay for interest on the national debt going down the drain that we are not going to be able to spend on public broadcasting; NASA Langley Research, in my area, aeronautics research.

We are closing bases. We are only going to save a few billion dollars in base closings, certainly not $230 billion that we are going to have to spend in interest payments. We are closing bases, and the highest estimate I have seen over the course of time is about $40 billion that we may save. $230 billion and growing interest on the national debt. We are cutting back on ship building. We do not have the ship building budget that we ought to have. Cops on the beat being cut. Education programs, Pell grants. Ask somebody who is going to college how much tuition went up: 5, 10, 15 percent. Pell grants are going up 1 percent under this budget.

And it is getting worse before it gets better because, as we look at the interest on the national debt that we are going to be paying going on and the cost of these tax cuts exploding, the gentleman indicated that we only had a 5-year budget, and when we look at the cost of the tax cuts after 5 years, we can see why they did not want to reveal a 10-year budget. But this shows the exploding cost of the tax cuts going out to 2015.

What it does not show is the Social Security trust fund changing from a surplus, going into a deficit in 2018. That is when we have to be best prepared financially to be able to withstand the difference in the $100 billion surplus we are getting out of Social Security going into a growing deficit. And we are going into that change in our worst possible fiscal situation.

Finally, when we put all these tax cut proposals into perspective, we see that the cost of making the tax cuts permanent, about $12 billion is a lot more than the Social Security shortfall. In fact, the tax cuts for the top 1 percent is almost enough to cover the entire Social Security shortfall. So we cannot separate the tax cut policy from the spending priorities that we are going to have to address.

When we talk about public broadcasting, education, ship building, base closings, aeronautics research in my area, cops on the beat, education, this budget includes requirements to cut school lunches and student loans because we are funding tax cuts for the wealthy. There is even one tax cut that is going into effect in the next couple of years, the PEP and Pease, Personal Exemption Phase-out, and the Pease tax, which the President wants to repeal, that is about $10 billion a year when the President finally gets his way to repeal those provisions.

$10 billion a year and 97 percent of that money goes to those making $200,000 or more. Almost half of it goes to about the top one-fifth of 1 percent. Those making $1 million or more, about half of the benefit of that goes to that group, and we are cutting taxes approximately $10 billion a year when it is fully phased in and at the same time cutting school lunches and student loans. How moral a decision is that to make?

So I would thank the gentleman for his answers. And also we have a chart up here saying what the promises were as we went along, as we went into skyrocketing deficits. We were first told that we could do tax cuts without budget deficits and then the next year our budget will run a little deficit, but it will be short term, then our current deficit is not large; and now he is promising maybe to clean up half of it.

When we run up that kind of debt, and the gentleman has a chart right at his feet, who owns the debt and what is the pattern there? Could the gentleman explain that chart?

Mr. SPRATT. Mr. Speaker, reclaiming my time, I said earlier that one reason we do not have the sort of moral outrage in the country about the deficit, that people are concerned about it but they do not quite feel and see it, this is the reason why.

□ 1845

Foreigners have been buying our debt in copious quantities, relieving us of, for now, the outlay that we would have to make, digging out of our own capital and our own savings, they are picking it up, for now. But what this means is that over time, debt means dependence, and we are incurring dependence to our debtors, and this has happened increasingly since the year 2000.

In the year 2000, foreigners held 30 percent of our Federal debt. Today, at least at the end of the last fiscal year, that had risen by 50 percent, almost 50 percent, or 44 percent; almost half of our debt is held today by foreigners, and that is a matter of some concern. It has to be one of the reasons that we do not need to be running persistent, perennial, huge deficits.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman for his leadership. Just one final question. We have complained about how bad a situation we have gotten into, how much work we did to eliminate the deficit, running into surplus. Does the gentleman from South Carolina have a plan to get us back on track?

Mr. SPRATT. We did. We offered it on the House floor this past budget season, and we will put it up again. As my colleagues will see, it involves foregoing some of the tax cuts that the Bush administration has pushed through Congress, primarily for the reason that the projections upon which those tax cuts were based have not been obtained, they have not come about, they are a fraction of what was forecasted and expected.

So, we have to adjust our budget, our taxes, back to fiscal reality. If we do that, by the year 2010, 2012, we are back in the black again. But it is a big decision. It is a big decision. It can be done, and that was one of the purposes of our budget presentation, was to show that it can be done. We can argue about how to do it, but it is certainly feasible.

Mr. SCOTT of Virginia. I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Virginia, and I now yield to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentleman for having this Special Order and for giving us an opportunity to talk to the American people about what is happening in our country.

Mr. Speaker, on February 17, 2004, the national debt of the United States of America exceeded $7 trillion for the first time in our Nation's history. Sixteen months later, our national debt now stands at $7.8 trillion. In that time, our country has added $800 billion to our national debt, which I believe is unconscionable.

Two months ago, this House approved an increase of $781 billion in the statutory debt limit, raising that figure to a record $9 trillion.

Mr. Speaker, enough.

The out-of-control rise in the national debt over the last year and the rise in our debt demonstrated in the fiscal year 06 budget resolution conference reports are further signs of the dangerous position I think in which we find our country and our future. In 2001, this country had 10-year projected surpluses of $5.6 trillion, and now we have likely 10-year deficits of, deficits instead of surpluses, of $3.8 trillion. That is a $9.4 trillion reversal.

Whether intentional or otherwise, our country's current fiscal policies are depriving the Federal Government of future revenues at a time when unprecedented numbers of people are going to start to retire, the baby boomers, and that is going to put a tremendous strain, a tremendous strain on our country and our ability to pay for Social Security and Medicare.

Our current fiscal irresponsibility is going to land squarely on the shoulders of our children.

Mr. Speaker, we talk so much here in Washington, D.C. and in Congress about values, and I say to my colleagues, putting our children deeper and deeper and deeper in debt is not a family value. My dad taught me when I was a little kid that you should live within your means, live within a budget, and do not spend more money than you have, and I think that truly is a value that we should teach our children. It is truly a value that we should follow here in Congress for our country. Because if we put our country and our children and grandchildren in a hole so deep we will never be able to climb out, we will not have done them any favors, and I think we will have committed an immoral act on them.

A true measure of values is not always what people say; it is where people decide they are going to spend their money. Congress is all about setting priorities, and part of the priorities, if we decide the priorities in this country are going to be more tax cuts, the permanent elimination of the estate tax is going to cost $280 billion over 10 years, as opposed to raising the credit to $3.5 billion, or $3.5 million, which is only going to cost $80 billion over 10 years; $80 billion versus $280 billion over 10 years. If we decide that is what is important, then we are going to have to make cuts in other domestic spending, such as children nutrition programs or not funding No Child Left Behind, which we shortchanged $9 billion the first year it was implemented, and other important domestic programs.

I think values need to be discussed in real terms and we need to understand that again, a true measure of values is where we decide we are going to spend our money. If tax cuts are the most important thing for us, then that is the way it is going to be. But if we decide other things are important to us, children's nutrition programs, education,

and all the other domestic programs, then we need to make those decisions.

I thank the gentleman for providing the time this evening.

Mr. SPRATT. Mr. Speaker, I recognize the gentleman and yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I thank the gentleman from South Carolina for yielding. I want to take a little bit different tack, because I think our audience has heard a blizzard of numbers and sometimes it is hard to take in all that data at one time.

This chart shows right here a few dates on our calendar. One date is the year 2004, last year. Most Americans got through that year all right, and they do not realize the fiscal gravity of our situation. Do not take my word for it. Our Nation's top accountant said that the year 2004 was ''arguably the worst year in our fiscal history.''

That says a lot. That is a big statement. That includes the Great Depression, that includes all the world wars, the Civil War. How on earth could 2004 have been ''arguably the worse year in our fiscal history?'' Because in that one year, Congress promised $13 trillion worth of future spending that is completely unpaid for. Never in American history has Congress been that irresponsible, and that is why our Nation's top accountant made that declaration about 2004.

We will look at some future years. The debt that we are running up that our colleagues have explained so well is going to cost us so much in interest, that by about the last year of the Bush administration, we will be spending more money on interest payments to our Nation's creditors than we will be on regular domestic government in America. In a sense, it will be a better deal to be a creditor of this country than to be a citizen of this country, because the creditors will be getting more money than we will be, if we look at regular, nondefense, discretionary spending.

Let us look at another key date in our future. This was in the Wall Street Journal. At the rate that foreigners are lending us money, buying our debt, by February 9, 2012, the Chinese will have bought the last bond from a U.S. citizen, and then they will own all of our foreign debt. Their pace of buying our debt, of loaning us money, of getting us dependent on their credit is so ravenous that just a few short years from now, they will own all the foreign debt, if current trends continue.

Look at another key date. By the year 2017, that will be the first honest picture of the deficit in American history, because today the true size of the deficit is being disguised by the Social Security surplus. Last year, people like to say the deficit was $412 billion. Well, the true deficit was $567 billion, because $155 billion of Social Security surplus was used to disguise the true size of the deficit. We owe that money to Social Security recipients. That is one of the most solemn obligations our country has ever made, and yet people never mention the true size of the deficit. Well, by 2017 there will not be a surplus anymore, and then the true deficit will be revealed.

Look at the year 2035. A reputable group, Standard & Poor's, they rate all of the debt in corporate America, all the debt in the world. They are predicting that the U.S. Treasury bond by that year will achieve junk bond status. If that is not a dire warning, I do not know what is, because the U.S. Treasury obligation is the soundest obligation on this Earth. We have always paid our debts as a Nation. That is the gold standard of bonds. But here is Standard & Poor's, the most reputable private sector debt-rating organization, saying that if current trends continue, our bonds will be junk bond status.

Look at the final date on here. I think it is 2040. That is when, again, our Nation's top accountant says that it will take all revenues collected by the Federal Government to do one thing; every penny collected from Federal income tax, Federal corporate tax, all the other taxes to do one thing. What? Service the debt, pay our creditors. Interest alone. There will not be one red cent left for any national defense, for any Social Security, for any Medicare, for any anything. That is not my prediction; that is our Nation's top accountant.

That is the sort of fiscal hole that these numbers that my colleagues have revealed are leading us into. This is a problem. This is a true crisis. I have called this the ''road to ruin.'' That is what it is. We have to change course.

Let me show my colleagues this. A lot of folks say, well, 9/11 did all this. What people do not realize is the Cato Institute revealed in a recent study that President George W. Bush and the Republican Congress are the biggest domestic spenders, nondefense spending, since Lyndon Baines Johnson. The title of the report is called ''The Grand Old Spending Party: How the Republicans Became the Party of Big Government,'' and this graph shows it. One might think that some previous Democratic Presidents were big spenders, but look at this: Carter and Clinton, they are down toward the bottom. Lyndon Johnson did try to give us a guns-and-butter budget, but only President George W. Bush has approached him in terms of growth of domestic spending. These are the true numbers; this is what the American people need to focus on. We have a dire deficit situation, and we need action.

So I appreciate the gentleman, my good friend from South Carolina, holding this Special Order. It is very important that all the business people of America, all the citizens of America, wake up and take notice of this situation, because they are not seeing it on regular television, they are not hearing the truth, they need to focus on reality.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Tennessee.

I now yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I thank him also for taking out this Special Order so that a group of our colleagues can speak with our constituents and speak with the American people about the budget situation that we face. And I think the previous presentations have left little doubt that it is a budget in crisis, it is a budget in moral crisis in terms of the priorities that this Nation needs to be addressing. It is also a budget in fiscal crisis, taking us over the cliff.

One might find that easier to take if, as the reward for our efforts, so to speak, we were getting adequate funding for major priorities, or if we were getting a good stimulus for the economy, but it actually seems we are getting the worst of both worlds. We are going over the cliff fiscally and we are not getting these other benefits.

So the American people are asking, where is this economic stimulus? Where is this support for what our communities need to grow and prosper and widen opportunity? I am afraid the answer is a lot of this money is down the rat hole, so to speak, in terms of the budget deficit, the growing debt; a lot of red ink, but not very much to show for it.

Our colleague, the gentleman from Maine (Mr. ALLEN) was saying earlier that there is a familiar refrain these days about there is just not enough money to do this and that, and I can vouch for that as a member of the Committee on Appropriations. I think there is probably no refrain that we hear more often, and we hear it on bill after bill after bill, that we would like to have more adequate funding for cancer research and heart disease research and the work of the Institutes of Health; we would like to build more highways, because we know this creates jobs and because we know it is a boost to the economy; we would like to do right by Medicaid because we know that millions of people are probably going to have their medicaid benefits cut or leave the rolls altogether, and that adds to the number of uninsured, the number of people who are not getting good health care.

Sometimes our colleagues say, well, we would like to improve the military quality of life. We know that we are actually spending less than we did before the Iraq war on base housing and on some of the provisions for our military families that do determine their quality of life.

Sometimes it is said, we would like to do more for first responders here, too. We are doing less for our first responders than we did before 9/11. And by first responders, we mean the people on the front lines every day protecting our communities, policemen, firefighters, emergency medical personnel, but there just is not enough money.

□ 1900

Sometimes we hear not enough money for after-school programs or other educational programs designed to close the achievement gap and to help communities meet this challenge of No Child Left Behind.

After all, No Child Left Behind was not just supposed to be a program for labeling classes failing. No Child Left Behind was supposed to be a way of diagnosing problems that needed addressing and then having some resources to address those needs. But we hear there is just not enough resources.

This very day, marking up the transportation bill in the Appropriations Committee, we heard there is just not enough money for Amtrak, not enough money to maintain rail passenger service in this country. We heard there is just not enough for community development block grants for the infrastructure and the rehabilitation of housing, to make our neighborhoods viable, and on and on and on. We just do not have enough money, we hear.

And, Mr. Speaker, I say this as a Member who does not believe any program, domestic or foreign, should have a blank check. Of course, we need to economize, and of course we need to be responsible with public funds. But I also believe that we need to be honest about where the problem is coming from in the Republican budget. And the problem is not mainly coming from domestic discretionary spending. And the ranking member of the Budget Committee has made this very, very clear. And we need to underscore it here tonight.

Our friends over at the Center For Budget and Policy Priorities asked an interesting question a while back. They said, where did that $9.5 trillion fiscal reversal come from, going from $5.5 trillion in projected surpluses over the next 10 years at the beginning of the Bush administration? What is now, Mr. Ranking Member, the projected addition to the national debt?

Mr. SPRATT. We say we have gone from a projected surplus between 2002 and 2011 of $5.6 trillion to a cumulative deficit, over the same time period, of $3.8 trillion. That is your $9.4 trillion.

Mr. PRICE of North Carolina. That is the $9.4 trillion reversal. And the analysts asked, Where did that money go? The largest chunk of it went to President Bush's tax cuts, which mainly benefit the wealthiest people in this country. A significant chunk of it went to defense and security spending after 9/11.

And of course in many ways we have had agreement that that spending needs to increase, but it is not the bulk of the increase we are talking about. It is not the bulk of the fiscal reversal that we are talking about.

The poor economy produced some of that. So there are many reasons for this. The tax cuts are the main reason. But the one thing that does not figure prominently in the fiscal reversal is domestic discretionary spending. That has not been all that much above projected levels.

So the strategy of the administration and the strategy of the Republican leadership here in the House to pretend that we are going broke in this country because of these domestic investments, who can believe that? Who can believe we are going too broke because we are doing too much cancer research or because we are building too many highways?

The chart here pretty well tells the story. The Republican tax agenda worsens the deficit by $2 trillion. And the gentleman can confirm, we are talking about $1.4 trillion over the next 10 years and a worsened deficit situation because of the Bush tax cuts. And then if we take account of the alternative minimum tax and fix that, then that is another $600 billion.

So something like $2 trillion that the Republican tax agenda is going to cost us in the next 10 years is what that chart says to me. And then we have the next chart.

Mr. SPRATT. Yes, sir

Mr. PRICE of North Carolina. Then the next chart shows that the story is worse than that, because the Bush budget omits a number of 10-year costs. The repairing of the AMT I have already mentioned, over $600 billion. The cost of social security privatization, $750 billion.

The realistic estimate of war costs, beyond what we are appropriating this year, almost $400 billion. Paying interest on all of this accumulated debt, $267 billion; that is another $2 trillion. Where is it going to end?

This is a deeper and deeper hole that we are digging, and very little of it has to do with domestic discretionary spending. But the main victims are these domestic investments that we are seeing every day on the Appropriations Committee squeezed mercilessly, and squeezed in a way that really do shut off growth and opportunity for our people.

Just think what we could do with the interest alone on this growing debt. This chart shows how interest payments are dwarfing appropriations for other priorities. The red bar is interest. The blue is education spending. The brown is environmental spending. The dark bar is veterans spending. And then you look ahead to 2010, you see the disparity is even more.

That is money down the rat hole, money that anyone in our hearing tonight could think of better public and private uses for that money that we are paying mainly to foreign purchasers of our national debt.

But that is where the money is going. It would be more than enough, of course, to fix the Social Security problem totally. And it is, in the meantime, preempting so much that this country needs to be doing to ensure expanding opportunity for all.

So I thank the gentleman from South Carolina (Mr. SPRATT) for the Special Order tonight, for the presentations, which I think have underscored quite clearly the deficit situation that we are facing, the accumulating debt, and what we are paying for that, the kind of opportunities lost because of this fiscal excess.

Mr. SPRATT. I thank the gentleman for his insights into this very critical problem. And I yield again to the gentleman from Virginia (Mr. SCOTT.)

Mr. SCOTT of Virginia. Well, I would just ask the gentleman, we have outlined what some would think would be quite a crisis. If you look at this chart, something happened in 2001: we passed all of those tax cuts. I would just ask the gentleman from South Carolina (Mr. SPRATT) if this administration or the majority in Congress has ever expressed any acknowledgment that there is a problem.

Mr. SPRATT. Well, the administration avows its aversion to debt. And yet it keeps tacking debt on top of debt. The deficit in the year 2003 of $378 billion, a record. A deficit the next year of $412 billion, another record. A deficit this year of $350 billion. And they claim to be cutting it in half, but it does not appear that way if you accurately project it.

And then the Bush administration begins it second term with this policy initiative, the first that the President brought forth, namely, to privatize Social Security. In order to privatize Social Security, the Bush administration would allow workers today to take up to a third of their payroll taxes, take them out of the Social Security trust fund account where they accumulate to a surplus, and put them instead into private accounts.

That means a diversion of well over $3 trillion over the next 10 years, or the first 10 years during which that program would be implemented. And here is a depiction in bar graphs of how much additional debt would be stacked on top of the enormous mountain of debt already accumulated if privatization took place as the President proposed it. As you can see by the year 2025, 2028, we would have racked up $4.9 trillion in additional debt on top of even more debt incurred in the ordinary budget of the United States.

So the Bush administration claims that it does not like debt any more than anyone else, but its policies contradict that claim; and the Social Security proposal coming on top of an already out-of-control deficit-ridden budget just leaves one incredulous as to what they say about their fiscal policy.

Mr. SCOTT of Virginia. So in other words, they have not only failed to acknowledge a problem, they are actually, with their policies, making the problem worse?

Mr. SPRATT. This would clearly make the problem worse, probably 100 percent worse over this 20-year period of time

Mr. SCOTT of Virginia. Now, if you did not acknowledge that there is a problem, how likely is it that you will

take the very difficult, make the very difficult decisions that we had to make in 1993?

Mr. SPRATT. What we have seen in the 1980s and 1990s in coming to grips with the budget deficit, a compelling problem that nevertheless eluded a solution for years, is that unless the administration, the President and the leadership of the Congress, is focused upon this problem and there is a driving priority, it simply will not be resolved.

And that is the problem we have today. When we finally put the budget to bed, the deficit to bed, got rid of the remaining deficit in 1997, it was because President Clinton had not only made that his number one priority for his second term, but he put his first team on the field.

Every time we met for negotiations, Frank Raines was there, Bob Ruben was there, Erskine Bowles was there, everyone in the room had the President's proxy and could speak for him; and the participants, the budget principals, knew that the administration was pushing hard.

Unless everybody pulls hard in that same direction, there are too many otherwise outside forces that stray you off course. So you have got to have leadership to get this done. And we do not have that leadership.

Mr. PRICE of North Carolina. What you are saying about leadership, I think, really is important, because it is pretty easy to get cynical about Congress and the budget process over the 1980s and the 1990s as so often action was pretty ineffectual. But there were three times, were there not, when Congress rose to the occasion: once in 1990, on a bipartisan basis when the first President Bush joined with the Democratic congressional leadership and concluded a significant budget agreement; in 1993, with Democratic heavy lifting alone, an agreement that was actually rather similar to 1990 and moved the ball further; and then the 1997 agreement led by President Clinton, but with some bipartisan support.

Looking back to that 1990 agreement, which I think most of us remember as a difficult time, but a very positive achievement, is there any prospect that this present administration or this present congressional leadership has any inclination to undertake this sort of tack?

Mr. SPRATT. Well, if the gentleman will recall, in the late 1980s, we came to this conclusion that we had to have Presidential leadership as well as congressional leadership solidly behind us. And so we sponsored resolutions several years in a row which called for a budget summit.

We finally passed such a resolution, convened a summit, they met at Andrews Air Force Base something like 60 different days, and once again they succeeded. They capped discretionary spending; they devised the PAYGO rule. They reduced entitlements, rates of growth, did all of the things you needed to do.

The results were obscured by the fact that we had a recession. But the Clinton administration built upon the successes and upon the processes of the Bush administration, the Bush budget that moved us from a $290 billion deficit, to a $236 billion surplus. That was built on that foundation.

Mr. PRICE of North Carolina. If you fast forward to the present, as the gentleman from Virginia (Mr. SCOTT) was suggesting, the budget situation is actually worse; the objective budget situation is actually worse now than what we faced in 1990.

This President Bush, unlike the first President Bush, does not seem inclined to even agree there is a problem. And the congressional leadership is totally disinclined to take this up. So it strikes me as a very dangerous kind of complacency that really, I guess, bespeaks a deterioration of the budget process, but also of leadership to use the budget process to get our fiscal house in order

Mr. SPRATT. Well, the chart that the gentleman from Virginia (Mr. SCOTT) is holding tells an awful lot. Every year during the Clinton administration, due to those three budget agreements, which the gentleman just described, the bottom line of the budget got better and better to the point where we finally had the budget in surplus for the first time in 30 years.

Every year since the Bush administration came to office in 2001, the bottom line has gotten worse to the point where today we have record deficits, three in a row, record deficits: 378 last year, 412 in the year 2004, it looks like 350 this year. There have been changes made in the margins, but nothing as dramatic and emphatic as what we did in 1993 and 1997, and that is why you do not see any real results of any substance on the bottom line.

Mr. SCOTT of Virginia. In 1994, there was a change in leadership in Congress. What happened in 1995?

Mr. SPRATT. In 1995?

Mr. SCOTT of Virginia. When the Congress passed budgets that included massive tax cuts, what happened to those budgets?

Mr. SPRATT. Well, in 1995 and in 1996 we had better and better bottom lines because we had a PAYGO rule, and we had discretionary spending caps.

Mr. SCOTT of Virginia. But did President Clinton, when he looked at those irresponsible budgets, not have to veto those budgets, showing Presidential leadership?

□ 1915

Mr. SPRATT. He did indeed. And then we had a point where we could not come to a conclusion on the budget. As a consequence, the whole government was shut down and President Clinton, upon being reelected said, I do not want to go through that again. I would like to see the budget principals get together with the White House budget principals and try to negotiate a deal earlier in the fiscal year, as opposed to near the end of the fiscal year with our backs against the wall.

Mr. SCOTT of Virginia. But the Presidential leadership would not allow an irresponsible budget to become law?

Mr. SPRATT. Absolutely not. And then took the situation by the scruff of the neck the next year and saw to it that we finally brought it to a successful resolution, a phenomenal resolution: a surplus of $236 billion in the year 2000.

On that high point, since we are just about out of time, let me thank the gentleman from Virginia (Mr. SCOTT), the gentleman from North Carolina (Mr. PRICE) and the others who participated, about a subject that is of great concern to all of us. We all have this feeling that the day of reckoning awaits us, and we would like to see this done consensually, with good policy.

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I am pleased to be here with some of my colleagues this evening, and we have a great agenda. We are going to talk about the agenda that we have had for this session of the 109th Congress and some of the positive accomplishments that we have made. But before I start on that, I do want to make a couple of comments, Mr. Speaker, regarding my colleagues across the aisle and some of the things that they have had to say.

They are so very concerned about the budget and how the budget works and about spending. Mr. Speaker, I just have to say it is interesting for me to hear them. Some of them are talking about how we cannot have tax relief that grows the economy because we would be doing away with needed programs. And then we hear that we are not growing the economy enough. And the interesting thing is you cannot have it both ways. You cannot have it both ways. You know, you have to set a course and you have to move forward on that course, and that is what this leadership has done.

We know that it is the people's money that we are here to be good stewards of. And it was so interesting, one of my colleagues just said, tax cuts are going to cost us. Tax cuts are going to cost us. Well, you know what, every time we pass a bill that spends another dollar, it is costing everybody that is paying taxes. When we reduce taxes, we give money back to the people that earn that money, the taxpayers. We leave that money in home communities. We leave that money where it belongs, with families.

Right now in this great Nation of ours, taxes are the biggest part of any family budget. We will set about on a course, the leadership in this Congress

has set about on a course, the President and the administration have set about on a course to get some of that burden off the backs of the American taxpayer; and we are working to reduce the size of this government.

Mr. Speaker, I tell you, I am so pleased that tonight we can take a moment and reflect. This is day number 169 on the 2005 calendar. It is day number 67 in our legislative calendar of the 109th Congress. And the majority in this Congress has, we are approaching the halfway point for this year and we have made substantial progress.

Mr. Speaker, you cannot help but notice that a remarkable thing has been happening on the floor of this very House over the past few months. It is something most people probably are not very aware of and I can assure you, listening to my colleagues tonight, it is something that the minority leader, the gentlewoman from California (Ms. PELOSI) probably hopes will remain unnoticed by most of the American people, but my colleagues across the aisle, many have been abandoning their party leadership in droves and they are voting in favor of a Republican agenda and our legislation. And it is worth noting tonight.

People say, oh, Washington is such a partisan town, nothing ever gets done. The town is in gridlock. And the minority leader will come to the floor and she will rail against the legislation that is being brought forth, and she will call it virtually everything in the book but good. And after all the hot air hits the rafters and people put their card in and cast their vote, dozens of Democrats vote for the legislation that she has just taken 5 minutes criticizing.

Why is it, Mr. Speaker? I think it is probably because the leadership in this body is crafting legislation to solve problems. We are here to solve problems for the American people. We are here to work to reduce regulation. We are here to lessen the tax burden. We are here to cast votes that will preserve individual freedoms for this great Nation. And we are attracting so many Democrat votes because the legislation that is in this body is legislation that appeals to the folks back home, regardless of what the party is. They are folks who are interested in a better life and a better quality of life for their families.

Here are just a few examples of what we have seen many of the Democrats come over and support, Mr. Speaker. One, bankruptcy reform. We passed that bill with 302 votes, 73 of those were Democrat votes.

Class action reform. We passed that with 200 the votes, 50 of those were Democrats.

The REAL ID Act. We passed that with 261 votes, and that included 42 Democrats who joined us in saying let us secure these borders, let us stiffen up these immigration policies.

The Continuity of Government Act passed with 329 votes, 122 of those were Democrats.

The Energy Policy Act passed with 249 votes, 41 of those were Democrats.

The Child Interstate Abortion Notification Act, 207 votes, 54 of those were Democrats.

Mr. Speaker, it is phenomenal, but the good thing is it is an agenda that the American people are interested in. It is an agenda that they support.

Mr. Speaker, I want to yield some time this evening to our chief deputy whip, the gentleman from Virginia (Mr. CANTOR) who is going to talk to us about some of the ways that that this legislation impacts those in his State.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN), and I commend her for conducting this Special Order tonight. It is a great opportunity for us to gather here and to really do a number of things. First, to set the record straight after responding to the comments made from the other side; but also, as the gentlewoman pointed out, to talk a little bit about our vision for America and what the majority has been doing in pursuing that vision through legislation that we have worked on here in the House of Representatives.

First of all, I would like to join the gentlewoman in supporting her statement that we are here as shepherds of the people's money. It is and should be our aim to give back as much of the money that is earned by the taxpayers, to the people that are earning that money, so they can use the money and put it to the work in the best way and the most efficient way possible.

In that spirit, Mr. Speaker, I would also point out that the other side, in making the comment that the President nor the leadership has noticed that there is a problem with the deficit, nothing could be further from the truth. All that needs to be done is if they would look back to the deficit, to the budget that we passed to deal with the deficit. The President has set the goal that we must halve the deficit within 5 years. And this House of Representatives along with the entire Congress managed to pass a budget which for the first time in at least 8 years begins to chip away at the so-called entitlement programs. And we will have a bill later this year which does that, to begin to arrest the exponential growth in those programs.

But also we passed a budget that actually achieves an approximate 1 percent across-the-board cut in nondefense, non-homeland security spending. Although those savings may seem meager, this is the first time that we have done that since the Reagan era. So, Mr. Speaker, I would differ strongly with the statements made by the other side to remind the people across this country that we are serious. We are serious stewards of their taxpayer dollars, and aim to be able to give back more of the hard-earned money that the families and businesses across this country earn on a daily basis.

Now, let us turn to maybe the accomplishments that the gentlewoman talked about just now, and make an introductory remark about how we are leading this country, how we are responding to those issues that are on the top of people's minds across this country, and certainly are doing everything we can to make safer our young men and women in uniform as they have volunteered their time and made a sacrifice for us to go over and to conquer the enemy that poses a tremendous threat to our freedom.

First of all, almost 4 years ago, on September 11, 2001, there is no question that all convention in terms of security was turned on its head. It was on that day, Mr. Speaker, that we saw 19 terrorists kill 3,000 Americans in about 20 minutes with box cutters on a plane. And that was something that was really demonstrative of the fact that we were not thinking the unthinkable. I dare to say that not many of us would think that such an awful, awful terrorist attack could occur on our own soil, but it did. And as the gentlewoman mentioned, we rose to the occasion and we passed the REAL ID act to make sure that no longer could a terrorist have access to false identification issued by any State government to board an airplane and use that airplane as a missile to kill thousands of Americans. No longer will that happen.

And as the gentlewoman points out, we were able to garner an awful lot of support on the other side. But mind you, it was not support coming from the ranks of the minority leadership, but rather it was the leadership on the Republican side of the aisle that took the lead on that issue.

But in terms of security and what is going on here at home, we are also dealing with a very real problem, and that is the spread of gang violence. This is not only a State problem, it is a national problem. It is an international problem that reflects the growing influx and occurrence of terrorists making it across the border, joining gangs, and participating in some very violent acts.

A little over a month ago here on the House floor, we passed what was called the gang buster bill to provide Federal law enforcement with extra tools to go ahead and identify and apprehend individuals connected with these gangs, and also to strengthen penalties so that we can put an end to violent activity in our community.

Once again, leadership position that was taken on the majority side of the aisle and, frankly, has not been at all echoed or supported by the other side's leadership. None of this, Mr. Speaker, none of this would be possible if we do not ensure that our economy remains strong.

In going back to the point the gentlewoman made about ensuring that the more taxpayer dollars that we can return to the people that earn it, the better off and the more productive our economy can be, we have witnessed over the last several months an incredible surge in the rate of job creation in

this country. We are at about a 5.1 percent unemployment rate nationally, which is a lower rate, the lowest rate that we have experienced in this country since September of 2001.

I can say, Mr. Speaker, in my home State of Virginia, we have an approximately 3 percent unemployment rate, which again demonstrates the productivity gains that we have made, but also demonstrates that we have got an environment where individuals have taken to putting their capital at risk to create jobs and creates value.

Now, we all know we are in a 24–7 global economy. We make no mistake about that. I think it is an agreed-upon fact that today we in this country, it is not just that our constituents are competing across town, that it is not the competitor there that we are only worried about, but the competitor across the globe.

□ 1930

You talk to some of the economic developers that are active in today's global economy and they will tell you there is just as much of a chance that an individual or company looking to invest resources would do so in Lima, Peru, as they would in Lima, Ohio. That is the reality of today's global economy.

That is why we must compete. We must ensure that our tax laws are competitive. That is why we need to make sure that we enact some permanency in the Bush tax cuts because there is nothing more obvious than the impact of those tax cuts on the economy itself and the tremendous surge that we have experienced.

We need to make sure that the regulatory environment is competitive. We cannot have our regulators promulgating burdensome regulations that inhibit capital formation in this country, because literally we are competing with every nation in the world.

Mr. Speaker, we also must be mindful of what we have seen as the proliferation of junk lawsuits. Nothing can be more inhibitive of capital formation than for an individual or a company to realize that they may be subjected to frivolous lawsuits and exposure to liability that simply is not warranted.

All we have to do is recall the class action suits against some of the fast-food chains that posed a potential risk to them, exposing them to liability for making hot coffee. Frankly, for an individual to drive up to a drive-through window, purchase a cup of coffee and then not realize that it is so hot that if it spills on them it would cause a burn, to me, defies common sense and reason.

It is those types of frivolous lawsuits that were included in this class action reform bill that we have passed and the President actually signed into law. It is that type of legislation that has been guided through this House, through the support of our membership, and certainly at the direction of our Speaker and our leadership.

Mr. Speaker, we have a daunting task ahead of us in approaching the very real problem of Social Security. This is one of the most successful programs that we have ever faced in this country; but yet it is a program, given the demographics that we face in this country, that frankly is unsustainable.

The law, as it stands today, will not allow us to continue on the current course, and we have got to do something to bend the curve to ensure long-term solvency of our Social Security system and, at the same time, ensure that it is not only today's seniors that are beneficiaries of that program but it is our children and our grandchildren.

That is what we and the majority side of the aisle have set out to do. That is where the proposals have stemmed from. It is from the majority side of the aisle, and to date, Mr. Speaker, save but one Member on the opposite side of the aisle, we have seen nothing, nothing, no contribution from the other side of the aisle, not even contributing to the discussion that there is a problem facing the Social Security system today.

It is on that note, Mr. Speaker, with an issue of such import that I implore the other side of the aisle to join our discussion, to contribute to trying to come up with solutions for the American people. I implore the other side and the leadership there to begin to join the discussion in arriving at solutions for the American people.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Virginia and thank him for his thoughts on the issue and the things that we have been able to accomplish so far in the 109th Congress. As the gentleman had said, there have been so many things that we have been able to do.

I have got a list of 100 ways in 100 days that we have been able to pass legislation that at some point he just mentioned: class action reform, funding for the troops, workforce job training, a highway jobs bill, a budget that reins in spending, boosting our border security and tsunami relief, all things that are very important. As he said, when it comes to issues of taxation, we are reducing the rate of taxation and the impact that has on our families.

Talking about the need for deregulation. We like to say in my district, we need deregulation that fosters innovation and spurs job creation because that is what it is about, creating those jobs, keeping this economy moving, keeping it effective. Of course, litigation, and being certain that we look at class action reform, the need for class action reform, the need for medical liability reform.

At this time, Mr. Speaker, I am going to yield to the gentleman from Georgia (Mr. PRICE) who has certainly been very active in this agenda that we have in the 109th Congress, the common sense Congress; and he has truly been a leader as we have looked at many of the taxation issues, as well as many of the health care issues in this great Nation.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding. I appreciate very much the opportunity to be involved with her in this discussion tonight.

I was listening a little earlier, and I was thinking, do you not just get tired of the naysayers? Do you not just get tired of the folks who have nothing but doom and gloom to offer? It really is remarkable. I do not know what I would do if I felt that way every single day; the other side of the aisle seems to be so depressed and demoralized about what is going on. They are obviously not paying attention. This is an exciting time to be an American. It is an exciting time for all Americans.

The gentleman from Virginia (Mr. CANTOR), our whip, mentioned that it is a serious time, and it is a very serious time; but it is an optimistic time as well.

The gentlewoman mentioned many of the issues that we have acted on these first 169 days. It is the summer solstice. It is the longest day of the year, and the light in this longest day we ought to use to shed light on what we have done over these first 169 days. The gentlewoman mentioned a couple of them that I wanted to touch on.

Class action reform is one of them, real lawsuit abuse reform that we have been able to enact, and we have been working on that in Congress for years, literally, trying to get that done, and it took Republican leadership and it took a Republican Congress to get it done. We will end some of the harassment that is going on in terms of local lawsuits and protect consumers.

The budget resolution was mentioned where we are actually cutting real spending. The unsustainable rate of Federal spending that we have we are ending. We are ending that unsustainable rate and moving in the right direction. That is optimistic. That is positive for our Nation.

REAL ID, the border security that she talked about, and we are getting good support from other side of the aisle for these things. Forty-two Democrats were on that who voted for that, and it is a first step in the right direction as it relates to border security.

The bankruptcy bill the gentlewoman mentioned as well. That is real reform that had 73 Democrats.

The energy bill we have not talked much about, 41 Democrats on that bill.

I want to talk briefly tonight about something that is near and dear to my heart and I know near and dear to the gentlewoman's and that is tax reform. The tax reform that we have acted upon this year in this Congress is the death tax, permanent repeal of the death tax.

This is part of that, those posters and the items that the gentlewoman talked about 100 days, 100 ways, what House Republicans have done to strengthen America. The death tax, the other side of the aisle earlier this evening said that tax cuts hurt Americans. I was dumbfounded when I heard that. Tax cuts hurt Americans. Do my colleagues know that the death tax itself costs

the American economy up to 250,000 jobs annually? By permanently repealing the death tax, we would add more than 100,000 jobs each year. Nearly 60 percent of business owners say that they would add jobs over the coming year if death taxes were permanently and completely eliminated.

What does the death tax do? Well, it is the leading cause of the dissolution of thousands of family-run small businesses. Small businesses owned by families, the death tax comes at the end when somebody dies who is the senior in the family, and what happens is that that death tax is instituted, and they have to sell that family business in order to pay that death tax. It penalizes work. It penalizes savings. It deals an incredible death blow to small businesses.

Get this statistic: more than 70 percent of family businesses do not survive the second generation. Eighty-seven percent do not make it to the third generation. Why is that? How much does that death tax take? You talk about 15 percent taxes here is high, and 20 percent there, and the income tax has a rate that is higher than that; but what does the death tax take? Forty-seven percent. Forty-seven percent. It is no wonder that 70 percent of small businesses do not survive to the next generation.

So the death tax is unfair. It is unjust. It hampers economic growth. It increases the cost of capital. It artificially elevates interest rates, and this is another astounding fact: it probably costs the government and taxpayers more to collect the tax than the tax revenue that is gotten. That is the kind of nonsense that Americans are tired of.

So what did our Congress do, led by Republicans and joined by some commonsense Democrats? What did our Republican leadership and our Republican House do? We passed a bill to repeal permanently the death tax. I could not be more proud to serve with men and women who act on this issue and other issues in such a responsible way.

I am here to tell my colleagues that it is a positive thing that this Congress is doing, that this Republican leadership is doing, and that this Republican majority is doing; and we ought to be excited about where we are as Americans about the leadership that we have.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I am certain that in the gentleman's district in Georgia, just like in my mine in Tennessee, he has many family farmers. In our district in Tennessee, small business is the number one employer; and when I meet in my district with many of our farmers, with many of our small business owners, this is one of those issues, a permanent repeal of the death tax, this is something that they want to be certain gets signed into law. They are so supportive of the President and what he is doing there, and they want to be certain we get rid of that.

We look at it as a triple tax. You pay tax when you acquire an asset; you pay a tax when you earn your income; you pay a tax when you maintain that asset; and then you die and you go and you pay it again. I talk a lot about sweat equity. Being a small businessperson, when somebody goes in there and they have that bright idea and they start that business and they put years and years and years into building that business and building that customer base, they want to be able to with pride give that to their children and their grandchildren, for that to be their livelihood, to continue that legacy.

I look forward to our being able to put an end to such an egregious tax, and I thank the gentleman for his leadership on that issue; and I yield to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman ever so much. I appreciate that. I always thought it was two bites at the apple, but she is right. It is three bites that the government takes. That is unjust and unfair.

I just wanted to come and add a little perspective of what I believe is the optimism that this Congress is leading with, this Republican leadership and this Republican majority is leading with. I appreciate the gentlewoman doing this this evening and giving us an opportunity to show the American people and talk with the American people about the positive things that this Congress is doing, and I thank her very much.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for his comments, and he is so right. There is a spirit of optimism in America; and we see that in our districts, folks that are growing new businesses, folks that are working, getting new skills, training for new jobs; and we appreciate that about them. We love seeing that in our districts, and we like seeing that optimism, and certainly here on Capitol Hill we are encouraged when we hear from our constituents that they are excited about some of the legislation that we are passing here, whether it is with bankruptcy reform or the REAL ID Act, taking steps to secure those borders, reducing taxes, supporting our troops.

A gentleman who knows quite a bit about supporting those troops is the gentleman from Kentucky (Mr. DAVIS) with his military background. He is new to us this year here in Congress, and we welcome him, and we welcome his energy and his willingness to work on the great agenda that we have established in this 109th Congress.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding.

I believe that we have much to be pleased about; and contrary to the obstinate obstructionism of the far left, much is being done. There is a lot of talk about how Republicans and Democrats cannot seem to agree on anything, and I do not think that portrays an accurate picture of the work that is being done in the 109th Congress.

So far we have seen several significant pieces of legislation passed with overwhelming bipartisan support. We have watched as a significant number of Democrats have broken ranks to support business and family-friendly legislation.

□ 1945

So what have we been spending our time on? For starters, we have given a helping hand to small businesses by passing class action reform, a permanent repeal to the death tax, and a comprehensive energy policy, all of which contribute to the overall good health of our economy.

More importantly, these measures will help create jobs. Americans want to work. Americans want to earn a paycheck and want to feel like they have contributed to our part of the world.

We in Congress can help Americans do that by continuing to support and pass legislation that creates jobs. Consider this: the energy policy will create 40,000 new construction jobs by building about 27 large clean-coal plants. That will benefit the Commonwealth of Kentucky and the Ohio Valley, workers, suppliers, and also manufacturers and energy producers.

It will create 12,000 full-time permanent jobs related to plant operations, and the legislation allows for increased natural gas exploration and development that will create jobs and provide more than $500 million in increased revenue for our economy. The comprehensive energy policy passed with the support of 41 Democrats who believe more in creating jobs and establishing an energy policy than playing petty politics.

Let us also consider the permanent repeal of the death tax which passed with the support of 42 Members of the Democratic Party. They voted to allow small businesses and family farmers to keep jobs and our dollars in communities, rather than sending them to bureaucrats in Washington, D.C.

There is the highway bill that will create more than 47,000 new jobs for every $1 billion invested in our country's transportation system. Not only does this create jobs, but it increases road safety so that our families and everyone else who travels them can be assured of a safer ride. And 198 Democrats supported this legislation. The minority leader did not, despite the fact that that bill alone will lay a tremendous foundation for future growth and future economic development throughout this land.

Mr. Speaker, 71 Members of the Democratic Party joined with us to pass the Gang Deterrence and Protection Act of 2005, again without the strength or support of their leadership. Gangs are increasingly becoming a problem in nearly every community in the Nation, and we are starting to hear disturbing whispers about gangs that

regularly bring illegal immigrants into this country to boost their gang membership and may be teaming up with terror cells to smuggle in terrorists. This is a serious threat to our national security that we must address.

But what can we expect from our Democratic leadership that continues to insult and denigrate our troops and the mission of our military, those who serve on the front lines? So we continue to be joined by rank-and-file Democrats, like the 54 Members who helped us pass the Child Interstate Abortion Notification Act, the 42 Members who helped us pass the Border Security Act, and the 122 Democrats who helped us pass the Continuity in Congress Act.

Moreover, 143 Democrats joined with us to support our troops at the tip of the spear, fighting the war on terror to protect our Nation and keep our communities and our homeland safe. They made sure that they ensured our troops have the resources and tools they need to fight and win this war on terror.

Contrary to what the liberal media implies, there is strong bipartisan work in Congress; and there is a lot being accomplished. It is just too bad that the Democratic leadership continues being obstinate and obstructive when there is so much at stake for our future, our continuing economic well-being, the security of our homeland, and the security and jobs of ordinary Americans who depend upon us to pass commonsense, reasonable legislation.

As a joint team, we are doing our part and we are getting some great help teaming with rank-and-file Democrats. It is too bad the liberal minority leader does not want to join her own colleagues who did the right thing in passing helpful and progressive legislation.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for taking the time to share his thoughts tonight.

The gentleman is so right: it is family friendly, it is business friendly. That is the agenda that this leadership has. It is an agenda that is based on hope. It is an agenda that is based on the love of opportunity and knowing that we all want something better for our children, for our grandchildren. We all want to see America be vital and vibrant with a great economy and opportunity for all of our children.

As the gentleman was speaking, I thought about a great Tennessean, Alex Hailey, and a comment he used to make regularly. He was a wonderful author, and we are so proud of the works he created. He had a phrase that he would use often. It was ''find the good and praise it.'' In this 109th Congress, the agenda that we have brought forward has a whole lot of good in it. It is wonderful to take a few moments on this first day of summer, on this 169th calendar day of the year, the 67th day of this 109th Congress, and praise the good work that is being done on this floor.

We have talked a lot about our economic security and homeland security. Let us focus on moral security and the obligation we have for health care in this great Nation. One of the leaders in this debate here in this Congress is the gentleman from New Hampshire (Mr. BRADLEY), and he is going to talk about health care and some of the items we have been able to accomplish on our health care agenda.

Mr. BRADLEY of New Hampshire. Mr. Speaker, it is a pleasure to join with the gentlewoman from Tennessee (Mrs. BLACKBURN) to talk about an agenda that helps get Americans back to work, that wins the war on terrorism and makes our Nation secure, and an agenda that focuses on affordable and accessible health care for all.

Like the gentlewoman, I go home every weekend and I do town hall meetings. I am going to do my 100th town hall meeting this weekend since I have been a Member of Congress. One of the things that keeps coming up is the cost of health care and what can we do to further that agenda.

There are a lot of things that we can do and have voted on in the past and will vote on in the future. It starts with the fact that doctors with high liability costs are being driven out of the practice of medicine because of those soaring liability costs. We need to confront that. We have done that on our side of the aisle and will continue to do that. Some reasonable limits on pain and suffering awards, which some States have enacted and have seen medical liability costs come down and stabilize.

In my State of New Hampshire, we have seen higher-risk specialty doctors, obstetricians, gynecologists, trauma doctors, surgeons, actually have to relinquish or curtail their practice because of soaring liability costs. What does that mean? It means people that need medical care may not be able to get it from the doctor of their choice, or they have to travel further, or it is simply not available in certain regions of my State. This is a national issue, and we need to get this on our agenda. This is something that we voted on on our side of the aisle and supported, and I hope that the other side of the aisle will join in this commonsense reform to make sure that doctors stay in business.

There are other things that we can do. Small businesses have so many employees, and they constitute about 70 percent of the new jobs; but for many small businesses they are also where, unfortunately, a number of Americans cannot afford health insurance through their business, the business owners, that represents a significant number of the uninsured people in our country. So allowing small businesses the same opportunities that large corporations have, to pool together and to do so across State lines, to join through bona fide business organizations, whether it is chambers of commerce, or like-minded business groups around the country, to be able to purchase health insurance through what are known as associated health plans, is a commonsense reform that, once again, we are leading the way on.

I hope that our colleagues on the other side of the aisle, and there are some that support this because it is a great idea, it will give small businesses the same buying power that large corporations have so they will get better discounts in health care. It will allow them to spread out the risk of expensive treatments and to spread out high administrative costs, all things that small businesses endure. I hope that we are able to pass this here in the House and the Senate to enact this reform.

A couple of things that we have done in the 108th Congress, and we need to look at that because one of the big things that we have done is going to take effect on January 1, 2006, and that is a Medicare drug benefit for senior citizens. It is long overdue for senior citizens, especially those who are lower income, who are facing the cost of high prescription medicines, to have access through Medicare to prescription drugs so they can live healthier, more independent, longer lives. This was a reform that was adopted in the 108th Congress and will be implemented on January 1, 2006.

As part of that legislation, we also allow families and businesses, if they choose to match contributions of families, to create health savings accounts, and to do so up to an amount of $5,000 for a family of tax-free dollars that they can actually use to purchase their own health insurance.

So this is a reform that we both know is something that will allow people to be wiser consumers of health care because it is their money that is going for either the purchase of health care or the purchase of higher deductible health insurance.

These are reforms, the Medicare drug benefit and health savings accounts, that we have accomplished in the last session of Congress. It is my hope that we will be able to push this agenda forward, this positive agenda, so we have lower liability costs for doctors and we allow small businesses to pool together to purchase health care in collective units.

Now one last thing that has enjoyed bipartisan support and the President deserves a great deal of credit for, those are community health centers. I have one in my district that recently got Federal funds that is going to expand its operation, nearly double its square footage. Community health centers are alternatives to more expensive hospitalization. And they give people of lower income or people who need preventive care, primary care, better access to health care facilities. We have dramatically increased the funding for community health centers over the last several years from about $1.1 billion when President Bush became President to this budget, the Labor-HHS budget, to about $1.83 billion. This will enable more of these community

health centers to be built, improve access to all Americans, but in particular lower-income Americans.

Mrs. BLACKBURN. Mr. Speaker, I want to go back to the poster that is right behind the one that is displayed next to the gentleman. It is the commonsense Congress, and the gentleman has touched on this several times. I think it is worth drawing some special attention to: common sense.

The legislation that the leadership has brought forward in this Congress, the things that America supports us on that we are hearing from them, they are pleased with the agenda that we have moved forward on, is based on common sense. A couple of other things the gentleman has mentioned, whether it is the community health centers or the health savings accounts or the medical liability reforms, one of the points the gentleman just made is so true.

What we are talking about is the taxpayers' money. The gentleman said, ''It is your money.'' That is so true. We realize this is the taxpayers' money. It is not our money. It is not government's money. It is the taxpayers' money. I agree so wholeheartedly with the gentleman from New Hampshire. We trust the individual to make those decisions on how to spend that money. We trust those local governments and those wonderful community health centers. The gentleman has them in his district. I have them in mine. What wonderful work they do, and how cost effective they are.

It is exciting to see that we have a budget where we have had a reduction in discretionary spending. We have a budget where we are putting the emphasis on priorities. We are beginning to turn this around. Forty years of Democrat control grew program upon program upon program without accountability. Now we are beginning over the past decade to see that accountability move in place; and with the positive proactive agenda that we have this year, we are seeing action.

Mr. BRADLEY of New Hampshire. Mr. Speaker, that brings something we have to reiterate. When the tax cuts the gentlewoman referred to were passed, we had an unemployment rate of over 6 percent. Today, that unemployment rate is 5.1 percent, and 3.5 million jobs have been created.

□ 2000

When we talk about making our economy more competitive so that Americans can compete around the world, tax reform is a significant issue, and a stimulus package that drives jobs is a huge issue to make sure that Americans have every opportunity, anybody that wants to find a job has the opportunity to find a job. As I have noted already, making health care more accessible and more affordable through some of the reforms that I outlined will make our economy more competitive and enable businesses to better afford health care for employees and our Nation to grow.

I thank the gentlewoman so much for organizing this hour.

Mrs. BLACKBURN. I thank the gentleman for joining us. He is so correct in jobs and talking about jobs. We are pleased that the unemployment rate is at 5.1 percent. One of the points that we have accomplished this year, with bipartisan support, is the jobs training bill, giving the training that is necessary, and allowing that to be accessed by individuals right there in their home communities so they have the skills necessary to move forward and to secure good jobs right there in their communities for their families.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCHENRY) for his comments and thoughts on the agenda in his first Congress here with this 109th Congress.

Mr. MCHENRY. I certainly appreciate the leadership of the gentlewoman from Tennessee here in Congress, and I know her constituents are well represented by her values here. We are talking about the GOP agenda here in the House, our conservative agenda, our agenda that has solutions, real solutions for the American people. We passed a conservative budget that reins in non-defense, non-homeland security discretionary spending by 1 percent. It is a start. It is a move in the right direction. It is the most conservative budget since Ronald Reagan was in office. However, at the same time it funds key priorities, like our national defense, our homeland security. It funds fire departments. It funds police officers. It does the right thing for the American people. We passed a good budget.

We also passed class action lawsuit reform with bipartisan support. It reins in trial lawyers. It reins in these out-of-control lawsuits and lawsuit abuse.

We passed bankruptcy reform that says you should make good on your bills. We have bankruptcy reform. It was bipartisan as well.

REAL ID, Border Security Act. Border security, ladies and gentlemen. The Republicans in this Congress have taken on this challenge and some Democrats bought in.

Death tax repeal, eliminating the death tax.

A transportation bill that ensures that we have good roads in this Nation and funds priorities.

We also passed pro-life legislation, reasonable pro-life legislation that does the right thing for minors and does the right thing for the unborn child as well. We have passed good legislation.

The American people need to know that, Mr. Speaker. The American people need to know that we are a Congress that is focused on getting real results for people. We are not here about partisan rhetoric. We are not here to complain about the process. We all know the process here in Washington, D.C. is not what it should be. That is the way it has been for over 200 years in this Nation. But we are a free people with high ideals that we try to live up to as a Nation. And we are a Congress that respects those values.

But I certainly appreciate the gentlewoman from Tennessee having this hour so that we can discuss the solutions that we have put forward, not just as Republicans but as Americans, working across the aisle on a bipartisan fashion.

Before me is a chart, Democrats Running to GOP Solutions. They are buying into our agenda. They are buying into our agenda. Bipartisan Victories for America Expose House Democrat Leadership's Lack of Vision. We have had five major pieces of legislation pass the House with strong bipartisan support that has an impact on people's lives.

Mrs. BLACKBURN. I thank the gentleman so much for his comments. I think this is one of the things that we hear repeatedly from our constituents. They want to see us solve problems. They have appreciated how aggressively we have attacked the agenda this year and have worked to move forward on a positive, proactive track.

Bankruptcy reform. That is something that they have tried to pass for years here in Washington. For years. As I was in the State Senate in Tennessee, we would hear about the gridlock in Washington in not being able to move this forward.

Class action reform. We have been hearing for a decade that that was needed.

The REAL ID Act. Since September 11, 2001, we heard about the need to secure our borders and to be certain that those driver's licenses were using proper documentation.

Permanent repeal of the death tax. I cannot remember a time that I was not hearing about the need to repeal this. A continuity of government, having a plan for that. There again, since September 11, 2001, we have been hearing of the need for this.

I would just express to the gentleman that I feel it has been a very aggressive 67 session days that we have had and 169 calendar days that we have seen so far, and we have our list that we have been talking through tonight of 100 ways, in 100 days, that we have been able to pass legislation.

One thing I think that is important to point out, also, is that not always does it mean when we say we are passing legislation that we are adding another law to the books. Many times what we are doing is repealing and taking laws off the books, repealing. We are deregulating instead of increasing regulation. We are lowering taxes instead of increasing taxes. We are trusting people to make the decisions they need to make for their families. I think that is one of the differences.

Mr. MCHENRY. If the gentlewoman will yield, the gentlewoman outlined a few major pieces of legislation. We had 73 Democrats vote with our Republicans for bankruptcy reform. The leader on the left voted no.

Class action lawsuit reform, we passed with 50 Democrat votes. Their leader, out of step with her own Members, voted no.

REAL ID Act, 42 Democrats voted yes. Their leader voted no.

Permanent repeal of the death tax. What happened? Forty-two Democrats voted yes. Their leader voted no.

Continuity of government, bipartisan support for this, included 122 Democrats voting for it. They thought it was the right thing to do. Their leader voted no.

The agenda on the left is all about no. No action, no results, no ideas. And we on the right, we the Republican majority, are acting. We are moving forward. We are trying to do what is right for all Americans, not just say no.

Mrs. BLACKBURN. We have a newspaper here in Washington, D.C. It is called The Hill. Today there was an article, Progressives to Unveil Their Core Principles. The article talks about how some of the liberal Members in the House felt sidelined, and I am quoting, ''felt sidelined as more centrist Democrats have chosen to side with Republican leadership on several issues.''

I would suggest to the gentleman that the reason so many Members of this body do talk with us, side with us, work with us, vote with us to pass this legislation, is because it is what America wants to see happen. It is what their expectation is and the legislation they want to see.

Mr. MCHENRY. That is a wonderful way you put that. We are trying to take a consensus agenda on what the American people need and want and the direction this country wants to continue heading. And that is more local control, individual ownership and responsibility, keeping more of what they earn to help their families, help their communities, help raise their children and improve small businesses around this country.

I certainly appreciate the gentlewoman from Tennessee taking the time to be here tonight to discuss our agenda, not a Republican agenda but an agenda for America, to do the right thing for all American people. That is what we are trying to do. My constituents back home in western North Carolina certainly have those same ideals in mind. I am sure yours do as well there in Tennessee. I thank the gentlewoman for hosting this hour.

Mrs. BLACKBURN. I thank the gentleman so much for being here this evening. I think one of the things that we have seen is that so many Members of this House have supported tax relief for every taxpayer. They know that this majority has supported tax relief for every single taxpayer, not for just a few. And, true, we have targeted that relief to those at the lower end of the earning scale and that is an important thing to do.

In the past few years, we have also reduced income tax rates across the board. We have eliminated that death tax. We hope that the Senate works with us, making this a permanent elimination.

We are allowing businesses, we talked about small businesses and jobs creation, allowing businesses to deduct more for their equipment, for their depreciation, for their leasing, so that they can up those capital expenditures. We are seeing capital investment increase and jobs growth take place.

For States like my State, Tennessee, and others that do not have a State income tax, we have passed a bill restoring the Federal sales tax deduction. In my State in Tennessee, that is putting hundreds of millions of dollars back into our State economy. It is a great thing. It is a great thing for Main Street. We know that it is the right thing to do, to be sure those dollars stay at home. The last thing we need to do is to take more out of somebody's paycheck, more out of their pocketbook, and turn around and send it here to Washington, D.C. to try to decide how we are going to send it back. Leave it at home.

The tax relief for individuals and for small businesses has paid off. We started with a recession in 2001 and now we are entering the 25th month of steady jobs growth. Twenty-five months. Since May 2003, this economy, not the government, not Washington, D.C., but this wonderful free enterprise system in this great Nation has created nearly 5 million new jobs. The reason we see this jobs growth is not because government is creating jobs, it is because this leadership in this Congress, in this administration, understands create the right environment and get out of the way. Let the free enterprise system do what they do best, which is create jobs. Over the past couple of years, 25 months, an average of 146,000 jobs a month. We have got historically low unemployment and we have got steady growth.

We have led on tax relief. We have led on the effort to eliminate waste, fraud, and abuse in government and on the effort to cut Federal spending. We passed a budget, despite outcry from the left, that allowed a .8 percent, nearly a full percent cut in budget authority in non-defense, non-homeland security spending.

An issue I know my constituents care deeply about is the growing problem of illegal immigration. We have taken a strong stance on this issue and have made a terrific start with passage of the REAL ID Act. We are funding more border agents. Our list goes on and on, 100 ways, in 100 days.

Mr. Speaker, I appreciate the opportunity to be here to visit with my colleagues tonight. We look forward to continuing the conversation and to continuing to work on a positive, progressive, proactive agenda for America.

ANNOUNCING FORMATION OF OUT OF IRAQ CAUCUS

The SPEAKER pro tempore (Mr. FITZPATRICK). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I am here this evening to talk about something new and wonderful that has happened in the Congress of the United States of America. I am here to talk about a new caucus that is named Out of Iraq Caucus. I am here to talk about the men and women of this House who have decided they can be silent no longer. I am here to talk about men and women who represent various points of view relative to support for the President from the time that he first announced he was going into Iraq to now. I am here to talk about why we have formed this caucus, what we plan to do, but more than that this evening, we are going to focus on our soldiers and those who are in Iraq serving this country, those who are there in harm's way, those who have been killed in Iraq, those who are up at Walter Reed Hospital suffering from serious injuries, having lost limbs, having lost their eyesight, those who do not know what the future holds for them.

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We are going to focus on that this evening because it is extremely important for the families of these soldiers to know and understand that we support these soldiers. We know that many of them went there because they were called to duty. They were recruited to go to Iraq because their President asked them to do so, and they wanted to serve this country despite the fact they did not understand all of the reasons why. Many of them went to serve because they thought that Saddam Hussein was responsible for 9/11. But, of course, we know now that Saddam Hussein was not responsible for 9/11, and many of the soldiers know that now.

So this caucus has been formed. We have 61 members, and they are still adding on. We met this morning at 10 a.m., and we will continue to meet as we develop our mission statement, as we help to define who we are.

Basically, we have come together to say we want out of Iraq. We want out, and this caucus is not putting a time certain. This caucus has not concocted demands about how we want to get out. We simply want our young people out of Iraq. So we will provide support to other Members of Congress, other caucuses who want to get out of Iraq. We will provide support to the citizens of this Nation, the organized national groups who want to get out of Iraq.

We will organize not only coming to the floor as we are this evening to talk about various aspects of this war. We will also organize workshops and seminars. We will travel, some of us, to different regions in this country, responding to citizens who are asking for Members of Congress to come and explain this public policy to them. We will be available to meet with the families of servicemembers who have been killed,

who have been injured. We have families who are asking to meet with somebody, anybody. We have people who are asking to meet with Donald Rumsfeld, who cannot get any response, who are not being talked to. We are going to meet with them. We are going to talk with them. We are going to share with them what we know.

But more than that, we are going to be an ear to family members who need to talk with someone about why their son or daughter died in Iraq. We are going to spend the time and give them some attention because we think that the least that we can do is sit and talk and listen to family members.

Some of them will say that they are very proud that their child or their son or their relative served in this war, and we will commend them for the pride that they feel and the fact that their relative, their child, their brother, their father served. Some will say that ''I once support the war but I no longer support it.'' We will listen to them, and we will hear what they have to say. And we will explain to them how we feel at this time about getting out of Iraq.

And so this is a caucus that will have the ability to extend itself not only to the organized groups and organizations but again to the family members.

I would like to point out something about this war. We have heard many of the statistics and much of the data over and over again. But we have to remind folks we have been there now since March 19, 2003. We have 1,722 soldiers who have died in this war, and the numbers mount each day. The number of soldiers injured: 13,074. We have many Members of Congress from both sides of the aisle who are going up to Walter Reed Hospital to see the soldiers there who are injured, and the stories that we hear coming back from those visits break one's heart. These are stories of young men and women who had hopes and dreams. Many of them went to war because they had no jobs. They did not know what the future held for them, and they thought, Perhaps if I go and serve my country and get an income, perhaps I can do good. I can not only serve my country, but perhaps I can get ahead. Perhaps I can learn a trade. Perhaps I can learn something. Perhaps I can exploit some of my talents and show what I can do. But when I come home, I want to go back to school. I want to go to college. I want to get married. I want to have children. I want to contribute to my community.

Well, unfortunately, these 1,722 will never be able to realize their hopes and their dreams. They have died. But the question still remains for many of us, Why are we in Iraq? What is the real story? We know now there are no weapons of mass destruction. Why are these young people dying?

I want to relate an interview that I watched on television this past Sunday. This past Sunday, as many folks in America do, I watched some of the great television shows, and I was watching George Stephanopoulos as he interviewed the Secretary of State, Condoleezza Rice. And he interviewed her. They talked about, of course, the work that she is doing in the Middle East, working with the issue of Israel, the Palestinians.

But then he segued to the war in Iraq. And he said to Condoleezza Rice, ''As you know, there has been a lot of talk back here in the United States about these Downing Street memos, the minutes of a meeting with Prime Minister Tony Blair in the spring of 2002 where they discuss their meetings with the United States.'' And then he said, ''I want to show you what one mother, Cindy Sheehan, the mother of a U.S. soldier, had to say about that memo this week.'' And then they showed Cindy Sheehan, mother. She said this: ''The so-called Downing Street memo dated the 23rd of July, 2002, only confirms what I already suspected. The leadership of this country rushed us into an illegal invasion of another sovereign country on prefabricated and cherry-picked intelligence.''

And then George Stephanopoulos said to the Secretary of State, Condoleezza Rice, ''How do you respond to this, to what Mrs. Sheehan said? How do you respond to that?'' Condoleezza Rice started out with her explanation. She started out by saying, ''Well, I can only say what the President has said many, many times. The United States of America and its coalition decided that it was finally time to deal with the threat of Saddam Hussein.'' And she went on with the typical kind of discussion and explanation in line with the message that is given by this administration. Along the way, she said, ''When you consider what the Iraqi people had gone through in the Saddam Hussein regime's reign, what about the responsibility to the Iraqi people?''

I was struck by this conversation because not one time did the Secretary of State, Condoleezza Rice, acknowledge Cindy Sheehan, who had been on the screen with the question that was raised by George Stephanopoulos. Not once on Father's Day did she say, we are sorry your son died, we feel your pain, we understand how you must feel. Not once did she recognize her. Not once did she recognize the death of her son. Not once did she show any sympathy. But oftentimes we hear from this administration how much they care about the soldiers.

Well, the Out of Iraq Caucus is going to show not only do we want them out of Iraq but we care about them. We will never fail to acknowledge a mother who is in deep pain about the loss of her son. Not ever will we be on national TV and not take a moment to say we too care about our soldiers. No. This conversation basically focused on our responsibility to the Iraqi people.

My first responsibility is to Americans and to those American soldiers. My first responsibility is to their safety. My first responsibility is to their well-being. My first responsibility is to acknowledge them and their families and their parents. And my responsibility, as a public policymaker, is to tell the truth. We all know now there were no weapons of mass destruction. We cannot tell these young people why they are really there. We cannot tell them that there is an exit strategy. We cannot tell them why many of their friends that they met in this war died in vehicles that had no armor. We cannot tell them why they died up in Fallujah. We cannot tell them why they died in Operation Lightning. We cannot tell them what they are doing in Operation Spear.

We hear all of these fancy, concocted names for the operations, but what we do not hear is the definition of why they are doing what they are doing. Are they simply being organized into these special operations to try to send a signal to the American people that they are really in charge? What are they to do when they go into these battles and into these special operations? Are they to shoot whatever moves?

We know that, yes, thousands of Iraqis have died because we have young people in these special operations, Operation Lightning, Operation Spear, operation this, operation that, who were told to shoot anything that moves. Many of them cannot live with the psychological damage that is fostered upon them because they are shooting and they are killing and they do not have all of the answers.

So today we focus on our soldiers, and we say to Cindy Sheehan we are sorry about the loss of her son and we thank her for caring enough to ask the questions, to be involved. We are trying to get public policymakers to do the right thing. So tonight, as we further announce the Out of Iraq Caucus and the Members who have signed up to do the work of providing the platform of creating the voice for those who want to speak out, we focus tonight on our soldiers in Iraq. Our prayers go out to them. We want them to be returned home. We want them to realize their dreams and their hopes and their aspirations.

I yield to the gentlewoman from California (Ms. WOOLSEY), who has been on this floor night after night talking about these issues, the gentlewoman from California that basically said we want out of Iraq; administration, tell us how you are going to do it.

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman from California for starting tonight's dialogue.

It is true. I have been on the House floor, I think, 79 times, maybe 80 in the last year for 5 minutes after the end of our workday, of our congressional day. And my message has been we need to figure out how to bring our troops home. Never in that message have I said it is the troops' fault that we are there and that they are to be criticized. We are not going to pick on the warriors. We are not going to blame them

because their leadership, their administration, sent them there to do a job that was not necessary.

The death of over 1,700 of our troops does not say to me that to honor those deaths we need to send more troops, we need to have more death.

□ 2030

I do not think that honors those who have died. I think that, in fact, it is a shame that we would even think of sending another young person, male, female, another older person, our National Guard, our Reservists, into an area that we did not need to be in in the first place. There is no excuse for the United States to have started a war in Iraq.

Mr. Speaker, our Constitution states that Members of Congress must be chosen by the people of the United States and that Congress must represent the people of the United States. That means that we as Members, Members of Congress, need to act and listen to the people when they speak. Well, I have been speaking for 80 days, every time we are in session, for 5 minutes, but now the American people are speaking. They have spoken.

The latest Gallup poll released last week indicates that the American people are ready for our military in Iraq to start coming home. They are saying, bring our troops home. They say this, and some actually supported the war at the beginning, but now, like the three of us up here, they want to honor our troops, they want to honor the families of our troops, they want to bring them home safe and whole.

When I say whole, I know what I am talking about. Two years ago, I had major, major back surgery at the Bethesda Naval Hospital. And when I was able to walk, I walked the halls and visited the troops that had come home then. It was August 2 years ago, so they were just beginning to come home from Iraq. I want to tell my colleagues, we are not talking about people that are hardly wounded at all, we are talking about young people who have virtually been destroyed physically. Their minds are there, though. They know what happened. But we are doing such a disservice to them if we send more young people, more troops in an area where they too are going to get injured or killed.

Nearly 60 percent of Americans believe that the United States should bring home some or all of our troops from Iraq, and the Gallup poll tells us that only 36 percent of Americans support maintaining our current troop level in Iraq. Only 36 percent. This is the lowest level of support for the war since it began in March 2003, and nobody is saying we do not support our troops. They know these statistics are all about bringing them home because we do support them, and we know that when they come home they will be safe. It is absolute in these numbers that Americans are not criticizing the troops, the warriors; they are criticizing the war, how we got into it, how badly it has been managed, and why there is absolutely no plan on how to bring our troops home.

The American people have stated loud and clear, and their numbers are increasing also; the more they see what is happening to their neighbor, a friend of their son or their daughter, they are realizing that, oh, my, it can happen to any single one of these young people that we send overseas for a war that was not necessary in the first place. The only way to end this death and destruction that occurs every single day is to start the process of bringing our troops home. Clearly, the American people are way ahead of Congress on this issue.

Unfortunately, the President of the United States is way behind on the issue of Iraq. We have asked the President to come up with a plan for ending the war. He has not. He has no plan for victory, except to leave our troops in harm's way as targets for a furious insurgency who look at our sons and daughters as occupiers. What, then, should Members of Congress do?

Well, I have been working hard on this, as the gentlewoman from California told us. For one thing, I came up with a plan in January when I introduced legislation that is H. Con. Res. 35, calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation. And then we continued this effort on May 25 by introducing an amendment to the defense authorization bill calling on the President to do this simple thing: Create a plan for Iraq and bring his plan to the appropriate House committee. Mr. Speaker, 128 Members of Congress, including five Republicans and one Independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a plan to bring our troops home. That is the only fair thing to do for the people of this country but, most importantly, for the troops. They deserve to know when they get to come home, and their families deserve it equally.

I have loved being up here with my colleagues. I am proud to be a member of the Out of Iraq Task Force in the House of Representatives. It is not that we want to run away from anything; we certainly believe that when the United States pulls our troops home, that we do have a responsibility and we must be working with the Iraqis to help them with their failing economic and physical infrastructure. We know that we can help them with that, but we know we cannot do it while we are in the midst of destroying their cities at the same time we are trying to put them back together. First, we bring our troops home, then we work with the Iraqi government and we help them put their country back together.

We are also proud of the Iraqi citizens who went to the polls and voted, but we are also very clear that what they were voting for was the fact that they wanted their country back in control by the Iraqis, not by the United States military. As soon as we do this, we can start working with them, and we can work with the international world, get them all involved, so we can be doing the right thing for Iraq and the Iraqi people who are also being destroyed by this war.

So I thank the gentlewoman for letting me be a part of this. My colleagues will hear more from us. We have a lot of ideas, but our major idea is two words, ''troops home,'' in honor of those young men and young women and the Reservists and the National Guard who are doing something that they were told they must do; and they are serving their country the best that they can, but they are getting very poor guidance from the leaders of this country.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. WOOLSEY), not only for being here this evening, but for all of the work, all of the hours, all of the time that she has put into this effort.

I now yield time to the gentlewoman from California (Ms. LEE), who too has been a leader in opposing this war. She warned us early on that we should not just give permission to the President of the United States to go to war without understanding what the reasons were and without having that debate. So, unfortunately, our debate is taking place a little bit late, but it is taking place.

I would like to thank the gentlewoman from northern California, the Oakland area, (Ms. LEE), for all of her work and for being here this evening.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WATERS) for her leadership and for really seeing the wisdom and knowing that this is a defining moment to bring us all together in our Out of Iraq Caucus.

The gentlewoman from California (Ms. WATERS) has recognized the fact that there were those who voted for the war and those who voted against the war, but we know what is going on with our young men and women now, and so the gentlewoman decided to bring us all together to try to help us figure out how to get out of this mess. I think the country owes the gentlewoman a debt of gratitude.

Also, to the gentlewoman from California (Ms. WOOLSEY), I just want to say to her, sometimes she is the lone voice in the wilderness. Sooner or later, though, if you call it the way it is and stick with your principles and stick with what you believe is right, people will hear you; the country will hear and the world will hear, and I think that is what we are seeing now. So I just want to thank her for her leadership as well.

Mr. Speaker, so often we get caught up in the rhetoric of our positions and what we believe, and oftentimes forget about the human face and the toll of

such a war, such an illegal and immoral war.

The gentlewoman from California (Ms. WATERS) so eloquently talked about the callousness and the insensitivity of this administration toward those who have died and who are risking their lives, when Secretary of State Condoleezza Rice did not acknowledge the sacrifices and the pain that a courageous mother, Cindy Sheehan, must be feeling.

As the daughter of a veteran of two wars, I feel this, and I understand this, and I think that our administration, whether they have children in Iraq or not, I think that they should stand up for these young men and women and feel their pain and try to help figure out how to first say, I am sorry; and secondly, say, let us begin to figure out how we develop a plan and begin to bring our young men and women out of harm's way.

Mr. Speaker, that is how we really support our troops. Empty rhetoric does not work when young men and women are dying.

So let me just say, I visited the troops, I guess it was probably a couple of years ago at Walter Reed Hospital. This is the untold story of this war. There are thousands of our kids who will be disabled for life, thousands of our young men and women who lost their limbs, who cannot see, their faces have been blown off. It has been a financial difficulty; they have come back to the lack of financial and economic security. Some of them are losing their houses, they have lost their jobs, their credit cards. And we serve on the Committee on Financial Services and we know how the credit card companies are messing with them in terms of their debt and the bankruptcy issues.

They come back and, upon their return, they see that they have very little in terms of veterans benefits. They have long lines they have to wait in. The mental health services are almost nonexistent. We know what post-traumatic stress syndrome is. Our young men and women need mental health services like they have never needed it before. Yet, we cannot get legislation nor funding to provide this kind of care for our kids, and I think that is a shame and a disgrace.

Mr. Speaker, I went to a funeral of a young man who was killed in my district in the war, and it was unbelievable. This young man was a proud soldier, and I was so proud of him, because he was determined that he was going to go and serve our country and wave the flag and make sure that democracy prevailed in Iraq, and he honorably died, and it was very sad. But his family told me that while they may not have agreed with what he wanted to do in terms of going into the military, that they supported him going; they loved him and they missed him, but they wanted to get more involved in trying to help us figure out a way to ensure that no more kids are killed like this. I hear this over and over and over again. I think all of us here hear that over and over again.

But yes, we went and we bombed the heck out of Iraq, so we have I think a duty and a responsibility to help rebuild and reconstruct the country. But as the gentlewoman from California (Ms. WOOLSEY) said, we need to first begin to develop a plan to get our young men and women and bring them home, get them out of harm's way, because they are the targets of the insurgency. I do not believe there is going to be any stability as long as the Iraqi people believe and see that their country is occupied by U.S. forces. So we are putting them and keeping them in harm's way.

So we need to bring them home, and we need to figure out a plan to do that as soon as possible.

Also, let me just say that in the Committee on International Relations, a committee upon which I serve, we had authorized or reauthorized the State Department Reauthorization Act a couple of weeks ago. So I tried to offer an amendment for withdrawal, and I think there were 12 or 13 votes for that. But then I decided that since the President and since Secretary Rice continued to say that we do not want to permanently occupy Iraq, we do not want permanent bases, I said, well, let me do an amendment to the State Department authorization bill and all it would say is we just do not intend to have permanent bases in Iraq. Well, I think, on a bipartisan vote, it got about 15 votes there.

Mr. Speaker, I share that because we hear the administration saying, no permanent presence, no permanent bases; yet we see just the opposite in terms of funding and appropriations and beginning to create this scenario to build permanent bases. So we have to ask the question: What is really going on?

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We know that the administration misled the American people and the world that there were no weapons of mass destruction in Iraq. We knew that then. Now, I think the Downing Street memo and the other facts are coming out so that the public will understand what we said then, we knew that there was no connection between Saddam Hussein and al Qaeda and 9/11 and Iraq.

We knew that then, but now, thank God for the gentleman from Michigan (Mr. CONYERS) and the hearings that we are holding. We are beginning to educate the American people so that they know what we knew. And I think people are listening, people are beginning to say was this worth it? Was this worth it? Was this worth over 1,700 of our young people being killed, countless number of Iraqi civilians being killed, $300 billion-plus, and I think Defense Appropriations just had another $45 billion in it, that was not with my vote, but to that, some voted for the other day, and so where does this end? Where does this end?

And so I just wanted to say tonight in closing that we need to insist that the administration announce that they will develop a plan for bringing our young men and women home, announce a plan for stabilizing and to help bringing in the international community to stabilize Iraq, and this means the international community in a real way.

And we need to make sure that the administration says to the American people that there will be no permanent bases in Iraq. Because, if we do that, we are going to be up to trillions of dollars in terms of this war. And I hate to see that happen, because here we have people who are homeless, we have young kids who need a decent education, and we need affordable housing, we need a universal health care system.

And we need to take care of some domestic needs. With the war going on like this and with billions and billions of dollars being spent, especially if we intend to have permanent bases, we will never meet our domestic needs and the responsibility that we owe to our American citizens.

So I thank the gentlewoman from California (Ms. WATERS) for her leadership and for making sure that all of us come to this floor and call it like it is and tell the truth, and begin to beat that drum and begin to wake up America so that we can save our kids from being bombed and from the suicide attacks and from the violence that they are dealing with in such an honorable way.

These kids are courageous, they deserve our support, and they deserve our support in a real way. And that means our support by insisting that they come home so they can be with their families and get the type of care that they need.

Ms. WATERS. I thank the gentlewoman from California (Ms. LEE). We appreciate so very much the work that she has been doing and her wisdom and early warnings about this war.

Next, I would like to call on the Congressman from New York (Mr. RANGEL), who is a veteran who knows a lot about war because he served.

He is a gentleman who has been unsettled about this war for months. And he has taken many opportunities to ask what we are doing. When are we going to have a discussion? When are we going to speak out? When are we going to have hearings? What is going on with this?

Well, Mr. Speaker, I want to thank him for raising those questions. I wanted to thank him for being a part of what we are attempting to do with the Out of Iraq Caucus. And I welcome him this evening to this discussion.

Mr. RANGEL. Mr. Speaker, I just want people to know that the whole country is not run by distinguished women from California. But I certainly do appreciate the leadership that you have taken. God knows how much better off our country would have been if

we had recognized the brain power that we have with minority women in this country. But we have that to work on.

I do not know where to start, because there are certain people that believe that we are not supporting the troops when we are anxious that they return home well to their families.

But I can say that I visited those that have been wounded. I have the 369th. They call themselves the Hell Fighters. They are a National Guard outfit. They have been to the Persian Gulf. They have been to Iraq. I am always there when they leave. I am always there when they come home. And I want the gentlewoman from California (Ms. WATERS) to know that they appreciate what we are doing for them.

What people do not understand when they talk about the patriotism of our fighting men and women, they are so right, unlike those of us who have a responsibility to participate, whether we are going to have peace or war for our great Nation, any veteran will tell you, when that flag goes up, you are in the military, you salute it. You do not challenge the military. You do not challenge the President. You do what you have been trained to do, and that is to destroy the enemy.

And so no matter how patriotic our men and women are, and they are that, bringing them home to their loved ones means we are patriotic too.

I remember when I first enlisted in the Army. I was 18 years old. I had not finished high school. Spinning my wheels. Did not know which way to go. Saw the uniform, saw the check, could send the check home to mom; my brother had before me. Seemed like a pretty good deal.

Now, no way did I know that in August of 1950 I would be sent to Korea, which I am embarrassed to admit I had no idea where it was, to engage in a police action, which did not sound too bad to me, being a policeman. I went there in August of 1950 and guess what? The Second Infantry Division that left Fort Washington to go there is still there today.

Getting into wars in countries is a heck of a lot easier than getting out of them. And so in that war, we did not even declare war. You know, it was a police action. It was the United Nations. It was Truman telling us to go. The majority of our outfit, they were either killed or captured.

And since I had an opportunity to be exposed about education, I felt for those who God blessed to allow to live, that we had a special obligation not to allow that to happen to other people's kids. Here we have a situation where people who have served their country and joined the Reserve have been called up two and three times. Families have been broken. I remember when I introduced my draft bill the first time, I got a call from Senator HOLLINGS from South Carolina.

He says, you are worried about minorities and poor folks. You better start thinking of my Reservists. Families are being broken. People have already served and being called two and three times. Wives are complaining, the employers have not called them since their favorite employee was twice called up to serve the country. Tuition has not been paid. Marriages have been broken.

And then you take a look at the other side, the Charlie Rangels all over the country, different colors, different backgrounds, different languages, some not even citizens, but spinning their wheels and hoping for a better way of life, getting an education like I got with the GI bill. Where do they come from?

Well, just ask the Pentagon. They do not come from communities that chief executive officers live in. They do not come from kids with families of those in the White House or in the Pentagon. As a matter of fact, I have talked with some of the private marketers that are hired by the Pentagon, and as someone says, they rob banks because that is where the money is. They fish because that is where the fish are. They recruit where the hopeless are in terms of unemployment.

I asked the question, Do most of them come from areas of high unemployment? Yes, that is where they recruit. It makes sense. Now we have not got the retention. People are not being retained. People are not volunteering. You would think that if the President of the United States believes that, and that fighting terrorism in Iraq is in our national defense, what a speech a President could gave to all of America. I could hear it now.

If we do not bring freedom and liberty to every country that seeks it, if we do not have regime change where we do not like people, if we do not bomb and invade and superimpose our government, then our country would be jeopardized. So what are you asking, Mr. President? We are asking all of you not to allow the poor to just carry on this fight. This is a fight for freedom and liberty; you should be so proud to enlist.

So you make a plea to the poor, to the middle class and to the wealthy, to the men and women of this country that love it. Volunteer. Instead, what do they say when they do not meet their quotas? Well, the $10,000 for 3 years did not work, so we doubled it to $20,000. Now it is $30,000. So do not worry, Mr. President, it is going to be $40,000, and we will get those kids one way or the other.

And now we have got parents saying, do not do that to my kid. He loves us. If I were offered $40,000 at 18 years old off the street of Harlem, I would ask how many years can I take? I mean, that is a lot of money even with inflation being what it is today.

It seems to me that we should not need a draft if Americans thought we were doing the right thing. Makes sense to me. You would leave your job in the Congress if you are young enough. If there is something I can do, I will do it because this country has been extremely good to me.

But I know one thing, that for all of the people that are talking about that they are supporting the war, I ask one question: Would you put your kids in harm's way to indicate your support for this war? It seems like it is so easy, when I was a kid for someone to pick a fight, and then when it is time to go to fight, they said I will hold your coat. That is what America is doing today.

Do not tell me that these young people want to fight, I suppose those people being drafted do, that would be an insult to all of the heroes and sheroes that have been drafted, or at least the men that have been drafted that defended this country. But the truth of the matter is that if we have a draft, if we had a draft, we would not be in Iraq today.

If we had a draft, we would not be rattling swords in North Korea. If we had a draft, we would not be threatening Syria and Iran. We would go to the international community with the strength of the United States of America and persuade those countries that terrorism is not just an American problem, it is an international problem, and with mutual respect, sit down and talk with them to see how we can bring peace to the Middle East.

This is going to be one of a series of nights that we know how awkward it is to be against the President when the Nation is at war. But that is true of so many things that happen that we are not proud of. It is so easy not to stand up. It is so easy to say, I hope they know what they are doing in Washington. It is so easy to hope that everything is going to work out okay.

But we have had a lot of problems in this country because people are waiting for someone else to do something. And I think as our numbers grow that we will soon make it comfortable for people just to ask the question: Why did we go in the first place? Was there a plan which projected for the 21st century to go to knock off Saddam Hussein before 9/11? Did everyone that was in the Cabinet that has written books, Clark did, Woodward who wrote the book on this, did O'Neill, who was Secretary of the Treasury when they said that after 9/11, the President was committed to go after Saddam Hussein, even though there was no evidence that they should go that way?

You hear more about the papers from England, the intelligence reports that we have got to show that even the British intelligence indicated that was the route that we were going. We find now all of the reasons that were given were not true. And as you hear us over and over, and listen to the priests and the nuns and the ministers and the imams and the rabbis recognize that all we are talking about is not defending our country, we have got a new standard now.

□ 2100

You do not go to war just when you are attacked. You do not go to war just

when you have imminent danger of being attacked. Now, subjectively, we can go to war to avoid the attack being imminent. That subjective standard will no longer be just ours. It will belong to North Korea, South Korea. It will belong to India and Pakistan, and the moral value of the greatest democracy that has ever been created would be shattered just because no one stood up.

Well, we have seen what happened in history and we want to make it very comfortable for you not to get involved politically but to listen to the facts. And at the end of the day, when Condoleeza Rice and the President are asked, and maybe some Democrats, if you knew then what you know now, would you have committed this great country to war? Because all you got out of it is a pretty crummy election even by Florida standards, and the fact that we have no clue as to where we are going to get additional troops to stay there until they get their act together or to train them.

So I thank the three gentlewomen from California and especially, well, not especially, because all of the gentlewomen are giants in this. And one day, and I hope one day soon, the people who held us in suspicion because we are standing up, and we have to thank God that we have constituents that allow us to do it, that the least that we can say that we have done is to create an atmosphere where good people can stand up when they know in their hearts that they are doing the right thing.

Ms. WATERS. I want to thank the gentleman from New York (Mr. RANGEL) and ask him to remain for a colloquy if he has a few moments with all of us here. I thank the Members for focusing our discussion tonight on our soldiers and helping to remind people that these are real human beings, as I said before, with hopes and aspirations. And when they die, not only are those hopes and aspirations gone, but the family members are left devastated and destroyed by these deaths, and we have got to do more to slow our support for them.

It is not their fault if they are there. They answered the call for many reasons, some of which the gentleman described so wonderfully well in his presentation. Some people looking for just a job, for income. Some folks looking to serve their country, to answer the call for whatever reason. And what we have got to be sure about is that we do not allow these sacrifices to be taken lightly.

For example, we hear some Members saying, who wish to support the war, to continue to support the war, saying all they show on television are the bombings, the suicide bombings. All they show are the deaths and the destruction. They do not show the good stuff.

Well, I get very upset when I hear that, because what they are literally saying to me is that somehow the loss of lives of our soldiers should take second place or third place to some news about perhaps cleaning up a street somewhere. I cannot say news about new electricity or clean water or schools or any of that, but they simply say over and over again, all they show are these suicide bombings; they do not show the good stuff.

Well, I do not like hearing that because, again, they are relegating the loss of lives to some secondary status. And tonight we draw attention to the importance of the soldiers, how we are proud of them and their families. And I mentioned earlier that in this interview on Sunday with Mr. Stephanopoulos and Condoleeza Rice, even though he drew her attention to Cindy Sheehan, the mother who had a comment who had been here in the Congress trying to raise the discussion, he drew her attention to her and something she had said and Condoleeza Rice never acknowledged her, never said she was sorry about the death of her son, never gave any attention to the fact that this woman in pain was attempting to create this discussion.

So tonight there is a mother who has not been answered, who has been trying to get some response from Donald Rumsfeld. Now, the gentleman from California (Mr. GEORGE MILLER) has put together a letter to Rumsfeld saying, please talk to her. Not only has she been knocking down the door, making the telephone calls, she is talking about other mothers and other families. Please talk to her. Please respond to her.

I signed on to that letter today. We are going to encourage all the members of the Out of Iraq Congressional Caucus to sign on to that letter. But I would like to ask all Members here tonight, do you think that we should not only join as the Out of Iraq Caucus in asking Donald Rumsfeld to respond to Ms. Sheehan and perhaps other mothers and families, should we not have an organized way by which they really are talked to, that they have an opportunity to even come to Washington?

If we can offer $40,000 to their children to come to Iraq, can we not help them to come to Washington and be recognized and talk with them, not just in ceremony, not just one day perhaps out of the year; but when they say they need some answers that they want to know, should not we encourage Donald Rumsfeld and Condoleeza Rice and this administration to be more sensitive, more sensitive?

Ms. WOOLSEY. Well, I do not want to be a cynic but is not Donald Rumsfeld the same individual who was stamping his names on letters to families when he was sending his condolences to them when their family member had died in Iraq? He needs a lot of training on how to be compassionate.

I think it is a very good idea that we send that letter, but I do not think we should be surprised that that is the reaction that Cindy Sheehan has gotten from Condoleeza Rice and from Donald Rumsfeld.

There seems to be something missing in the picture, and that is compassion and really understanding what this means to those who are fighting the war and the families of those who have lost their loved ones and who are getting loved ones back who are totally, totally wounded, both physically and mentally. So yes, we should do that.

Mr. RANGEL. Let me try that. Suppose they did call and the mother would say, Would you remind me as to why my beloved child lost his or her life? Would they say because Saddam Hussein was a mean, evil man when we have so many mean and evil people in this world? Would they say that we wanted to show them what democracy really is and they had an election? Would they say that we want to bring order to this part of the world? Would they say that, and we are prepared to do this further, the President's inaugural address and speeches he has given?

How would they answer about the weapons of mass destruction if the bereaved asked?

Suppose they asked, Was this connected with the attack of 9/11? What would they say? Suppose they said, well, Whatever happened to Osama bin Laden? Was he not the villain, or did 15 of the 19 terrorists come from Saudi Arabia? Suppose they asked, What were you doing tip-toeing through the gardens at the ranch with the Crown Prince of Saudi Arabia?

Suppose they asked, Why did the Saudis get special treatment in leaving the country to go to Saudi Arabia? I do not know. Maybe, just maybe, we should not ask a mother to get those kind of answers. And just maybe, we should not have to lose a child to challenge those type of answers.

Ms. WATERS. Those are certainly tough questions and, of course, just as Condoleeza Rice gave the framed message that she always gives when she is speaking publicly, Saddam Hussein was a terrible man, Saddam Hussein was a threat to the United States. Now, the Middle East will be better off without Saddam Hussein. Those are the kind of answers I suspect that she would give. But I think when Condoleeza Rice is on national television in an interview where millions of people are watching, and you have a mother who is shown on television raising a question and you do not even take the time to acknowledge that mother, to say, Ms. Sheehan, I am sorry about the loss of your son.

Ms. LEE. I have noticed this administration is so detached, totally detached from the impact and the ramifications of what they have done in terms of their policy, their warmaking policies. Remember, Secretary Rice was one of the chief architects of this war. Perhaps it is very difficult for her to realize that being one of the chief architects of this war, that Cindy Sheehan lost someone that her policies were responsible for.

So I think not only should we encourage Secretary Rumsfeld to meet

with them, we should insist on that. The Defense Department, the Pentagon, and the White House, they owe these families an audience. They owe them an audience.

And the gentleman from New York (Mr. RANGEL) asked the questions that would be very difficult, I think, for this administration to respond to if, in fact, Cindy Sheehan asked those questions. But I believe they have paid the supreme price and they deserve the Secretary of Defense and the Secretary of State and all of those who crafted this war, they deserve to meet with them to hear from them, and these parents need that audience and that is the minimal thing that we should insist on.

Mr. RANGEL. I tell you as a lawyer and someone that would advise somebody, I would not ask them to ask to see Secretary Rumsfeld.

Members have to remember this is the same person that told the whole country that he did not know whether we were winning or losing the war. Is that something to tell someone?

He said that it is a slog, whatever the heck that is. And he said something that he was so right in, that he really did not know whether we were creating more terrorists than we were killing. And we can answer him, and the world can, because we lack the sensitive sophistication to understand that a life is a life, whether it is an American, whether it is an Iraqi, in the tens of thousands and sometimes the hundreds of thousands.

I talked with Colin Powell about this and I asked him, How do you train a young patriotic soldier to go to a foreign country to kill terrorists that you do not know what they look like, what uniform they wear, what language they speak, and you can only react when you are being fired upon? Can you imagine how many terrorists we create when these cowardly people go to a school, go to a hospital, go to a mosque and fire at our troops? And those who have served would know, you have no option except to destroy where that fire is coming from. And if you destroy innocent people, we no longer call that human life. You know what we call it? Collateral damage.

Ms. WATERS. Well, Cindy Sheehan has already made the inquiry. She had made calls. She has written the letter and now she has asked the gentleman from California (Mr. GEORGE MILLER) to help her. He started to circulate a letter, which I signed, and I would like to encourage others, because we are not encouraging her to start this. She has already been doing it. And she is simply put out with the fact that she can get no response, no returned telephone calls, anything. And I think that we should give her some support.

In addition to that, I do think perhaps one of the things we should look at further is support for all the families who have questions, because what I am hearing is families are not being told how their children died. They get the message that it has happened, but when they start to ask for details and particulars they are not getting it. And as they put together these budgets, these budgets ask for whatever they think it is they need. And I think it is time to include in the budgets some assistance to the families, that they can at least be respected enough to be given the information, for somebody to sit down and talk with them and answer the questions, tell the truth. They may not get the truth. They may not get the questions answered in the way they want to, but I think we are going to have to try to work at forcing that to happen.

□ 2115

I am awfully sorry that our time has expired. I see two more Members just entered the room. The gentlewoman from California (Ms. WATSON) and the gentleman from New York (Mr. TOWNS) just entered the room and I know that they wanted to be part of this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to rise tonight with my distinguished colleagues in the newly formed Get Out of Iraq Caucus. We stand together in this hallowed place to advocate for the majority of Americans who believe that President Bush must get our men and women home from Iraq. It was the great politician and diplomat Adlai Stevenson who said: "Patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime." I want to thank each and every American who believes strongly in this cause for making that dedication and speaking out about what you believe to be wrong for our great Nation.

I want start off by reading a very telling quote: "War should be the politics of last resort. And when we go to war, we should have a purpose that our people understand and support." This quote was made by none other than former Secretary of State Colin Powell, a senior member of the Bush Cabinet leading up to the war in Iraq. The truth is that this war was not a last resort, and it most certainly does not have the full support of the American people. The truth is that this Administration has continuously changed the truth about their motives for going to war. First they said it was about weapons of mass destruction, then when we found out the truth that there weren't any in Iraq, they said the war was now about Saddam, and today they tell us it's about establishing democracy in Iraq. The real truth is that this Administration has no real plan, they had no plan before going to war, they have no plan to get out of this war and most dangerous they have no plan to win this war. The truth is that our men and women of the Armed Forces are the ones caught in the middle, the ones who have to fight and risk their lives in a war that has not end in sight.

Earlier this week I offered an amendment to the Defense Appropriations bill which would have increased funding for training the Iraqi National Army by $500 million. This Amendment would have doubled the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. However, Mr. Inslee's amendment to lift the $500 million cap on funds for training the Iraqi National Army was accepted into this Appropriation. Therefore, I will work with Chairman YOUNG and Ranking Member MURTHA to insure that additional funds are appropriated for training the Iraqi National Army. The Jackson-Lee and Inslee amendments reinforce the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of increased danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsibility upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

To this date at least 1,783 members of the U.S. military have died, 152 from the State of Texas alone, since the beginning of the Iraq war in March 2003. Since May 1, 2003, when President Bush declared that major combat operations in Iraq had ended, at least 1,585 U.S. military members have died. There have been at least 1,909 coalition deaths in Iraq, which means that more than 93 percent of the coalition deaths have come from the U.S. Armed Forces. This President told us that there would be an international coalition going in to fight the Iraq War, the truth is that it is our troops and our troops alone who are on those front lines suffering mass casualties and the burden of this war.

Just last month I wrote to President Bush respectfully requesting him to rescind and repeal the Defense Department rule that bars public viewing of the flag-draped coffins of fallen soldiers upon their arrival back to the United States in the spirit of patriotism, honor, and respect for the service that they have given. This overly restrictive rule contravenes the First, Ninth, and Tenth Amendments to the United States Constitution as well as the principles of due process and equal protection as it relates to the decedents, their families, and each American who wishes to honor one who has fought for his or her Nation. In addition, this rule violates the Freedom of Information Act by arbitrarily narrowing the scope of material that may be accessed under the law. While the stated objective of this policy is to protect the privacy of the decedents' families, its effect reaches unjustifiably broad and in a manner repugnant to the foundations of the democracy in which we live. The American public has been allowed to view and honor fallen soldiers of wars dating as recently as the Persian Gulf War in 1990–1991 under prior Administrations of both political parties. The current policy is clearly deceitful to the American people, who deserve to know the full truth about the War in Iraq.

When our American troops are the ones fighting abroad, it is our military families who must also suffer. They wait every day and night hoping to hear from the loved ones, praying that they are not put in harm's way, that they may come home soon. Too many families have not been so lucky, finding out the news of a loved one's death is not only emotionally traumatizing it can have long term effects for the family that may never be repaired. Such is the case with the family of Army Spc. Robert Oliver Unruh a 25-year-old soldier who was killed by enemy fire near Baghdad on September 25th of last year. Unruh was a combat engineer, who had been in Iraq less than a month when he was shot during an attack on his unit. Several days after learning of his death, his mother had gone to

the hospital complaining of chest pains, Hamilton said. She was feeling better the next day but saw her son's body Saturday morning and collapsed that night in her kitchen. The poor woman literally died of a broken heart, her beloved son killed in action, the emotion of it all was just too much for her to take. There is also the story of the Danner family in Branson, Missouri who had to spend this last Father's Day sending their father off to War in Iraq. Col. Steve Danner will be heading to Fort Riley, Kan., on Monday to begin training before he begins a two-year tour in Iraq with the Army National Guard 35th Support Command. At 52, Danner isn't hesitating to fulfill his duty, but said it's going to be tough to leave his family. ''I'm as ready as I'm going to be,'' Danner said. ''My main regret is my youngest daughter is going to be a senior at Branson and I'll miss her softball games and probably her graduation next year. We have to recognize it's a reality. I've done this a lot of years. It's my turn again.'' Danner's wife, Katie, said she was ''shocked'' when she learned her husband would be headed to Iraq. ''I knew there was always a possibility, but you would have thought, at his age, that the war wouldn't be at a point where they would need his talents,'' she said. The Danners have four children, Aryn Danner Richmond, 29, of Phoenix, Andrew, 20, Alex, 19, and Audrey, 17. Katie Danner said they understand why their father needs to leave, but ''I don't think they really know what it will be like for Dad to be gone.'' It's a true shame that loyal soldiers like Col. Steve Danner have to be called up at the age of 52 because of this war and the current recruiting shortage. It's stories like that that make my heart ache and that strengthen my resolve to defend the rights and welfare of our American soldiers and their families.

We must all stand as champions for our men and women fighting abroad. These soldiers who bravely reported for duty, they are our sons and our daughters, they are our fathers and mothers, they are our husbands and wives, they are our fellow Americans and they deserve better than the predicament that this Administration has placed them in. Many of these soldiers are now themselves standing up and demanding answers about this war. One such brave individual is Sgt. Camilo Mejia, whose case I know that many tremendous anti-war organizations have championed. Camilo spent six months in combat in Iraq, and then returned for a 2-week furlough to the U.S. There he reflected on what he had seen, including the abuse of prisoners and the killing of civilians. He concluded that the war was illegal and immoral, and decided that he would not return. In March 2004 he turned himself in to the U.S. military and filed an application for conscientious objector status, for this he was sentenced to one year in prison for refusing to return to fight in Iraq. He has eloquently stated: ''Behind these bars I sit a free man because I listened to a higher power, the voice of my conscience.'' He was finally released from prison on February 15th of this year. I applaud this young man for making a conscious decision not to fight in a war he does not believe in, it's a disgrace that this young man who truly is a conscientious objector was treated like a criminal.

Time and time again this Administration has said that there are no plans for a draft, that we have an all-volunteer Army, but all of us know the real truth that there is in effect a back door draft taking place. Individuals who have been out of the Armed Forces for years and many who were told that they had fulfilled their commitment are now being taken away from their families and put in this war. Under the Pentagon's ''stop-loss'' program, the Army can extend enlistments during war or national emergencies, about 7,000 active-duty soldiers have had their contracts extended under the policy, and it could affect up to 40,000 reserve soldiers depending on how long the war in Iraq lasts. The Army has defended the policy, saying the fine print on every military contract mentions the possibility that time of service may change under existing laws and regulations. Its just cowardly to hide behind fine print when it comes to peoples lives being at stake in this war, every day their tours are unjustly extended is another day they risk their lives. However, many of these individuals are now fighting back against this injustice, rightfully asking why they, who have already proudly served their Nation, must now be recalled for a war that has already claimed too many American lives. Fewer than two-thirds of the former soldiers being reactivated for duty in Iraq and elsewhere have reported on time, prompting the Army to threaten some with punishment for desertion. The former soldiers, part of what is known as the Individual Ready Reserve (IRR), are being recalled to fill shortages in skills needed for the conflicts in Iraq and Afghanistan.

The military families know the helplessness that many of their loved ones serving in Iraq feel because they are being given no voice in this war they are being told to fight. An article in the Christian Science Monitor article written in July 2003, almost two years ago when this war was still in its infancy, had a number of very telling quotes from U.S. soldiers in Iraq. One soldier said: ''Most soldiers would empty their bank accounts just for a plane ticket home.'' Another soldier, an officer from the Army's 3rd Infantry Division said: ''Make no mistake, the level of morale for most soldiers that I've seen has hit rock bottom.'' The open-ended deployments in Iraq and the constantly shifting time tables prompted one soldier to remark: ''The way we have been treated and the continuous lies told to our families back home has devastated us all.'' In yet another Army unit, an officer described the mentality of troops: ''They vent to anyone who will listen. They write letters, they cry, they yell. Many sometimes walk around looking visibly tired and depressed. . . . We feel like pawns in a game that we have no voice [in].'' These quotes were taken almost two years ago, I can only imagine how these soldiers and others like them feel seeing that this war is still going on and with no real end in sight. These quotes individually are sad, but collectively they represent a pattern and unfortunately once again it is our men and women in the Armed Forces who are paying the price.

Even members of this Administration who orchestrated this war have their failures in this war. L. Paul Bremer, has said ''horrid'' looting was occurring when he arrived to head the U.S.-led Coalition Provisional Authority in Baghdad on May 6, 2003. ''We paid a big price for not stopping it because it established an atmosphere of lawlessness,'' Bremer said. ''We never had enough troops on the ground.'' Prior to those comments he had also stated last September that: ''The single most important change . . . would have been having more troops in Iraq at the beginning and throughout.'' He said he ''raised this issue a number of times with our government'' but admitted that he ''should have been even more insistent.'' Even Defense Secretary Rumsfeld, the architect in many ways for this war admitted U.S. intelligence was wrong in its conclusions that Iraq had weapons of mass destruction. ''Why the intelligence proved wrong [on weapons of mass destruction], I'm not in a position to say,'' Rumsfeld said. ''I simply don't know.'' When asked about any connection between Saddam and al Qaeda, Rumsfeld said, ''To my knowledge, I have not seen any strong, hard evidence that links the two.'' With leadership such as this, how are our troops supposed to have any confidence in this Administration and their handling of this war??

This Administration is creating new veterans everyday by sending our soldiers to Iraq, meanwhile it has done nothing to help—the courageous veterans we already have here in our Nation. There are over 26,550,000 veterans in the United States. In the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of this district's civilian population over the age of 18.

As soldiers return home from serving in Iraq and Afghanistan, perhaps the most disturbing trend is their inability to find jobs because of their veteran status. Take the story of Staff Sgt. Steven Cummings from Milan, Michigan. Cummings' wife took out two mortgages and the couple accumulated $15,000 in debt during his 14 months overseas, because his salary was less than he was making as a civilian electrical controls engineer. Looking back, those almost seem like the good times. In the year since he's been home, Cummings has been laid off from two jobs. While other reasons were given for the layoffs, Cummings thinks both were related to his duty in the Michigan National Guard and the time off it requires. Like some other veterans who have returned from Afghanistan and Iraq, he is struggling to find work. ''I don't know what I'm going to do now. I'm in the exact position I was when I came back from Iraq,'' said Cummings, a father of two. ''I'm 50 years old and I have a mortgage payment due. I'm tired of it.'' Cummings, a member of the 156th Signal Battalion who did telecommunications work in the Iraqi cities of Baghdad and Mosul, said he is surprised to find himself in this predicament. Cummings said he thought he was returning to Gentile Packaging Machinery Co., where he worked for 11 years in Bridgewater, Mich., but he was told he was laid off the first day he was back to work, he said. Cummings said he considered suing the owner, but freshly home from war, it just seemed overwhelming to do so because he felt ''devastated, betrayed, worthless.'' A few months later through a veterans program he was able to get work at Superior Controls Inc., in Plymouth, Mich. But, he said he was laid off from that job on May 20. He said he was told the company was downsizing, but he believes it was because he complained about a company policy that said it could not promise to hire returning veterans from war. Some are changed by war, and find the civilian jobs they had before are no longer as meaningful. This has also been the case with Cpl. Vicki Angell, 32, who was assigned to the 324th Military Police Battalion out of Chambersburg, Pa. She gave up her job as a customer service supervisor at

an equipment company to serve in Iraq, and it took her a year to find a job she was happy with as an editor at The Sheridan Press in Hanover, Pa. ''You send out a lot of resumes. You try to do everything you can do, but it's really hard to account for the time you are in Iraq, and really to try to make that, the things you were doing in Iraq relevant to what an employer is looking for today,'' Angell said. Sgt. Benjamin Lewis, 36, who also lost a stepson to the War in Iraq, was a civilian chef who worked at a restaurant in Ann Arbor, Mich., that burned down while he was deployed in Iraq with the Michigan National Guard, said some employers directly told him they could not hire him because he could be deployed again and needed weekends and time off in the summer for drilling. Others, he said, asked if he struggled mentally because of his time at war. He got so desperate he considered returning to Iraq with a new unit. It is because of cases such as these and many others throughout our nation that I am a proud cosponsor of H.R. 1352, the Veterans Employment and Respect Act offered by my colleagues Representatives ALLYSON SCHWARTZ and JOE SCHWARZ. This vital legislation already has 161 Congressional cosponsors and would give companies up to $2,400 in tax credits for each veteran from the Afghanistan and Iraq wars that they hire. Unfortunately, we may be able to give companies incentive to hire recent war veterans but it seems we can not get this Administration to put the same effort in looking after our veterans in the first place.

As soldiers return home from serving in Iraq and Afghanistan the need for medical care, living assistance, and disability benefits are steadily increasing. This puts a strain on an already-overburdened Veterans Administration, which has not been adequately funded by the Bush Administration to meet these challenges. The fact is that more than 30,000 veterans are waiting six months or more for an appointment at VA hospitals, and there are more than 348,000 veterans on the waiting list for disability claim decisions. This President has long ignored pressing domestic concerns for a war that did not need to be fought and for which so many good American men and women have given their lives.

It was our second President John Adams who aptly said: ''Great is the guilt of an unnecessary war.'' Unfortunately for our nation, our current President has not felt the weight of this guilt, for if he had our loved ones in the Armed Forces would be home now. This Administration told us that the international community would join us in Iraq; they said the world would be a better place because of this war and then they said major combat in Iraq was over. Today as we see our men and women every day giving their lives in Iraq, we know that this war has only caused a greater divide between our nation and the international community, this war has only increased hatred for our nation, it has not made us safer as promised, it has in fact put us in greater danger. President Abraham Lincoln speaking after the conclusion of the Civil War, gave a vision for our nation that I hope we can follow today, he said: ''With malice toward none; with clarity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan- to do all which may achieve and cherish a just, and lasting peace, among ourselves and with all nations.'' Before I conclude I would like to take time to read some of the names of the soldiers from Houston who have given their lives in Iraq and honor them with a moment of silence.

Spc. Adolfo C. Carballo, 20, Houston, Texas Died: April 10, 2004, Baghdad, Iraq.

Pfc. Analaura Esparza Gutierrez, 21, Houston, Texas Died: October 1, 2003, Tikrit, Iraq.

Spc. John P. Johnson, 24, Houston, Texas Died: October 22, 2003, Baghdad, Iraq

Spc. Scott Q. Larson, 22, Houston, Texas Died: April 5, 2004, Baghdad, Iraq.

Sgt. Keelan L. Moss, 23, Houston, Texas Died: November 2, 2003, Al Fallujah, Iraq.

Pfc. Armando Soriano, 20, Houston, Texas Died: February 1, 2004, Haditha, Iraq.

Cpl. Tomas Sotelo Jr., 20, Houston, Texas Died: June 27, 2003, Baghdad, Iraq.

Staff Sgt. Brian T. Craig, 27, Houston, Texas, April 15, 2002, Afghanistan

Capt. Eric L. Allton, 34, Houston, Texas September 26, 2004, Ramadi, Iraq.

Capt. Andrew R. Houghton, 25, Houston, Texas August 9, 2004, Ad Dhuha, Iraq.

Lance Cpl. Thomas J. Zapp, 20, Houston, Texas November 8, 2004, Al Anbar Province, Iraq.

Cpl. Zachary A. Kolda, 23, Houston, Texas December 1, 2004, Al Anbar Province, Iraq.

Staff Sgt. Dexter S. Kimble, 30, Houston, Texas January 26, 2005, Ar Rutba, Iraq.

Pfc. Jesus A. Leon-Perez, 20, Houston, Texas January 24, 2005, Mohammed Sacran, Iraq.

(Moment of Silence.)

Ms. WATSON. Mr. Speaker, we have spent over $200 billion so far on the war in Iraq. According to the Congressional Budget Office, by 2010, our expenses might be as much as $600 billion.

The two hundred billion dollars we have spent so far would be enough money to provide health care for the 45 million Americans without health insurance.

That two hundred billion dollars would permit us to hire three and a half million elementary school teachers.

That two hundred billion dollars for the war in Iraq is going on America's credit card and that goes right to the deficit—a debt to be paid by our children and grandchildren.

All this might be worth it if we had something to show for it. I think two hundred billion dollars for peace and democracy is a bargain.

But we haven't gotten peace and democracy. That two hundred billion has bought us: over seventeen hundred dead Americans; an unknowable number of Iraqi civilian deaths; a dysfunctional country that cannot move its political process forward; a new haven and proving ground for anti-American extremism; a wellspring of mistrust from longtime friends and allies around the world; and a devastating erosion of American leadership and credibility.

So what are we still doing there? The President says we are pursuing our ''ultimate goal of ending tyranny in our world.'' But the President has dragged onto a path that, at best, muddles that message.

We are building our nation's largest embassy in Iraq; even before it is complete, we have more than 1,000 embassy staff in Iraq. What is the average Iraqi on the streets of Fallujah—or average Jordanian on the streets of Amman—going to think when he sees that we are building the Largest American Embassy in the World in Baghdad?

I am sure the average Iraqi does not mourn the savage brutality of Saddam Hussein's regime. The question is whether he equates our never-ending American presence in Iraq with a new form of tyranny, rather than the freedom the President says he seeks to spread.

The underlying problem with our endless occupation of Iraq—a country that does not threaten the United States—is that it undermines our leadership on issues that DO threaten the United States. North Korean and Iranian nuclear weapons, global terrorism, emerging deadly international diseases—all these issues are imminent threats that we must confront. Our ability to convince other nations to join us in boldly confronting these threats has been hobbled both by our deceptive entry into Iraq and our lingering departure from it.

Mr. Speaker, our Iraq policy has become a festering wound that bleeds away more and more of America's wealth, America's security, America's leadership, and even America young men and women in uniform. I ask all my colleagues to join me in asking the President seek an exit from this venture at the earliest possible moment.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

ELECTROMAGNETIC PULSE

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT. Mr. Speaker, what I want to spend a few moments talking about this evening is something that will be new to most Americans. They will not have heard about this subject. Indeed, nobody knew about this until 1962; that is, no one in this country knew about it.

There was an experiment over Johnston Island out in the Pacific Ocean that was called Operation Starfish. It was part of a series of nuclear tests that were called the Fishbowl Series. This was a unique one. The others had all been at ground level or some little distance above the ground. This one was an extra-atmospheric, a detonation above the atmosphere.

Nobody knew what was going to happen. It was the first time we had detonated a nuclear weapon in a test series above the atmosphere, and there were a number of ships and airplanes and radar, theater-like, that were tracking the missile that launched this nuclear bomb and noted its explosion. The explosion occurred about 400 kilometers

above Johnston Island. That is well above the atmosphere.

Now, the Soviets have had very extensive experience with this kind of testing. This was our first and, indeed, our only experience with this. So our knowledge about this phenomenon comes from this single test, what we have learned from the Soviets and now the Russians and the number of simulations that we have done since that time.

There were no diagnostics to test the effects on Hawaii, which was about 800 miles away, because nobody expected there to be any effect there. Many of the instruments we were using for testing around Johnston Island were pegged; that is, they did not have enough capacity to register the effects that were produced by this extra-atmospheric explosion.

What happened in Hawaii may be open to some controversy, but there were some lights that went out. This was largely electrical. In those days it was not all of the electronics that we have today. A number of lights went out, and in the last couple of years, some of the evidence of what happened to that equipment was shown to a commission that I will talk about in a little bit that was set up in 2001 to investigate this phenomenon, and they submitted their report in 2004.

This phenomenon that we observed there that exceeded the capacity of the instruments at the test site, that went all the way, 800 miles away, to Hawaii, have been called electromagnetic pulse, EMP. We have learned since then that every extra-atmospheric explosion produces an EMP. You can develop a nuclear weapon, as we designed but as I understand never built and the Soviets both designed and have built, enhanced EMP weapons that limit the explosion but increased the electromagnetic effects.

What are the implications of EMP and why are we talking about it tonight? EMP could be probably the most asymmetric weapon that any adversary could use against us. By asymmetric, we mean a weapon that has a relatively small impact in terms of its local effect but could have an enormous impact on our military or our society because of its effect.

There are a number of asymmetric weapons. Terrorism is an asymmetric weapon. It does not cost them much money or take very big explosives, but it has a big effect on us. 9/11, of course, was a major asymmetric attack on us because those few people in those four airplanes have cost us billions and billions of dollars and totally changed our society. This is an example of an asymmetric attack.

Most Americans will not know about electromagnetic pulse and what it could do to our military, to our society, but I will guarantee my colleagues, Mr. Speaker, that all of our potential enemies know everything about EMP. In a little bit, I will show you some quotes from countries that could be our enemy that will indicate that they know all about EMP.

In 1999, I was sitting in a hotel room in Vienna, Austria. We were there near the end of the Kosovo conflict. There were eleven Members of Congress there, several staff members, three members of the Russian Duma and a personal representative, Slobodan Milosevic. We developed a framework agreement for ending the Kosovo conflict that was adopted 8 days later by the G–8.

One of the Russians who was there was a very senior Russian. His name is Vladimir Lukin. He was the ambassador to this country at the end of Bush I and the beginning of Clinton. At that time he was chair of their equivalent of our Committee on International Relations, a very senior and very respected Russian. He is a little short fellow with short arms and stocky build.

He sat in that hotel room in Vienna for 2 days with his arms folded across his chest, looking at the ceiling. He was very angry. He said at one point, You spit on us; now why should we help you?

What he meant by that was that the United States, the Clinton administration at that time, had indicated to the Russians that they really were not needed to help resolve this conflict, that we were big boys and we would handle this on our own. It soon became obvious to the Clinton administration that the only country in the world that had the real confidence of the Serbs was Russia, and they were added to the G–7 to make the G–8, which 5 days after we came back resolved the Kosovo conflict with the framework agreement that we had developed there.

The statement that Vladimir Lukin made was a startling statement. The chairman of our delegation was the gentleman from Pennsylvania (Mr. WELDON) who had been to Russia thirty-some times and he speaks some Russian and understands more. When Vladimir Lukin was speaking, he turned to me and said, Did you hear what he said? Yes, I heard what he said, but of course, I did not understand it; I just heard Russian words.

When it was translated, this was what he said, and by the way, he did not need a translator. Vladimir Lukin speaks very good English, but when you are talking with these folks, they frequently will speak in their native tongue so it has to be translated and then translated back to them when we speak so that gives them twice as long to formulate their answer. So if you do not know both languages, you are at somewhat of a disadvantage in dialoguing with them because they have twice as long to formulate an answer.

This was what surprised the gentleman from Pennsylvania (Mr. WELDON), and this is what he said: If we really wanted to hurt you, with no fear of retaliation, we would launch an SLBM. That's a submarine-launched ballistic missile. We would launch an SLBM. We would detonate a nuclear weapon high above your country, and we would shut down your power grid for 6 months or so.

Now, he made the observation that without fear of retaliation, because you would not know for certain where it came from, particularly today. Factor in the Cold War with only two superpowers, we absolutely would have known where it came from, but today, how would you know? There are many countries out there who can get a tramp steamer and a Scud launcher and a crude nuclear weapon and that is all it would take to produce an EMP attack because a Scud launcher goes about 180 miles apogee, and that is plenty high. It would not cover all of the United States, of course.

The third ranking Communist was there, a handsome, tall, blond fellow by the name of Alexander Shurbanov, and he smiled and said, if one weapon would not do it, we have some spares. I think at that time it was something like 7,000 spares that they had.

This was a very startling remark, and what it said was that the detonation of a single, large, appropriately designed nuclear weapon above our country could shut down our power grid and shut down our communications, he said, for 6 months or so. If that were true, and there is increasing evidence, as I will indicate, from the report that this commission gave us that it is true, that would mean that you would be in a world, Mr. Speaker, where the only person you could talk to was the person next to you unless you happened to have a vacuum tube handset, then you could talk because they are about a million times less susceptible to EMP than our current microelectronic systems, and the only way you could go anywhere was to walk.

Several years ago, we had a field hearing at Johns Hopkins University applied physics lab, and a Dr. Lowell Wood was there. I met Dr. Lowell Wood through Tom Clancy who lives on the eastern shore of Maryland and I know him. He has come to do several political events for me. I knew that he had done a book where EMP was a part of the scenario, and I knew he did very good research and he could tell me something about EMP. This was several years ago.

I called Tom Clancy and I asked him, and he said, gee, if you read my book you know all about EMP that I know, but he said let me refer you to the smartest man hired by the U.S. government. He referred me to a Dr. Lowell Wood from Lawrence Livermore Laboratory in California. We got his pager number. In those days it was pagers rather than cell phones that are so ubiquitous today, and I paged him, believing that he was in California. The pager signal went up to a satellite and back down, and he was in Washington, and within an hour, he was sitting in my office.

Dr. Lowell Wood at this field hearing out at the applied physics lab out in

Howard County made the observation that an EMP lay down would be the equivalent of a giant continental time machine that would move us back a century in technology. What this would mean, of course, is that we would have no more capability for moving around, for communicating to each other, for plowing our fields, for moving our equipment and our food around than we had 100 years ago.

I said that, Dr. Wood, the population we have today, 285 million people and its distribution, largely in large cities and suburbia, could not be supported by the technology of a century ago. His unemotional response was, Yes, I know.

□ 2130

The population will shrink until it can be supported by the technology. The point I am trying to make is this could be a devastating asymmetric weapon. It may not be known to most Americans. I suspect not one in 100 have heard of nuclear electromagnetic pulse, but I can assure Members that all of our potential enemies know a great deal about EMP.

The first chart shows the effects of a single nuclear weapon. This one is detonated in the northwest corner of Iowa, and it blankets all of the United States.

The colors here indicate the intensity of the pulse you get from that. The purple as you can see from the scale is 50 percent. So what this says is whatever the intensity was at ground zero, and we are several hundred miles above that, but the intensity at that level which is the red here in the center, will be half that out at the margins of our country.

This little smile here and the distortion here is due to the magnetic field of the Earth that bends the electrons that I will describe in just a moment.

What is this electromagnetic pulse? It is produced from strong gamma rays from the nuclear explosion which produce electrons that move at the speed of light. They move now to everything within line of sight. If you are about 3 or 400 miles high over the center of the country, Iowa or Nebraska, that will blanket all of the United States.

If the voltage is high enough, it will disrupt or fry these microelectronics.

Mr. Speaker, if you want to work on the inside of your computer, you need to be very careful that the static electricity that you produce just by rubbing your clothes together will not damage it. You need to put a little wrist band on and ground yourself. At factories where most of these computers are made, and it is almost all women that I have seen there, this is one area where women do it better than men, and they are grounded to the floor. They have a metal anklet on, and they are grounded to the floor because static from just their movement could damage these very sensitive, very tiny microelectronics.

A little later I will show a chart that says the interview with some Russian generals have indicated that they have weapons that can produce 200 kilovolts per meter. They told us, and I cannot tell Members the exact voltage to which we have harkened, but I can say that the Russian generals told us they believe that this signal was several times higher than the voltage to which we had hardened. And even out at the periphery with 50 percent degradation, it was higher than we had hardened. By ''hardening'' I mean we have put some buffers in there that would intercept this pulse, like the surge protectors that we have for our computers which we have for lightning which will do no good for EMP because this pulse has such a rapid rise time measured in nanoseconds.

This pulse will be through the surge protector before the protector sees it. If you are 200 kilovolts at ground zero, it is 100 out at the periphery, and that is probably enough to weld, to fry all of our microelectronics, which is why Vladimir Lukin said they would detonate a nuclear weapon high above our country, shut down our power grid and our communications for 6 months or so.

From chart 2, I want to give some quotes from potential enemies to indicate that I am not letting the genie out of the bottle this evening. They know all about it. Not one in 50 Americans may know about EMP, but I want to assure Members our potential enemies know all about EMP.

This first quote is the quote that I heard myself sitting in that hotel room in Vienna, Austria when Vladimir Lukin said they could shut down our power grid and our communications. That was May 2, 1999. There were 10 other Congressmen there and several staff members.

Chinese military writings describe EMP as the key to victory and describe scenarios where EMP is used against U.S. aircraft carriers in a conflict over Taiwan. It is not like our potential enemies not only know about it. And they know that we know about it, so they feel free to put it in their public writings.

A survey of worldwide military and scientific literature sponsored by the EMP commission was set up, and they functioned for 2 years. They submitted a report and they are now continuously briefing additional entities, different organizations and people. They found widespread knowledge about EMP and its potential military utility, including in Taiwan, Israel, Egypt, India, Pakistan, Iran, and North Korea. Iran has tested launching a scud missile from a surface vessel, a launch mode that could support a national or transnational terrorist EMP attack against the United States.

By the way, we thought that launch was a failure because the device was detonated before it reached land. Now, that is exactly what you would do if you were rehearsing an EMP attack. By the way, there is no way that a nuclear weapon could do anywhere near as much damage against a sophisticated country like ours by dropping it on one of our cities as you could do to our country by detonating it at altitude. And you would not know it happened unless you were looking at it.

We are totally immune to EMP. It will not hurt us or damage buildings. All it does is to knock out all of our microelectronics, which means all of our computers. For instance, your car has several computers. Indeed, if you have a new car, they cannot even work on it in a shop without hooking it up to a computer to tell what is wrong with the vehicle. So an EMP with a high enough pulse would fry the computers in the car. They would not run. If you happen to have an old car with a coil and a distributor, that is probably going to work. That is probably less susceptible to EMP.

This chart shows additional quotes: ''If the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. If the enemy forces succeed in infiltrating the information network of the U.S. Army, then the whole organization would collapse. The American soldiers could not find food to eat nor would they be able to fire a single shot.'' This is from Iranian Journal, December 1998.

''Terrorist information warfare includes using the technology directed energy weapons or electromagnetic pulse.'' This is from Iranian Journal of March 2000.

Terrorists have attempted to acquire non-nuclear radio frequency weapons. These are the weapons that would produce the directed energy effect. These produce a similar kind of pulse to EMP but does not have the broad spectrum. It only has part of the frequency involved. But if intense enough, if set up in this room, for instance, it could fry the computers in the cloak room which is not that far away. If it was set up in a van and went down Wall Street, if it were a really sophisticated device, it could take out all of the computers there, which would shut down our trading for quite a while if they were all taken down.

Some people might think that things similar to a Pearl Harbor incident are unlikely to take place during the Information Age. And this is a writing from China. Yet it could be regarded as a Pearl Harbor incident of the 21st century, if a surprise attack is conducted against the enemy's crucial information systems of command, control, and communication by such means as EMP weapons. Even a superpower, China says, like the United States, which possesses nuclear missiles and powerful armed forces, cannot guarantee its immunity. In their words, an open society like the United States is extremely vulnerable to electronic attacks. This is May 14, 1996 from a Chinese journal.

Iran has conducted tests with Shahab-3 missiles which have been described as failures. I mention that because they detonated it before it reached the ground. That is exactly what they would do if they were planning for an EMP attack. Iran Shahab-3 is a medium-range mobile missile that could be driven onto a freighter and transported to a point near the United States for an EMP attack.

By the way, an EMP laydown is always an early event in Chinese and Russian war games because it is the most asymmetric attack that they could lodge against our country.

Just a little bit of a time line here. Operation Starfish occurred in 1962. In 1995, there was a very interesting event that nearly started World War III. It has been written up in several books now. Most people never knew about it, but the Norwegians launched an atmospheric test rocket. They are fairly close to Russia, and they told the Russians that they were launching this rocket; but in the bureaucracy of Russia, that did not get communicated to the right people and when they launched it, it was interpreted as a first salvo from the United States. You do not have very long to respond if your enemy is about a half hour away in terms of these ballistic missiles. The Russians came very near to launching a major salvo of missiles with nuclear warheads on them against our country. This was a very narrow brush with destiny that tells us how important it is that we understand the potential of these weapons and how they could be misunderstood by an enemy.

In 1997, I sat in a hearing here on Capitol Hill and General Marsh was there. He was the general in charge of the President's Commission on Critical Infrastructure. He was looking at the critical infrastructure of our country and its vulnerability to enemy attack. I asked him if he had looked at EMP. He said, yes, he did. Well? Well, the commission thought there was not a high probability there would be an EMP attack, so they had not considered it any further.

My observation to that was, Gee, if you have not already, I am sure when you go home tonight you are going to cancel the fire insurance on your home because there is not a very high probability that your home will burn.

When you have an event like a potential fire in your home or an EMP attack, which is a very high-impact, but low-probability, event, that is just the kind of an event that you purchase insurance to protect you from. It is unlikely to happen; but if it happened, it would be so devastating you would need insurance to cover that.

Mr. Speaker, what we need is the equivalent in our country of the insurance policy that you bought on your home. We need to make an investment in the equivalent of an insurance policy so we will be able to anticipate if we can survive an EMP attack.

□ 2145

In 2001, we had some very interesting tests at Aberdeen with a directed energy weapon that was put together. This was really interesting, because we asked these engineers to put together the kind of a weapon that terrorists might put together if they were buying equipment only from Radio Shack. So they went to places like Radio Shack and they bought the equipment and they put it together in this van that could go down the street and it was kind of camouflaged so it was not sure what it was and this directed energy weapon had the ability to take out microelectronic equipment at considerable distance from it.

In 2001 because of my concerns about the potential for EMP, I had put in the authorization that year legislation that set up a commission to look at this eventuality. The next chart shows the commissioners that were on this. These are all very well known people. The first person that heads the list there is Dr. Johnny Foster who is the father of most of our modern nuclear weapons. He is the Edward Teller of today. Another one of our commission members, Dr. Lowell Wood that I have mentioned already, kind of inherited the mantle of Edward Teller. There were several other people. They had nine people altogether. Dr. Bill Graham who chaired it was the deputy chair of the emerging ballistic missile threat that was chaired by Donald Rumsfeld before he was the Secretary of Defense. Dr. Bill Graham has been the presidential science adviser. He has held a lot of very high posts. He is really very well known. Commissioner Richard Lawson was a USAF general, served on the Joint Chiefs of Staff and was Deputy Commander in Chief of the U.S.-European Command. The last member listed here, Dr. Joan Woodard, I had a very interesting experience with her. I did not remember the names of all the commission members and they had just been set up a little while and I went out to Albuquerque, New Mexico, to visit my son who works there in the laboratory. He brought home from the lab a little internal report that they were passing around that indicated to me that they might have some expertise at the lab there that would be useful in the work of the commission. And so I asked to have a briefing on it and, big surprise, Dr. Joan Woodard was one of the commissioners and she had been working for several months and had a number of her staff working with her and I had a 5-hour classified briefing on the potential effects of EMP not just on our military because they were spending most of their time on our national infrastructure. So we had this body of real experts that was working for 2 years. Ordinarily a commission works for 1 year. This one worked for 2 years and brought forth a big report. They are still writing, I think, the third volume of this report. They have now briefed the House, they have briefed the Senate, they are briefing a lot of key people. A lot more people are now knowing something about EMP and its potential effects.

What I want to do now in the next four charts, and we will look at this next one now, I want to quote directly from the EMP commission report. This is the EMP commission report that was Public Law 106–398, title 14. This was the law that set up this commission and all of this is from their report.

Over at the left of this chart, Mr. Speaker, you see the effects of an extra-atmospheric detonation above our country and the concentric circles there show the range that would be covered by detonations at different altitudes. You see you need to get up about 300 miles high, that is about 500 kilometers, before it covers all of the United States. These are direct quotes from the commission:

EMP is one of a small number of threats—indeed, I do not know any other threat—EMP is one of a small number of threats that may, one, hold at risk the continued existence of today's U.S. civil society. We need to put that in everyday kitchen language, Mr. Speaker. What they are saying is that this would end life as we know it in the United States. Let me read it again in their carefully couched language: Hold at risk the continued existence of today's U.S. civil society. If, Mr. Speaker, this EMP attack really did what Vladimir Lukin said it would do and that is to shut down our power grid and our communications for 6 months or so, if the only person you could talk to is the person next to you and the only way you could go anywhere was to walk, I think it is very obvious that that would end life as we know it in this country. Hold at risk, they say, the continued existence of today's U.S. civil society. Also, it has the power to disrupt our military forces and our ability to project military power. That is because, Mr. Speaker, for the last decade, more than the last decade, we have been waiving EMP hardening on almost all of our weapons systems. You see, when we had so little money to buy weapons, particularly during the Clinton years when they called it a build-down, I called it a teardown of the military, we could get a few more percent weapons systems that cost somewhere between 1 percent and 10 percent to harden, so you could get 1 percent to 10 percent more weapons systems if you did not harden, and so they just ran a calculated risk that we would not need the hardening. But, Mr. Speaker, the time when we are really going to need these weapons is when we are at war against a peer, and there will be a peer, a resurgent Russia or a China of the future and the first thing they are going to do, they say so in their writings, they say so in their war games, the first thing they are going to do is an EMP laydown which will then deny us the use of all of our military equipment which is not hardened. I am not sure why we are building it, we do

not need it, to defeat countries like Iraq. We will really need it to defeat a peer and if it is not hardened, then it will not be available to us.

The number of U.S. adversaries capable of EMP attack is greater than during the Cold War. Yes, that is true. There was one then, the Soviet Union. Now there are a whole bunch. Let us try Iran if it gets a weapon, North Korea, India, Pakistan, a number of countries that are today our friends, England and France and Israel and the list goes on.

Quotes again from the commission, not my quotes. Potential adversaries are aware of the EMP's strategic attack option, obviously from what Vladimir Lukin said and you can glean that from their writings. The threat is not adequately addressed in U.S. national and homeland security programs, and that is a gross understatement. It is not only not adequately addressed, it is hardly addressed at all.

The second chart is again quotes from the EMP commission and we have redacted some names here. I am not sure the Russian generals would want the world to know who they were, but these are the two Russian generals that I mentioned. They claim that Russia has designed a super EMP nuclear weapon capable of generating 200 kilovolts per meter. I cannot tell you what we hardened to, but I can tell you that the Russian generals believe that this is several times the level to which we have hardened. Chinese, Russian, Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. This is not my statement, Mr. Speaker. This is a direct quote from the EMP commission.

The next chart shows additional quotes from the EMP commission. States or terrorists may well calculate that using a nuclear weapon for EMP attack offers the greatest utility. Indeed, if they had a single weapon, taking out Los Angeles, San Francisco, New York, Philadelphia, Washington would have nowhere near the effect on our society as simply taking out all of our computers.

EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. Again, these are not my words. These are quotes from the EMP commission.

This is a really interesting one. EMP may be less provocative of U.S. massive retaliation compared to a nuclear attack on a U.S. city that inflicts many prompt casualties. Even, Mr. Speaker, if we knew where it came from, if all they have done is take out our computers, are we justified in incinerating their grandmothers and their babies? Maybe we should respond in kind and take out all the computers in North Korea. I doubt that very few people in North Korea would care that we took out all their computers. This, Mr. Speaker, is really a very asymmetric attack because if we responded in kind, there are none of our enemies that are anywhere near as vulnerable as we are and some of them could hardly care less if we took out their computers and the few that the military has could easily be hardened if they were anticipating that they might need them hardened.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. Indeed, if we responded in kind, it would really be an asymmetric attack, because they would be little affected by taking out their computers since they little depend on their computers.

Technically and operationally, EMP attacks can compensate for deficiencies in missile accuracy, fusing, range, reentry. Suppose they are really lousy in the kind of missiles they have, their aim is very poor. If they missed the target by 100 miles, Mr. Speaker, it really does not matter. One hundred miles is as pretty much as good as a dead hit because 100 miles away really will not make that much difference in the very large areas that are covered by this EMP attack.

Terrorists could steal, purchase or be provided a nuclear weapon for an EMP attack against the United States simply by launching a primitive Scud missile off a freighter near our shores. We would have, Mr. Speaker, 3 or 4 minutes' notice. Scud missiles can be purchased on the world market today for less than $100,000. Al Qaeda is estimated to own about 80 freighters. So what they need is $100,000 to buy a Scud missile and a crude nuclear weapon that who knows where they might get that. Maybe some Russian scientist who has not been paid for 4 or 5 years.

Certain types of low-yield weapons can generate potentially catastrophic EMP effects. These are the enhanced EMP weapons that the Soviets, the Russians, have developed. Mr. Speaker, we have every reason to believe that these secrets are now held by China. There is no reason to entertain the thought that they do not have these secrets. And if China has them, who else has them? I think the safest thing to assume is that any potential enemy has them.

The last chart from the commission shows a very interesting little schematic on the right which shows the interrelationships of our very complex infrastructure. This was commented on a number of years ago by a scientist at Cal Tech who held a series of seminars called The Next 100 Years. He was theorizing, could we indeed recover from something, he did not know about EMP, so he was talking about a nuclear war, because he noted that we had developed a very interconnected, complicated infrastructure where one part depended on another part and we developed that from a base of high quality, readily available raw materials, oil that almost oozed out of the ground at Oil City, Pennsylvania, coal that was exposed by a heavy rain when the dirt was washed off, iron ore in the central part of our country that was such high quality that you could almost smelt it in a backyard smelter. Indeed, there is one of those, you can drive up and see it just south of Thurmont on Route 15. It is called Catoctin Furnace and they denuded the hills up there to produce coke to make iron there. You see here a very interrelated infrastructure. The point they are making is that if one part of that comes down, suppose you do not have electric power, they have not drawn all the arrows they should have drawn because you are not going to have oil or gas, you are not going to have communications, you are not going to have water, you are not going to have banking or finance, you are not going to have government services, you are not going to have emergency services, you are not going to have transportation without electricity. So if you take down just that one thing, everything comes down. Of course, if you do not have any banking services, pretty soon everything will grind to a halt because they will not have the finances to keep the thing going.

One or a few high altitude nuclear detonations can produce EMPs simultaneously over wide geographic areas. Again, I am quoting from the commission. Unprecedented catastrophic failure of our electronics-dependent infrastructure could result. I think that you should almost put the verb in there, Mr. Speaker, would result. You may have noted in the paper just today, I think, or yesterday, there was an account that we almost had another big blackout, just almost tripped that big blackout and there is no catastrophic insult like an EMP laydown to cause that. Power, energy, transport, telecom and financial systems are particularly vulnerable and interdependent. We just talked about that, very vulnerable, lots of computers, very interdependent. One goes down and they all come down. EMP disruption of these sectors could cause large scale infrastructure failures for all aspects of the Nation's life.

□ 2200

Both civilian and military capabilities depend on these infrastructures. Without adequate protection, recovery could be prolonged months to years.

What would happen if that was prolonged months to years?

Increased dependence on advanced electronic systems results in the potential for an increased EMP vulnerability of our technologically advanced forces, making EMP probably the most attractive asymmetric weapon. EMP threatens the ability of the United States and Western nations to project influence and military power. We could be easily blackmailed by a country that has the

ability to produce an EMP laydown if we are not prepared to protect ourselves from it.

Degradation of the infrastructures could have irreversible effects on the country's ability to support its population, and this one brief three-word sentence, ''millions could die.'' That is what Dr. Lowell Wood said when I asked him how could the technology of a century ago support our present population and its distribution. And his unemotional answer was, ''Yes, I know. The population will shrink until it can be supported by the technology.'' That shrink could easily, easily, Mr. Speaker, be in the millions or hundreds of millions of people.

There are two other charts that I want to show the Members, and this is what other people are saying. This is from an op-ed piece by Senator JOHN KYL, and I am delighted that Senator KYL is helping with spreading the word about this and the caution that we really need to be doing something. This was in The Washington Post, and he says: ''Last week the Senate Judiciary Committee's Subcommittee on Terrorism, Technology and Homeland Security, which I chair,'' this was JOHN KYL, ''held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea. An electromagnetic pulse, EMP, attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or otherwise. Few if any people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few can conceive of the possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere, but this time we have been warned and we better be prepared.'' And this is his comment.

Another comment here, and this is from the Washington Times and just a couple of brief paragraphs here. This is from Major Franz Gayl: ''The impact of EMP is asymmetric in relation to our adversaries. The less developed societies of North Korea, Iran, and other potential EMP attack perpetrators are less electronically dependent and less specialized while more capable of continued functionality in the absence of modern convenience.''

That is an easy way to say they are not dependent upon computers like we are and we would suffer a whole lot more than them. And then in the next paragraph he pointed out that because of our enormous complexity, how technologically developed we are, that our great strength has become potentially our great weakness when we are talking about EMP.

Now, Mr. Speaker, I would like to close with some observations. Again, from the commission's report, the EMP threat is one of a few potentially catastrophic threats to the United States. By taking action, the EMP threat can be reduced to manageable levels.

I would like to say, Mr. Speaker, that the EMP Commission report is really a good-news story. One would not think it was good news pointing out how very vulnerable we are, but the good news is that we now know how vulnerable we are, and we know that this is fixable; and it is fixable for far, far less cost than the Iraq war. We just need, Mr. Speaker, to do it. It is not going to happen overnight. It is going to happen quicker in our military than in our private sector because we turn over our weapons programs quicker than we turn over our big transformers and our power grid and so forth. But we can little by little, year by year, fix our national infrastructure and fix our military so that we are not as vulnerable.

Mr. Speaker, being vulnerable like this, and I pointed out comments from the writings of a number of our potential enemies, it is not that they do not know this. Not one person in 50 in the United States will know it, but it is very obvious that all of our potential enemies know about this. Our very vulnerability invites that attack. Because we are so vulnerable, because it is so asymmetric, we invite that attack. Mr. Speaker, we need to do everything we can to lessen the probability of attack. And the longer we go unprotected from EMP, the more we invite this attack and the more vulnerable we are. U.S. strategy to address the EMP threat should balance prevention, preparation, protection, and recovery.

We have been talking primarily, Mr. Speaker, about prevention, about hardening, so that those pulses will not get through so that it will not fry the equipment and our infrastructure can keep working. There are a number of things we need to do in preparation.

One of the things we need to do is to have the equivalent of the old civil defense. In our homeland security we really are not looking at civil defense. Those who are my age and maybe a little younger but mostly my age can very well remember all those fallout shelters, and the young people may have noticed some of those rusting signs and wondered what they were because there were fall-out shelters almost everywhere a generation ago.

In the 1950s, IBM was lending their employees money interest-free to build backyard shelters. We were expecting the potential of a bolt out of the blue, that nuclear weapons would be rained down on us. And there were brochures put out by the government telling us how to build a fall-out shelter, what to put in the fall-out shelter, what we needed to buy. EMP is not going to be anywhere near as hard to protect ourselves against as a nuclear explosion and all that fall-out. But to the extent that each of us and our families and our communities are prepared for this, our country is going to be enormously stronger should this happen to us.

And, Mr. Speaker, whether one is preparing for an EMP attack or for a terrorist attack or anything that disrupts our usual economy, we have about 3 days' supply of food in any one of our big cities. If the trucks do not keep coming, the supermarket may be open 24 hours a day, but when we are in there, Mr. Speaker, we are going to see that as we are taking it off the shelf, they are stocking the shelves. This goes on continually because there are only about 3 days of food. What would happen if our trucks could not run? What would our cities do after those 3 days after the food was gone? It is very easy, Mr. Speaker, to stock far more than 3 days of food in one's house.

A number of years ago, there was a very well-known economist by the name of Howard Ruff. He had made some predictions about the stock market that made him kind of an icon in his day, and people would come to him for advice. And a very interesting story, when they came with their money and said, How should we invest our money Mr. Ruff, he would say, Do you have a year's supply of food for your family? They would say, No. He would say, If you do not have a year's supply of food for your family, you do not have any money to invest. The first thing you need to do is buy a year's supply of food for your family, and then come back and we will talk about how to invest the rest of your money because that is the best investment that you need to make.

They would come back, and he would say, You have a year's supply of food?

Yes, sir.

Well, he said, do you have a bag of silver?

A bag of silver is a bag of junk silver and one may do something else but they need the equivalent of this. That is junk silver. It is silver that has no numanistic value, and it is in bags that are sealed and they have a $1,000 face value. He said, Unless you have a bag of silver for each member of your family, you have not made the second most important investment you could make; so go buy that and come back and we will talk about what to do with the rest your money.

These are the kinds of things that Americans need to be thinking about. What can they do, Mr. Speaker, what can their family do, what can their church group do so that they are not going to be a liability on the society should there be a terrorist attack that shuts down these services or should there be a national EMP attack that shuts them down all over our country? We can do something, Mr. Speaker, to prepare ourselves so that we are going to have some sense that we can make it through so that we are not going to be a liability on the system.

Let me show the last chart here now in our conclusion. The fiscal year 2006 defense authorization bill contains a provision that extends the EMP Commission's life to ensure that their recommendations will be implemented. We want them watching to see what we are doing. We want them to tell us and to tell the public. We are a representative government here; and when our

people call in and say, Are you doing this, are you doing that, my wife points out that if we do not represent our constituents, we will not represent our constituents. So if the people across our country demand that we be prepared, that we tell them how to be prepared themselves, then we will do this.

The terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of an attack. Our very vulnerability invites this attack. Mr. Speaker, we obviously cannot do it yesterday. We certainty need to do it today and tomorrow to begin to protect ourselves against it.

The Department of Homeland Security needs to identify critical infrastructures. What are the first things, Mr. Speaker, that we need to turn our attention to? Where would a minimal investment pay the biggest dividends? And we need to have people studying this. The EMP Commission has made a lot of very good suggestions. If we simply followed those suggestions, we would be a long way to where we need to be. The Department of Homeland Security also needs to develop a plan to help citizens deal with such an attack should it occur, and then the little note that our citizens need to become as self-sufficient as possible.

Mr. Speaker, we have spent the better part of an hour talking about something that one might expect to see in a science fiction movie or in some magazine that is talking about the improbable. But what we are talking about here is a very possible, and I think probable, event. It is something that the American people have not been very much aware of. We hope that this awareness, as the EMP Commission continues its work, will be more widespread. We hope that the American people will respond by doing two things: one, demanding that their government, that their Representative make the right kinds of choices and appropriate the right kinds of moneys to start on the path to developing a military that is immune to EMP attacks and to, as quickly as possible, develop a national infrastructure that will not collapse like a house of cards with an EMP attack. And, also, I believe that our citizens will demand that we tell them what they can do.

There is an interesting phenomenon, Mr. Speaker. If in anticipation of a hurricane this fall, one goes to the grocery store now and stocks up on some things that they need, they are going to be a patriot because they are improving the economy. If they wait until the hurricane is on its way and then they go to the store to stock up on what they need, they are no longer a patriot. They are now a hoarder. So exactly the same act is really a very good act or a very bad act depending upon when they do it. If they buy it in long anticipation of the event, they are now a real patriot. They are providing some assurance that they will not be a liability and they are helping the economy. If they wait until the threat is at their door and they now buy it, now they are a hoarder and nobody wants a hoarder. So our homeland security needs to help us to know what we need to do so that we will be as self-sufficient as possible, an asset and not a liability.

Mr. Speaker, there is an old saying that to be forewarned is to be forearmed. I know that probably not even one in 50 Americans has ever heard of EMP, but I will assure the Members that all of our potential enemies know all about EMP. We see it in their writings. We see it in their war games. And what we need to do, Mr. Speaker, is to proceed as rapidly as we can to develop a military that is immune to EMP, to develop an infrastructure that as quickly as possible will be less and less damaged by EMP, and to provide each American citizen with the information they need so that they, their family, their social club, their church, as individuals, as families, as groups, can plan so that they will be as self-sufficient as possible in whatever emergency occurs.

And who knows what the terrorists might do to us. This is clearly the most devastating, the most asymmetric attack that could be made on our country; but there could be lesser ones that could for one's family, one's locality be just as devastating as an EMP attack.

Mr. Speaker, I know the American people will respond and know when our enemies see us responding that the risk of this kind of attack will be immensurably lessened because the less vulnerable we are, the less likely they are to attack.

□ 2215

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. 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 the Special Order today by the distinguished gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Georgia (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

Mr. CARTER (at the request of Mr. DELAY) for today after noon and June 22 on account of official business.

Mr. CONAWAY (at the request of Mr. DELAY) for today after 2:30 p.m. and June 22 on account of attending the funeral of a fallen soldier who was killed in Iraq.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, June 28.

Mr. PAUL, for 5 minutes, today and June 22.

Ms. FOXX, for 5 minutes, June 23.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, June 22.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and June 22.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the eprivatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes; to the Committee on Energy and Commerce.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 21, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 483. To designate a United States courthouse in Brownsville, Texas, as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 22, 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:

2428. A letter from the Assistant General Counsel (Banking & Finance), Department of the Treasury, transmitting the Department's final rule—Terrorism Risk Insurance Program: Additional Claims Issues; Insurer Affiliates (RIN: 1505–AB09) received June 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1492. A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; with an amendment (Rept. 109–142). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–143). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 334. Resolution providing for consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. SKELTON, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. SPRATT, Ms. HARMAN, Mr. LANTOS, Mr. MURTHA, Mr. CONYERS, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Ms. SLAUGHTER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Ms. CARSON, and Mr. CASE):

H.R. 3003. A bill to establish an independent Commission to investigate detainee abuses; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. GREEN of Wisconsin, Mr. CHOCOLA, Mr. HAYES, Mr. REYNOLDS, Mr. PLATTS, Mr. WICKER, Mr. NORWOOD, Mr. GERLACH, Mr. UPTON, Mr. EHLERS, Mr. SHERMAN, Mr. SHUSTER, Mrs. MYRICK, Mr. ETHERIDGE, Mr. MCHUGH, Mr. WALSH, Mr. GILLMOR, Mr. GOODLATTE, Mr. MURPHY, and Mr. DOYLE):

H.R. 3004. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. LANTOS, Mr. BLUNT, and Mr. HOYER):

H.R. 3005. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. MEEK of Florida, Mr. GUTIERREZ, Ms. BALDWIN, Mr. SMITH of Washington, Mrs. LOWEY, Mr. ANDREWS, Mr. BERMAN, Mr. MICHAUD, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. HONDA, Mr. MORAN of Virginia, Mr. HOLT, Mr. INSLEE, Mr. SANDERS, Mr. TIERNEY, Mr. GEORGE MILLER of California, Ms. LEE, Mr. BROWN of Ohio, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, Ms. HARMAN, Mr. SABO, Mr. FARR, Mr. KOLBE, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Mr. MENENDEZ, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. KUCINICH, Mr. GONZALEZ, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. CAPUANO, Mr. FILNER, Mr. PASTOR, Mrs. JONES of Ohio, Mr. RANGEL, Mr. WEINER, Mr. LANTOS, Mr. ABERCROMBIE, Ms. ESHOO, Mr. PALLONE, Mr. MOORE of Kansas, Mr. SIMMONS, Mr. STARK, Mrs. CAPPS, and Mr. SHERMAN):

H.R. 3006. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. HART:

H.R. 3007. A bill to combat terrorism financing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. COLE of Oklahoma:

H.R. 3008. A bill to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3009. A bill to amend title 38, United States Code, to enable veterans to transfer from a State veterans home in one State to a State veterans home in another State, on a space-available basis, without a waiting period with respect to establishment of State residency; to the Committee on Veterans' Affairs.

By Mr. AKIN (for himself, Mr. ADERHOLT, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CHABOT, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. FEENEY, Mr. FERGUSON, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GRAVES, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. JEFFERSON, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PAUL, Mr.

PEARCE, Mr. PENCE, Mr. PITTS, Mr. RENZI, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. SODREL):

H.R. 3011. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3012. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 3013. A bill to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 3014. A bill to amend the Act of August 9, 1955, regarding leasing of the Moses Allotments; to the Committee on Resources.

By Mr. LAHOOD:

H.R. 3015. A bill to suspend temporarily the duty on 2 benzylthio-3-ethyl sulfonyl pyridine; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3016. A bill to extend the temporary suspension of duty on carbamic acid; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 3017. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself, Ms. BALDWIN, Mr. KIND, Mr. HOLDEN, Mr. DAVIS of Illinois, Mr. SABO, Mr. HONDA, and Mr. MCDERMOTT):

H.R. 3018. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to eliminate the application deadlines; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. REYNOLDS, Mr. HULSHOF, Mr. POMEROY, Mrs. JONES of Ohio, and Mr. MCNULTY):

H.R. 3019. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mr. KING of New York):

H. Res. 335. A resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. BRADY of Texas, Mr. MCNULTY, Mr. SCHIFF, and Mr. ENGEL):

H. Res. 336. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out'', which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. PICKERING and Mr. CANNON.
H.R. 47: Mr. JINDAL and Mr. PICKERING.
H.R. 69: Mr. PICKERING.
H.R. 111: Mr. STUPAK and Mr. DELAHUNT.
H.R. 147: Mr. KIRK.
H.R. 156: Mr. TOWNS, Mr. UDALL of New Mexico, and Mr. SHERMAN.
H.R. 478: Mr. PASCRELL.
H.R. 557: Mr. CANNON.
H.R. 558: Mr. PICKERING.
H.R. 565: Mr. ISRAEL.
H.R. 594: Mrs. CHRISTENSEN.
H.R. 595: Mr. SCOTT of Georgia.
H.R. 687: Mr. MURPHY.
H.R. 689: Mr. PICKERING.
H.R. 698: Mr. SULLIVAN.
H.R. 709: Ms. JACKSON-LEE of Texas.
H.R. 759: Mr. LYNCH.
H.R. 818: Ms. CORRINE BROWN of Florida and Mr. HONDA.
H.R. 819: Mr. BRADY of Texas.
H.R. 822: Mr. OSBORNE, Mr. SNYDER, Mr. MCGOVERN, and Ms. DEGETTE.
H.R. 831: Mr. MCGOVERN and Mr. GUTIERREZ.
H.R. 874: Mr. MCHENRY.
H.R. 881: Mr. NEAL of Massachusetts.
H.R. 897: Mr. KILDEE.
H.R. 920: Mr. SHUSTER.
H.R. 934: Mr. DENT.
H.R. 998: Mr. BOEHLERT.
H.R. 999: Mr. BISHOP of Georgia.
H.R. 1010: Mr. LINDER.
H.R. 1059: Ms. ESHOO.
H.R. 1105: Mr. LOBIONDO.
H.R. 1120: Mr. UDALL of New Mexico.
H.R. 1132: Mr. BROWN of Ohio, Mr. EMANUEL, Ms. ESHOO, Mr. BILIRAKIS, and Mr. ENGEL.
H.R. 1175: Mr. HOLT.
H.R. 1188: Mr. SALAZAR, Ms. HARRIS, Mr. UDALL of New Mexico, and Mr. MILLER of Florida.
H.R. 1245: Ms. DEGETTE, Mr. WALDEN of Oregon, and Ms. MATSUI.
H.R. 1246: Mr. JOHNSON of Illinois, Mr. UDALL of Colorado, Mr. CARNAHAN, Mr. BEAUPREZ, and Mrs. CHRISTENSEN.
H.R. 1248: Mr. MCCAUL of Texas.
H.R. 1272: Mr. EMANUEL.
H.R. 1298: Mr. RANGEL, Mr. THOMPSON of California, and Mr. RAMSTAD.
H.R. 1337: Mr. MCCOTTER and Mr. GILLMOR.
H.R. 1345: Mr. HULSHOF.
H.R. 1370: Mr. YOUNG of Alaska and Mr. SESSIONS.
H.R. 1402: Mr. MCNULTY.
H.R. 1449: Mr. MCCAUL of Texas.
H.R. 1461: Mr. MCCOTTER and Mr. ADERHOLT.
H.R. 1468: Mr. LEWIS of Georgia and Mr. MCDERMOTT.
H.R. 1474: Mr. CLEAVER and Ms. LEE.
H.R. 1520: Mr. TERRY.
H.R. 1587: Mr. RYUN of Kansas.
H.R. 1588: Mrs. MCCARTHY and Mr. PAUL.
H.R. 1591: Mr. GUTIERREZ and Mr. SHAYS.
H.R. 1600: Mr. WHITFIELD.
H.R. 1602: Mr. POE and Mr. SCHWARZ of Michigan.
H.R. 1607: Mr. FOLEY, Mr. SOUDER, and Mr. MCCOTTER.
H.R. 1615: Mr. VAN HOLLEN, Mr. OWENS, Mr. GONZALEZ, Mr. LYNCH, Mr. SHERMAN, Ms. NORTON, Mr. GRIJALVA, and Mr. MCCOTTER.
H.R. 1634: Mr. MORAN of Kansas and Mrs. DAVIS of California.
H.R. 1649: Mrs. CHRISTENSEN.
H.R. 1696: Mr. FOSSELLA and Mr. DOGGETT.
H.R. 1791: Mr. MEEK of Florida.
H.R. 1816: Mr. CULBERSON, Mr. HENSARLING, Mr. PENCE, and Mr. WESTMORELAND.
H.R. 1898: Mr. KLINE, Mr. KELLER, and Mr. MARCHANT.
H.R. 1952: Mr. FITZPATRICK of Pennsylvania and Mr. PRICE of Georgia.
H.R. 1973: Mr. SMITH of Washington and Mr. OWENS.
H.R. 2051: Mr. WILSON of South Carolina.
H.R. 2071: Mr. WEXLER and Mr. BRADY of Pennsylvania.
H.R. 2193: Mr. FOSSELLA.
H.R. 2209: Mr. KUHL of New York.
H.R. 2238: Mr. TERRY, Mr. INSLEE, and Mr. STARK.
H.R. 2308: Ms. JACKSON-LEE of Texas.
H.R. 2327: Ms. WATERS, Mr. SALAZAR, and Mr. CROWLEY.
H.R. 2389: Mr. DEAL of Georgia.
H.R. 2423: Mr. HOLDEN and Mr. WALSH.
H.R. 2456: Mr. CONYERS, Mr. OWENS, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. WOOLSEY, Mr. CROWLEY, Mr. CUMMINGS, and Mr. SERRANO.
H.R. 2498: Mr. SHIMKUS, Mr. KUHL of New York, and Mr. LEACH.
H.R. 2533: Mr. ORTIZ, Mr. MOORE of Kansas, and Ms. BALDWIN.
H.R. 2617: Mr. DOYLE, Mr. HINCHEY, Ms. WATSON, Mr. JACKSON of Illinois, Mr. UDALL of New Mexico, Mr. WAXMAN, Mr. CAPUANO, and Mr. EVANS.
H.R. 2640: Mr. GENE GREEN of Texas, Mrs. CHRISTENSEN, Mr. RUPPERSBERGER, Mr. GRIJALVA, and Mr. WYNN.
H.R. 2680: Mr. KILDEE, Mr. SKELTON, and Mr. MCDERMOTT.
H.R. 2682: Mr. FORD.
H.R. 2730: Mr. MEEK of Florida.
H.R. 2746: Mr. DAVIS of Illinois.
H.R. 2747: Ms. HARRIS.
H.R. 2793: Mrs. JO ANN DAVIS of Virginia, Mr. KLINE, and Mr. PRICE of North Carolina.
H.R. 2794: Mr. ROGERS of Kentucky and Ms. PRYCE of Ohio.
H.R. 2802: Mr. DAVIS of Illinois and Mrs. CHRISTENSEN.
H.R. 2804: Mr. GILCHREST.
H.R. 2828: Ms. BERKLEY.
H.R. 2834: Mr. GONZALEZ, Mrs. JONES of Ohio, and Mr. CASE.
H.R. 2872: Mr. LEACH, Mr. KINGSTON, Mr. ETHERIDGE, Mr. CUMMINGS, Mr. KUHL of New York, Mr. VAN HOLLEN, Mr. BOSWELL, Mr. MCDERMOTT, Ms. LEE, Mr. SPRATT, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. JEFFERSON, Mr. KUCINICH, Mr. KENNEDY of Minnesota, Mrs. CHRISTENSEN, and Mrs. JONES of Ohio.
H.R. 2876: Mr. LARSON of Connecticut, Mr. COSTA, Mrs. WILSON of New Mexico, Mrs. MCCARTHY, and Mr. SESSIONS.
H.R. 2877: Mr. COOPER and Mr. MCNULTY.
H.R. 2891: Mr. OWENS, Mr. UDALL of Colorado, and Mrs. JONES of Ohio.
H.R. 2959: Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mr. UDALL of New Mexico, and Mr. REYES.
H.J. Res. 43: Mr. GOODE.
H.J. Res. 53: Mr. BEAUPREZ, Mr. SCHWARZ of Michigan, Mr. KLINE, Mr. WILSON of South Carolina, and Mr. DEAL of Georgia.
H.J. Res. 55: Mr. FARR, Ms. MOORE of Wisconsin, Mr. NEAL of Massachusetts, and Mr. LEACH.
H. Con. Res. 69: Mr. MCCOTTER.
H. Con. Res. 128: Mr. ROHRABACHER and Mr. BERMAN.
H. Con. Res. 145: Mr. MANZULLO.
H. Con. Res. 178: Mr. GOODE, Mr. COBLE, Mr. KING of New York, Mr. WHITFIELD, Ms. JACKSON-LEE of Texas, Mr. WOLF, and Mr. CASTLE.
H. Con. Res. 181: Mr. TERRY.
H. Res. 17: Mr. TOM DAVIS of Virginia, Mr. FRELINGHUYSEN, and Mr. BASS.
H. Res. 299: Mr. MICHAUD.
H. Res. 312: Mr. KUHL of New York, Mr. NEUGEBAUER, Mr. SKELTON, and Mr. UDALL of Colorado.
H. Res. 313: Mr. DAVIS of Illinois.
H. Res. 317: Mr. KIND.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3010

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out section 1860D–1(b)(4) of the Social Security Act.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, JUNE 21, 2005 No. 83

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we celebrate Your presence with us today. Your steadfast love inspires us ever to sing Your praises. Lord, You bless us each day with good things. Because of Your loving kindness, we find safety.

Today, strengthen our Senators with Your might. Give them the wisdom to distinguish between truth and error and the courage to act upon that insight. Use them as Your instruments to relieve the suffering in our world. Open their ears to the cries of our Nation's discarded and dispossessed.

As our lawmakers face great challenges, remind them that they are not alone but are sustained by Your unfailing providence. Remind each of us often that the plans of the diligent lead surely to advantage. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Wyden/Dorgan amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.

Voinovich amendment No. 799, to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

Martinez (for NELSON of Florida) amendment No. 783, to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

Schumer amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will return to consideration of the pending Energy legislation that we debated last week and this week and will complete later this week. We will resume debate on the amendment of Senator MARTINEZ relating to the inventory of the OSC. The time agreement we reached last night provides for up to 80 minutes of debate before the vote on that amendment, although I do not believe all of that time will be necessary. We would like to begin that vote no later than 11 this morning. We request that Senators come promptly for that vote.

We will be recessing at 11:30 to accommodate the weekly policy luncheons today. At 2:15, when the Senate returns from recess, we will continue through the amendments to the Energy bill. I believe the climate change amendments will be ready later this morning and for debate beginning at 2:15. We would expect votes on those amendments during today's session.

I reiterate that it is my intention to file cloture on this bill later this evening. That would allow us to continue to consider and dispose of amendments, but it would also assure that we have a glide path to completion of the bill and that we would complete passage of the bill this week. The managers have done tremendous work over the last almost week and a half in moving the process along. I hope we can continue in that respect and finish the bill no later than Thursday or Friday of this week. Thus, we will be having a vote late this morning, and we will in all likelihood be voting on the climate change amendments later this afternoon. In addition, there will be the opportunity for people to come to the Senate floor and offer their amendments.

AMENDMENT NO. 783

The PRESIDENT pro tempore. Under the previous order, there will be 80 minutes of debate on amendment No. 783.

Mr. FRIST. Mr. President, I ask unanimous consent that the quorum call be equally divided between both sides.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, what is the parliamentary situation now? Are we having speeches on the amendment to strike the OCS inventory by Senators MARTINEZ and NELSON and CORZINE; is that correct?

The PRESIDENT pro tempore. The Senator would have 8 minutes left.

Mrs. BOXER. Mr. President, I ask to be notified when I have spoken for 5

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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minutes. I know Senator CORZINE is coming to speak. If you could let me know when my 5 minutes is up, I would appreciate it.

The PRESIDING OFFICER (Mr. ALEXANDER). The Chair will notify the Senator.

Mrs. BOXER. Mr. President, I am proud to sponsor the Martinez-Nelson-Corzine-Boxer amendment to strike the OCS inventory language from the Energy bill. For millions of Americans living near our coasts, this amendment is arguably the most important we will debate on this bill. We know huge numbers of people live within 50 miles of America's coastlines. Few things are synonymous with California more than the beautiful beaches and the coasts. We have some pictures to show what this means to our children.

This is a scene I remember with my own children and now with my own grandson when he comes to visit California. This is what we think about. The natural beauty that is the California coast helps form our State's identity, as these pictures show. I will show you another one at this time as well. When I look at this, I just think: California.

The coast is a huge reason so many millions of Americans have chosen California as their home. Indeed, out of our 36 million Californians, 21 million Californians live in coastal counties. That is roughly 64 percent of the State's population. And there is a reason for it. This is God's gift to our State and to the people of this country and, frankly, to the people of the world who come to spend time on California's coastline and beaches.

The California coast is home to dozens of threatened and endangered species, including the short-tailed albatross, California Gnatcatcher, sea otters, chinook and coho salmon, steelhead trout, guadalupe fur seal, and several species of whales. Our coast is a true national treasure.

But Californians are not the only people who treasure our coastline. We know that tourists, millions of them, come to our State, generating $51 billion in annual revenues for our State. The protection of California's coasts, frankly, as much as all the other coasts we will protect, is not just an environmental necessity, it is an economic necessity.

The underlying bill could very well lead to more offshore oil drilling, could devastate my State and its way of life, and I trust that this bipartisan legislation being offered by Senators MARTINEZ and NELSON will be agreed to because the inventory that is agreed to in this bill could encourage further drilling in the not-so-distant future, putting all of our coasts at risk.

Make no mistake about it. This inventory is not a benign compiling of a grocery list of resources. The inventory proponents would have us believe that, but it is really not benign. The inventory will be conducted using seismic air guns which use explosive blasts to map rock formations beneath the sea. Sound from these blasts can be detected for thousands of miles, and hundreds of millions of blasts would be required to survey America's Outer Continental Shelf. These seismic blasts have been shown to have major consequences for marine life. So I do not see how it makes sense to say, on the one hand, we are protecting our beautiful coastline with moratoria and then allow the inventory to go forward in these areas.

Most fish use hearing to detect predators, find prey, communicate, and find mates. Loss of hearing can have profound, even fatal effects on our fish.

So why would we take God's precious gift and subject it to this kind of trauma? Frankly, it is wrong. To me, it is almost a moral issue, that we protect the beauty we have been given, this God-given beauty.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. BOXER. I ask for another minute.

The PRESIDING OFFICER. The Senator has that right.

Mrs. BOXER. Seismic air guns have been shown to result in severely diminished fish catches by so severely startling the fish, they quickly leave the area or descend to the sea floor, seeking shelter from the noise. One study showed that when seismic blasts had been conducted in 1996, catch rates of cod and haddock declined between 45 percent and 70 percent over a 1,400-square-mile area, and 5 days later the catch rate had still not recovered.

I ask for an additional minute on top of my minute to finish.

The fact is, with so many fishery stocks already depleted, should we really do anything else to harm them, and can our fishermen afford the risk?

Marine mammals such as whales also use sound to locate food, avoid predators, care for young, and navigate the oceans. Seismic blasts can interfere with all of these critical activities. Air gun blasts have been observed to affect the feeding behavior of sperm whales in the Gulf of Mexico, migrating bowhead whales in the Beaufort Sea off the Alaskan coast, and harbor porpoises, which appear to be dodging and evading the sounds dozens of miles away from the blasts. Indeed, last year, the International Whaling Commission's Scientific Committee concluded that the increased sound from seismic surveys was cause for serious concern.

Mr. President, I see the Senator from New Jersey is here. We are running out of time, so I am going to wrap this up and cede the rest of the time to the Senator from New Jersey. I hope everyone supports this bipartisan amendment before us.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute 5 seconds.

Mr. CORZINE. One minute and 5 seconds? That is the time allotted by the Chair? Let me, then, be brief.

I rise today as a cosponsor in support of the amendment offered by Senators MARTINEZ and NELSON that will keep the door closed to offshore drilling. The amendment strikes language in the bill that would allow a seismic inventory of all potential oil and natural gas resources in the Outer Continental Shelf, including areas off of the New Jersey coast.

The people of New Jersey strongly oppose allowing such an inventory and I voted against this provision during the committee markup.

New Jersey recognizes that taking inventory of these resources is a step onto a slippery slope toward the eventual drilling off the New Jersey coast; resources that are currently protected by the Outer Continental Shelf, or OCS, moratoria. After all, why would anyone conduct an inventory unless they have the intention to drill if resources are found? ''Inventory'' is just bureaucratic-speak for an open door to drilling off of our coast.

I have long fought to maintain the bipartisan, two-decades-old moratorium on drilling on the Outer Continental Shelf. Any drilling, or even the threat of drilling, poses a real threat to the New Jersey environment, economy, and way of life. Drilling would leave the New Jersey coast and its waters vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

The environmental effects of an ecological disaster know no State boundaries. Oil spills are not fleeting environmental sound bites. These accidents linger for years, causing sustained environmental harm.

In addition, coastal tourism is our second largest industry. It generates more than $31 billion in spending, directly and indirectly and supports more than 836,000 jobs; more than 20 percent of total State employment. Coastal tourism in New Jersey generates more than $16.6 billion in wages and brings in more than $5.5 billion in tax revenues to the State.

New Jersey already holds its own in supporting energy production and refining. We have three nuclear power plants. We are the East Coast hub for oil refining.

We are growing our energy business, but exploiting our shore is a step we refuse to take.

This is not just an issue for my State. Protecting the moratoria on drilling is important to maintaining the integrity of the coastline of the United States. Allowing drilling in anyone area affects all the surrounding areas. Tides move across State borders. Fisheries and fish do not recognize State borders. This issue affects us all, and we must protect the integrity of the moratoria at all costs.

The inventory is not only dangerous because it starts us on the slippery slope towards drilling, but also because the methods used to conduct the inventory, including seismic surveys, can disrupt marine ecosystems and damage our local fisheries.

Dr. Chris Clark, Director of the Bioacoustics Research Program at Cornell

University, has called seismic testing ''the most severe acoustic insult to the marine environment . . . short of naval warfare.'' The impulses from the explosive shock waves used have been shown to cause harm to many species of marine life and have been equated with exploratory dynamite. It is not only dangerous but also costly. The inventory is estimated to cost U.S. taxpayers $1 billion.

There is no need to conduct an invasive, environmentally harmful inventory when the Minerals Management Service already provides an estimate of oil and natural gas reserves in the Outer Continental Shelf.

The MMS estimate is noninvasive and does not harm the environment. So I say to my colleagues, we have no need for a seismic inventory—we already know about the resources off our shores.

According to the most recent study, the resources are few and far between. In fact, the MMS estimated that the Atlantic contains only eight percent of the Nation's undiscovered natural gas. In addition, in 2000, the MMS estimated the entire Mid-Atlantic region only contains 196 million barrels of oil, enough to last the country barely 10 days.

Why would any east coast State want to risk their coastal economies for another inventory when we already know what's out there? Ten days worth of oil will do nothing to reduce U.S. dependence on foreign oil.

This administration already has a reputation for threatening the moratoria. On May 31, 2001, the Minerals Management Service released a request for proposals to conduct a study of the environmental impacts of drilling in the Atlantic. The stated purpose of the study was to examine ''areas with some reservoir potential, for example off the coast of New Jersey, and in the area formerly known as the Manteo Unit off North Carolina . . . in anticipation of managing the exploitation of potential and proven reserves.''

Allow me to repeat that last part. The study was ''in anticipation of managing the exploitation of potential and proven reserves.''

Needless to say, the request created quite an uproar in my State. One local headline read, ''Specter of drilling offshore is back, angering Jersey.'' New Jerseyans were outraged, as were the members of the New Jersey delegation here in Washington. My colleagues and I urged the administration to rescind the request, and were successful. But the threat still lingers, and this inventory will be the beginning of the unraveling of the moratoria and the eventual drilling off the New Jersey shores.

Past congresses and Presidents have ruled out Atlantic drilling for years, and we are not going to allow it now. American taxpayers should not have to pay for studies that amount to nothing more than oil industry fantasies.

I urge my colleagues to vote for this amendment so that we can protect our Nation's precious coastlines and ocean waters.

The PRESIDING OFFICER. Who yields time to the Senator from North Carolina?

Mr. MARTINEZ. I am happy to yield to the Senator from North Carolina 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mrs. DOLE. Mr. President, since 1993 a moratorium has been in place on oil and gas exploration off the coast of North Carolina, thus protecting vital coastal areas from drilling. This moratorium has provided a much needed boost to our coastal economy and my entire State.

Each year, thousands of families flock to North Carolina beaches to enjoy the sun, dip in the cool waters, and spend time with family and friends. Visitors provide much needed tourism dollars that create and sustain jobs. This moratorium has worked.

Only 2 years ago, I helped lead the successful effort to stop an attempt to lift the moratorium on oil and gas exploration off the coast of North Carolina and many other States. Yet here we are, once again, confronting the same proposal to undermine the moratorium and open new areas of the Outer Continental Shelf to oil and gas development.

I am proud to join a bipartisan group of my colleagues in offering an amendment to strike a provision in the Energy bill that exposes currently restricted environmentally sensitive coastal areas to oil and gas exploration. I especially thank my friend and colleague, Senator MEL MARTINEZ, for his true leadership on this issue in his first year in the Senate.

There is no question that now more than ever we must work to end our dependence on foreign oil. But we cannot do so by ignoring the wishes and economic needs of the majority of the people of North Carolina and many other coastal States that oppose this exploration. Exploring off our coast would endanger North Carolina's booming tourism industry, a true economic engine of my State. According to the North Carolina Department of Commerce, tourism is one of North Carolina's largest industries, supporting nearly 183,000 jobs. Tourism remains strong despite declines in other important North Carolina industries, such as textiles, furniture manufacturing, and fiber optics.

While nationwide the tourism volume increased by less than 1 percent after the tragedy of September 11, North Carolina saw a 3-percent increase in its visitors, a real testament to the draw of our coastal areas. Last year, some 49 million visitors traveled to North Carolina making it the eighth most popular State tourist destination in the country. Tourists spent $13.2 billion across the State, generating more than $1.1 billion in Federal revenue and over $1.1 billion in State and local tax revenue.

We have been told not to worry, all their talking about is an inventory. But there are two problems with this argument. The experts say inventorying itself will damage these environmentally sensitive areas. And why would we inventory an area we do not plan to later drill? The proposed inventory would be harmful to marine habitat and the fishing industry because it requires seismic surveys involving repetitive explosions in the water that send loud acoustic pulses through the water and into the sea floor. Scientists are concerned that these sounds kill fish and disturb whales, causing whales to swim onto the beach and die.

Advocates for an inventory label it solely as information gathering. But we already know where resources are located along our coast from data gathered by the Department of the Interior. Why, then, should our State be asked to risk environmental damage to our coastal areas for resources that are under moratoria and not even accessible for development? The potential physical price of exploration and subsequent drilling, polluted beaches, disrupted marine ecosystems, lost tourism, speaks to the heart of the issue. Any exploration off our coast is bad for tourism and is bad for North Carolina.

I ask unanimous consent for 2 additional minutes from Senator NELSON's time.

Mr. DOMENICI. This time agreement, if I were to ask to yield additional time beyond that which we have for Senators, what would I be moving up against in terms of putting the Senate in some kind of a problem?

The PRESIDING OFFICER. We have a vote scheduled at 11 o'clock and a recess at 11:30.

Mr. DOMENICI. How many more Senators are supposed to speak on this issue?

The PRESIDING OFFICER. Six.

Mr. DOMENICI. Each of them have how much time?

The PRESIDING OFFICER. Each have 7 minutes 50 seconds.

Mr. DOMENICI. I am sorry, Senator.

Mrs. DOLE. I understand Senator NELSON is willing to yield 4 minutes of his time.

Mr. DOMENICI. I ask unanimous consent it be in order that Senator NELSON yield 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mrs. DOLE. Mr. President, as an editorial in the Charlotte Observer on March 31 of this year explains, a drilling accident threatens everything North Carolinians hold dear about the coast—the beaches, the ocean water, the thin fish and shell fish, the pelicans and pipers, the marsh grass and live oaks.

Allowing drilling off the coast of the Carolinas, in an area of the Atlantic that has some of the roughest weather in the world, is foolish. I agree, indeed, it would be foolish. It is detrimental to

those who live, work, and visit our coastal communities. It is detrimental to my entire State.

In conclusion, let me wrap up quickly and say, once again, the majority of folks in North Carolina are opposed to this drilling. That is why I am again proud to be a strong voice for my State in fighting any effort to open up the Outer Continental Shelf to oil and gas exploration.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I be permitted to address the Senator for 30 seconds without being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, my fellow Senators, we have heard the Chair announce we will have a vote that is set. The Senators have time to speak, so they should get down here and speak. We have Senator LANDRIEU, Senator BINGAMAN, the distinguished majority leader—although he can take time off his own time.

For any who have remaining time agreed to, it would serve their purpose if they would use their time because the time will run against them. I am not going to yield. I have only 7½ or 8 minutes in opposition. I cannot yield.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise as a cosponsor of the Nelson-Martinez amendment, which would remove from the energy bill language that threatens decades-old Congressional and Executive Branch protections of sensitive coastal areas.

Protecting our Nation's fragile coasts is vitally important to my State's economy. On the west coast of Washington, the livelihoods of many rural communities depend on fishing, tourism, and shellfish farming. These multi-million dollar industries depend on clean water and pristine coastlines.

In addition, the U.S. has entered into numerous treaties with coastal Indian tribes. Many of these treaties guarantee tribal fishing and shellfishing harvesting rights. We cannot set in motion a process that could damage these tribes' ways of life, or allow any potential abrogation of our Nation's trust responsibilities.

Over the last several years, Washington State has been a leader in protecting sensitive marine areas. We worked closely with the National Atmospheric and Oceanic Administration to establish the Olympic Coast National Marine Sanctuary, which encompasses most of the waters off of the northwest coast of Washington. The sanctuary is home to hundreds of species including marine mammals.

These mammals include the majestic Orca whale, whose 20 percent population decline over the past decade triggered a depleted listing under the Marine Mammal Protection Act and may lead to a threatened listing under the Endangered Species Act. I am very concerned that the exploratory activities allowed under the Senate Energy Bill could further harm this important symbol of the Northwest.

There are those who argue that a mere inventory of off-shore oil and gas supplies would do no harm. But I would ask my colleagues to consider emerging scientific evidence related to seismic technology used to conduct these surveys. Studies have suggested that these techniques are more invasive than originally believed—particularly when it comes to their acoustic disruption of marine ecosystems. Potential interference with the sensory capacities of marine mammals may jeopardize fundamental activities such as foraging for food, avoiding predators, and caring for young.

Moreover, many coastal residents of my State still shudder when they recall the thick carpets of oil, hundreds of dead birds, and great shards of oil-blackened timber that followed a 1989 oil spill off Grays Harbor. That disaster stained over 300 miles of coastline. An oil well blow out could be many times worse.

While some argue that this is simply a study, my response is that we should not spend millions of taxpayer dollars to study something we know we do not want to do. My constituents have told me they will not accept drilling rigs off the coast of communities like Willapa Bay, Neah Bay, or the mouth of the Columbia River.

There is an important question here. Where is it appropriate to drill, and where is it inappropriate? I agree with many of the Senators who have cited our Nation's growing need for more natural gas supplies. While I fully recognize this challenge, according to the EIA and MMS, the potential supplies off the coast of Washington are dwarfed by at least 32 trillion cubic feet of natural gas that we know already exists in Alaskan fields.

That is gas that is currently being pumped back into the ground, and it is the reason we need to expedite the construction of a pipeline from Alaska's North Slope to the lower 48 States. Building this pipeline would provide years of domestic gas supply, create thousands of jobs, and provide a huge opportunity for the steel industry.

The Pew Oceans Commission has highlighted the fragility of our oceans and coastal resources and recommended we look at our oceans in a holistic manner—not through the narrow lens of oil and gas production but to look at the overall benefits provided by the oceans.

I think the commission's findings confirm the need to reject any provision that moves us towards future oil and gas drilling in National Marine Sanctuaries or off the coasts of protected federally owned national parks and wildlife refuges.

I encourage my colleagues to vote for the amendment.

I thank the Senators from Florida for their leadership on this important issue.

Mr. DODD. Mr. President, I am pleased to join my colleagues from Florida, Senator NELSON and Senator MARTINEZ, as a cosponsor of their amendment to strike the OCS inventory language from the Energy bill.

I want to commend Senator DOMENICI and Senator BINGAMAN for working hard to craft a bipartisan bill, but I have a number of concerns with it, including the OCS inventory language.

Since 1982, Congress and the Executive branch have prohibited new offshore leases in the OCS. The moratoria began with California and was expanded to include the rest of the west coast, Georges Bank, New England, the mid-Atlantic, part of the eastern Gulf, and portions of Alaska. Both President George H. W. Bush and President Clinton upheld the OCS moratoria.

Let us be very clear. While an inventory sounds benign, it is a costly endeavor that will cause irreparable harm to our coastal waters and set us on a slippery slope to drilling and exploration in these environmentally sensitive areas. Why else would the Federal Government propose to spend nearly $1 billion to conduct seismic drilling activities if it did not intend to go forward with further coastal exploration? To suggest otherwise strains credulity. Further, nowhere in the underlying bill does it say how the Federal Government is going to pay for this $1 billion inventory. I contend that there are better ways to invest $1 billion—health care, education, infrastructure improvements, energy efficient technology, and renewable resources come immediately to mind, than on a misguided attempt to open our coastal areas to oil and gas exploration.

As I mentioned, conducting an inventory would entail seismic drilling that would have a ripple effect up and down our coastline. We already know that this type of activity has a devastating impact on marine life, including whales.

I am concerned that any seismic drilling or other similar activities along the North Atlantic and mid-Atlantic coast would have a tremendous negative impact on the health and well-being of Long Island Sound and the coastal areas of Connecticut.

Long Island Sound is an estuary of national significance with not one, but two openings to the sea. It is bordered by Connecticut and New York, running 110 miles long and 21 miles across at its widest. More than 8 million people live and vacation on or around Long Island Sound. Connecticut and New York have already spent millions of dollars and dedicated millions more to restore the health of the Long Island Sound ecosystem. A healthy habitat ensures a prosperous recreational and commercial fishing industry, boating, swimming, and an overall thriving tourism industry. Long Island Sound provides an economic benefit of more than $5 billion to the regional economy.

Therefore, I am deeply concerned that any attempt to inventory the OCS

or begin future oil and gas exploration in the Atlantic would cause irreparable harm to Long Island Sound and the State of Connecticut. I therefore strongly support the Nelson-Martinez amendment and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent I be allowed to speak for 2 minutes of the allotted time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MARTINEZ. Mr. President, an issue not discussed so far in this debate is the fact that we tried mightily to find a reasonable compromise that would allow for there to be exploratory inventorying of those areas which wanted it, while allowing States like Florida to opt out of such an inventory.

As we entered into those negotiations, it was unfortunate we were not able to seek common ground or find a way in which we could resolve it. The unfortunate issue arises that it is difficult to draw these State boundaries in a way that allows Florida to protect not only its coast but those that are adjacent to neighboring States. So as we went through this exercise, it was unfortunate we could not find that reasonable common ground that would have allowed us to reach a compromise.

Unfortunately, now Florida is in the peculiar position, as is North Carolina, that we have no option but to object to the entirety of this provision in the bill in order to protect Florida from the exploration or the inventorying. There is no question that inventorying is a precursor to drilling, to exploration.

In Florida, we have had for many years a moratorium on drilling. This moratorium will extend until the year 2012. It is a moratorium that has been not only observed but it has been implemented by President Bush, President Clinton, as well as by our current President. So there has been a compact, an understanding, a reasoned understanding that Floridians do not want this taking place off their shores—just as North Carolinians do not want it. We should have the opportunity not to interfere in our own States' coastline if we do not wish to have it.

Right now, we would have no such option. There would be no opportunity to opt out, and we would have only to acquiesce to inventorying off the shores of Florida which, frankly, cannot be drilled upon because of the current and pending moratorium.

How much time remains?

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand, according to the unanimous consent agreement, I now have 10 minutes to speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator has 7 minutes 15 seconds.

Ms. LANDRIEU. Thank you, Mr. President. I will take all 7 minutes 15 seconds to talk about this important amendment.

I do so much respect a lot of what has been said on the floor of the Senate by my colleagues from Florida and New Jersey about their feelings about offshore drilling. Of course, we have different feelings about that in Louisiana, and our experience leads us to different conclusions. But that is not really the subject of this amendment, which is why I have come to the floor to speak in opposition to this amendment.

This is not a drilling amendment. This is a security amendment. This is a good stewardship amendment. This is a commonsense amendment. The people of the United States—all 240-plus million people who live in this Nation—depend on us—us right here—to give them good information about their country, about their land, about their water, about their oceans, about their resources. They depend on us to tell them the truth, not to hide things from them, not to pretend we have things when we do not or say we do not have things when we do.

That is all the amendment the Senators from New Mexico—both Senators, the chairman and the ranking member—have put in the underlying bill, with support from Democrats and Republicans, with a good vote from Republicans and Democrats on the committee, to put in this bill simply a direction for our agency, the Minerals Management Service of the Department of Interior, to do an inventory so the American public can understand how much oil, how much gas, how many other resources we might have on the Outer Continental Shelf.

No. 1, this is not a small piece of land or territory. It is 200 miles basically out from our coast, a ring around the Nation. If you took the OCS, which is 1.67 billion acres of land, and laid it over the map of the United States, it would be from the Mississippi River to the Pacific Coast. It is a huge asset owned not by the Senators, not by the House of Representatives, not by the Governors, it is owned by the American people. They have a right to know what resources are there for them should they need them, should they want to use them as good stewards—not as exploiters, not as destroyers, but as good stewards.

We are engaged in a war. We have had a strike against this Nation from terrorists who have all sorts of vile intentions against our Nation.

The price of oil is at $58 a barrel this week. Gas is at a record high. We do not know when or if there will be another terrorist attack, but in the event there is some problem—more problems than we have today because we have some, obviously—when the country may have to draw on resources on the Outer Continental Shelf—it may either be because of an emergency or because of economic necessity—we most certainly would like to know what is there so we can make a good decision. That is basically all this underlying bill does.

So I know my colleagues have different views about drilling and where drilling should be and whether we should drill, but this is not the amendment. This is not the attack point. You would want to talk about drilling when we get to it. This is about an inventory, a resource assessment of what is owned by the American people for their deliberate thought about what should be done either now or in the short-term future or in the long-term future of this Nation.

I urge all of us to vote against this amendment that would strip out this commonsense approach to letting the American people know what they own so they can make, and we all can make, good decisions about whether to use those resources, when to use those resources, or decide never to tap into those resources. But those good, commonsense decisions cannot even be made unless we know what we have.

The good leadership of both Senators from New Mexico is leading us to give the American people a full accounting. I come to the Senate floor this morning to say that I strongly support this underlying measure, and I thank them for their leadership. I urge my colleagues on the Democratic side, as well as my Republican colleagues, to hold to this commonsense inventory of our Outer Continental Shelf.

Mr. President, I ask unanimous consent that the following data be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INVENTORY/SEISMIC

Conducting seismic surveys would provide MMS with a valuable tool to help predict where resources may lie beneath the ocean floor and help inform the American public as to the nature and value of these resources. The inventory language does not eliminate existing moratoria or expand OCS access and the seismic surveys described in the inventory language do not constitute ''actual exploration.''

Industry has co-existed with the marine environment for decades. In the Gulf of Mexico, new marine ecosystems have been created—and are thriving—as a result of offshore operations. Scientific research has not shown that seismic activities harm sperm whales or other marine mammal species. In it's 2004 report, ''Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects'', the National Research Council concluded that ''no scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population.''

However, MMS has implemented general instructions, including mitigation measures in deepwater, to minimize any possible effects of seismic surveys on marine species. Some of these measures include placement of trained visual observers on seismic vessels; immediate shutdown if a whale is sighted within the vicinity of seismic sources; and start-up procedures that require the immediate vicinity to be clear of any animals before activities can proceed.

Annual appropriations moratoria, not cost, have prohibited MMS from conducting any

leasing or related activities in these areas for decades. Any costs must be weighed against the benefits to the nation of understanding the value and nature of its offshore resources.

Under the OCS Lands Act, Congress found a serious lack of adequate basic energy information regarding OCS resources and an urgent need for this information. Congress noted that this information is ''essential to the national security of the United States'' and directed the Secretary of the Interior to maintain an inventory of the Nation's OCS undiscovered energy resources as well as its discovered reserves. Using sophisticated seismic technologies is key to ensuring accurate resource estimates.

EFFECTS OF SEISMIC SURVEYS ON WHALES AND DOLPHINS

1. Environmental groups suggest sounds from seismic surveys are a big problem for whales and dolphins.

This allegation is not supported by the science:

Final Programmatic Environmental Assessment (November, 2004). Geological and Geophysical Exploration for Mineral Resources on the Gulf of Mexico Outer Continental Shelf;

U.S. Department of Interior—Minerals Management Service (MMS 2004–054). Conclusions: Finding of No Significant Impact (FONSI);

Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects 2004 National Research Council: ''No scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population.''

This allegation is not supported by global experience:

No physical harm to whales or dolphins has ever been seen or shown as a result of industry seismic operations.

2. Significant effort is made to ensure seismic operations do not cause harm.

Careful assessment of the environment and possible impacts from seismic operations are undertaken in advance of operations.

A balanced, protective approach is applied when science cannot provide certainty.

As an example, operational modifications are made to provide added protection: Monitoring for the presence of animals of concern; Shutdown or no start-up when they are too close; Slow, gradual ramp-up of operations just in case.

More aggressive operational modifications are made when warranted (e.g. operating in more sensitive areas).

3. Industry continues to spend millions of dollars annually on research in this area: Base line biological knowledge; Accurate assessment of potential impacts; Improving operational modifications.

4. Concern for whales and dolphins should be focused on the true threat: fishing by-catch mortalities (deaths from entanglement in nets and other fishing gear).

WWF just issued an estimate of daily mortality due to fishing by-catch (June 9, 2005 press release): ''Almost 1,000 whales, dolphins and porpoises die every day in nets and fishing gear. Some species are being pushed to the brink of extinction.'' www.cetaceanbycatch.org

WILL SEISMIC SURVEYS HARM RIGHT AND HUMPBACK WHALES?

If environmental groups say no to a limited lifting of the moratoria off the Eastern Seaboard because it is home to endangered Right and Humpback Whales, the following points should be considered in the debate:

The biggest threat to both are from ship strikes and entanglement in fishing gear, not sounds from seismic exploration.

The seasonal migration of both species is well known and documented (they go south for the winter).

Seismic operations can easily be conducted in the seasons when the animals are away.

Ms. LANDRIEU. Mr. President, I yield back the floor but reserve my time.

The PRESIDING OFFICER. Who yields time?

Time is equally charged to both sides if no one yields time.

Mr. DOMENICI. Mr. President, I assume the time is going to be charged proportionately against all the remaining speakers?

The PRESIDING OFFICER. Time will be equally charged against each side if no one yields time.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Do we need a quorum call for that to occur?

The PRESIDING OFFICER. No. That occurs without a quorum call.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I have been yielded 4 minutes of Senator BINGAMAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, we are talking today about whether to find out how much natural gas we have offshore. Let me try to put that in personal terms. In the mountains of east Tennessee, we have a company, Tennessee Eastman. Mr. President, 10,000, 12,000 jobs are there. They have been good-paying jobs for several generations. They make chemicals at Eastman Chemical. Their raw material is natural gas. The cost of that gas has gone from the lowest in the world to the highest in the world. If it stays that way, those jobs will not be in Tennessee; they will be moving overseas.

There are 1 million blue-collar manufacturing jobs in America in the chemical industry that depend on natural gas for a raw material. We must lower the price of natural gas. We can do it by conservation. That is in the Domenici-Bingaman bill we are considering. We can do it by nuclear power, which we need to accelerate. Support for that is in the Domenici bill. We can do it someday, we hope, by coal gasification.

But right now we have $7 gas, the highest in the industrial world, we are building all our new powerplants for natural gas, and we are refusing to find out how much natural gas we have offshore to supply more and reduce the price. So we have farmers who are taking a pay cut, homeowners who cannot heat and cool their homes, we have blue-collar workers across this country who are going to have their jobs shifted overseas, and what we are saying is we do not even want to know how much gas we have.

We can have a later debate about whether to give more States the option, as Texas does, as Louisiana does, as Alabama does, to drill for oil and gas. You can do it today 20 miles offshore. You will never see it. It is environmentally clean. That is not the debate here today.

The debate today—and the Presiding Officer brought it up last year—if we are in a crisis on natural gas, if we have jobs moving overseas, why don't we want to know how much natural gas we have?

So I hope we will oppose this amendment and support the Domenici-Bingaman legislation, which puts us on a path toward a low-carbon production of energy plan for our future. It is an essential part of that. I hope we defeat the amendment and support the Domenici-Bingaman legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to oppose the amendment to strike the Outer Continental Shelf inventory provision. During committee consideration of the bill, I supported adding this provision which requires a comprehensive survey of OCS oil and gas resources. I continue to support the provision. These resources belong to the entire Nation. I believe it is useful for us to know the extent of the oil and gas resources underlying the OCS.

It is important to note what the underlying provision does not do. The provision does not modify or rescind any moratorium. The provision does not allow drilling in any area that is covered by a moratorium. The provision does, however, provide for the development of important data and information about our energy resources. The language in the bill is identical to a provision that was approved in the Energy Committee during the last Congress, and the Senate rejected efforts to strike the language then. I hope we will have the same outcome on this issue in this Congress.

I oppose the amendment. I encourage my colleagues to oppose it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I appreciate the support of Senator BINGAMAN.

The Energy and Natural Resources Committee included the language which is going to be stricken if the amendment passes. I urge the Senate not to strike the language. All Americans today are looking at the gas pump. They are seeing the price. The average price in the United States is $2.13. That means something. They go home and they wonder about it. They ask questions: What are we going to do about it?

Americans should know that not at the gas pump but out there across the land there is another phenomenon occurring. That is the terrific increase in the price of natural gas, this marvelous product that years ago we didn't think we had very much of, and then we started finding it. All of a sudden we

thought we had an amount which we would never run out of. So we started putting it in the big powerplants because it is clean. We pumped it in by the trillions of cubic feet to produce electricity.

Now, all of a sudden the price is going up because demand has gone up dramatically. It has increased 300 percent in a short period of time. It is predicted, if something doesn't happen, the price could go as high as $13; today it is only $7. It was at one time down in the neighborhood of $1.50 or $2. That means if it continues to go up, we will have no fertilizer business in America. We will have no chemical business in America. Natural gas, which we use in our powerplants, will begin to run out. We are using it for all kinds of purposes. Then we will understand. We don't understand it right now.

All we are saying is, America, out there in the ocean, 200 miles, you can put these drilling platforms—I flew out and landed on one—you can put them out there. People have seen them on television. They are absolutely tremendous technological feats. There is no pollution. Nothing happens except 10 or 12 wells are drilled, this valuable resource that we own comes up, and we use it.

We thought it was very important for our citizens to know how much natural gas or crude oil exists out there. Nothing is going to happen to the States. Nothing is being changed versus the States. The moratoria exist. If we brought a moratoria amendment up here and said, lift the moratorium on Florida, it would lose. The bill would die. A filibuster would occur.

We are not asking for that. As a matter of fact, the bill says you can't even drill to determine the assets that America owns. It will be done by new, modern technology, seismic and otherwise, that in a few years will say to America, through Congress, to the President—and it will be a truthful, full disclosure, a transparency—America, if you have a problem, you have some alternatives. You can import natural gas in big ships that will bring it over here in a liquefied manner. We will still be paying foreign countries for it. We don't know if the price will come down. We don't know if they will have a cartel. They don't now. But if I were them, they are not subject to any national laws of ours, they could form a cartel. Natural gas could keep going up. We would keep importing it.

I can tell the American people, if we have this asset out there and some State thinks that maybe we ought to drill, or the United States of America believes we are throttled, we ought to know what is there. That is all. Some decision can be made in the future.

I say to my fellow Senators, please understand, this is not a proposal to change any moratoria. This is not a proposal to harm the State of Florida. We compliment the distinguished Senators, Mr. MARTINEZ and Mr. NELSON, who have argued eloquently on behalf of their State. Senator DOLE has been here. The Senator from New Jersey has been here. We recognize all of them.

Did Senator BINGAMAN have any time remaining?

The PRESIDING OFFICER. Senator BINGAMAN has 30 seconds remaining.

Mr. BINGAMAN. Senator DOMENICI may have my 30 seconds.

Mr. DOMENICI. I yield myself 30 seconds.

What we are asking is nothing more, nothing less than on behalf of the American people, let the experts go out and find out how much is there. In a rather superficial way, without having ever done the real seismic work, we have an idea of what is there, across the circle around America that has been described so eloquently by Senator LANDRIEU. We know somewhat what is there. But we don't know with any kind of assurance. We need that. That is what the amendment is about.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I tell the Senator, the distinguished chairman of the committee, we already know what is out there.

Mr. DOMENICI. Mr. President, is not a vote in order at this time?

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. NELSON of Florida. Mr. President, again, I tell the Senator that we already know what is out there. In fact, the MMS does an inventory every 5 years. Here is the latest one. This is a 2003 update. The new one will come out this summer, in 2005. So we are not doing an inventory here as it is explained. What we are doing under this bill is doing something new. We are doing seismic explosions that could cost the Federal Government, in all of the Outer Continental Shelf, up to a billion dollars.

Seismic explosions. These air guns shoot air pressure all the way to the surface of the ocean floor. Now, that is what we are trying to stop. Since we know what is there—and they drilled several dry holes in the eastern Gulf of Mexico, off Florida. We know there is not any oil and gas there. They want to do a new type of exploration. Yet this is in a moratorium. So if it is in a moratorium until the year 2012, why are we going to allow, under this bill, going out and doing seismic explosions in the Outer Continental Shelf all around the United States? It makes no sense.

What it is is the first step to drilling. It is the proverbial camel's nose under the tent. Once he gets his nose under the tent, the camel is going to get in the tent, the tent is going to collapse, and there is going to be drilling all off the coast of Florida, all off the eastern seaboard and all off the western Pacific coastline.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. MARTINEZ, is recognized.

Mr. MARTINEZ. Mr. President, my understanding is that I have one minute to close.

The PRESIDING OFFICER. That time has expired.

Mr. MARTINEZ. I ask unanimous consent for 1 minute to close on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I simply want to note that I am very appreciative of the chairman and ranking member of the committee where I have had the pleasure of working. I believe this is a great and good bill. I want to take this one little provision out that would do so much harm to the people of Florida and would be potentially invasive to our future. I want to remove it so that we can continue forward with this good bill.

I believe, without question, the issue here is not just about these inventories but about future drilling. We cannot drill ourselves to energy sufficiency by what we might find in the Gulf of Mexico.

I urge my colleagues to vote for this amendment so we can take out this one piece of the bill, and the bill can be a successful bill. Then we can go into conference and provide an energy future for our country that is desperately needed. There are many things I want to vote for in the bill. I continue to be greatly concerned about not just an inventory but about where that path would lead. This is not only for the people of Florida but many other coastal Senators have expressed themselves as this being in the best interests of many of our States. I yield back my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—44

Akaka	Dodd	Levin
Bayh	Dole	Lieberman
Biden	Durbin	Martinez
Boxer	Feingold	McCain
Burr	Feinstein	Mikulski
Cantwell	Graham	Murray
Chafee	Harkin	Nelson (FL)
Clinton	Inouye	Obama
Coleman	Jeffords	Reed
Collins	Kennedy	Reid
Corzine	Kohl	Rockefeller
Dayton	Lautenberg	Sarbanes
DeMint	Leahy	

Schumer	Snowe	Sununu
Smith	Stabenow	Wyden

NAYS—52

Alexander	Crapo	McConnell
Allard	DeWine	Murkowski
Allen	Domenici	Nelson (NE)
Baucus	Ensign	Pryor
Bennett	Enzi	Roberts
Bingaman	Frist	Salazar
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Specter
Byrd	Hutchison	Stevens
Carper	Inhofe	Talent
Chambliss	Isakson	Thomas
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Conrad	Lincoln	Warner
Cornyn	Lott	
Craig	Lugar	

NOT VOTING—4

Dorgan	Kerry
Johnson	Thune

The amendment (No. 783) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DEWINE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 11:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I may be permitted to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 817

(Purpose: To provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protections for projects that employ advanced climate technologies or systems in the United States)

Mr. HAGEL. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS, proposes an amendment numbered 817.

Mr. HAGEL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is located in today's RECORD under ''Text of Amendments.'')

Mr. HAGEL. Mr. President, I understand under a previous agreement the Senator from Minnesota wishes to offer an amendment. I will withhold further comments until the Senator from Minnesota has had an opportunity to propose an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask that the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 790

Mr. DAYTON. I call up Senate amendment 790.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 790.

Mr. DAYTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that gasoline contain 10 percent ethanol by volume by 2015)

On page 159, after line 23, add the following:

SEC. 211. ETHANOL CONTENT OF GASOLINE.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) WASTE DERIVED ETHANOL.—The term ''waste derived ethanol'' means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(3) ETHANOL.—The term ''ethanol'' means cellulosic biomass ethanol and waste derived ethanol.

(b) RENEWABLE FUEL PROGRAM.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations ensuring that each gallon of gasoline sold or dispensed to consumers in the contiguous United States contains 10 percent ethanol by 2015.

Mr. DAYTON. Mr. President, we have been talking about the laudable goals of recycling, our Nation's dependency on foreign oil, and developing alternative sources of energy. The old saying goes, actions speak louder than words. Our current energy program and practices are taking this country in the opposite direction—toward increased imports of foreign oil.

Even with the renewable fuel standard in the Senate bill, which some want to eliminate, the projected gasoline consumption in our country will increase from 135 billion gallons this year to 168 billion gallons in 2012. That is a 26-percent increase in America's use of gasoline in just 7 years. At a time that worldwide demand is also expected to increase significantly, where we will get the increased supplies? How much will we have to pay for them?

As my colleague, Senator CANTWELL from Washington State, courageously warned last week, even with the adoption of the Senate's renewable fuel standard, our imports of foreign oil would increase from 59 percent currently to 62 percent in 2012. Without adopting the Senate renewable fuel standard, our oil imports would be over 67 percent in just 7 years.

Taking yesterday's world price for oil, which was over $59 a barrel, we will spend $220 billion this year for foreign imports of oil, and we would spend $243 billion in 2012, even with the renewable fuel standard. Anyone who believes the world price of oil in 2012 will not be higher than it is today is beyond optimistic.

Of course, if we can continue to get all the oil we need at today's prices or lower, we would have no need to develop alternatives. That has been our national energy strategy today. People say we do not have an energy policy. I respectfully disagree. Our policy has been and continues to be to maintain the status quo for as long as possible. We continue to depend almost entirely upon oil and oil products, natural gas and its products, coal, nuclear, and hydroelectric power for over 97 percent of our total energy needs nationwide, just as we did in 1970 before our so-called energy crisis began.

The so-called alternative fuels provided less than 2 percent of our country's energy in 1970. They provide less than 3 percent today. None of them are likely to provide significantly more of our total supply 10 or even 20 years from now except for ethanol and other biofuels such as biodiesel. That is why we do not see full-page ads attacking solar, wind, or geothermal energy by the Petroleum Institute or other major energy sources, because they know the alternatives are no threat to replace them anytime soon.

The only alternative source of energy the American Petroleum Institute is attacking is ethanol. Why is that huge industry, oil and gas special interest, spreading misinformation about a business competitor? Because they recognize that ethanol has the ability—not just potential but the ability now, not 10, 20, or 40 years from now but right now—to replace gasoline, to replace not just MTBE, the—3 percent additive to regular gasoline, but to replace the gasoline itself.

I know that from my own experience driving a Ford Explorer that has run on a blend of 85 percent ethanol and 15 percent gasoline all over Minnesota during the past 3 years. My Senate office leased a van that has run on the 85 percent fuel for the last 4 years. Both vehicles have factory-made flexible-fuel engines which can run on the 85-

percent ethanol or on regular unleaded gasoline or any mixture of the two. However, for the past 9 years, every car, SUV, or pickup truck in Minnesota has run on a blend of 90 percent gasoline and 10 percent ethanol.

The courageous Republican Governor, Arne Carlson, and the Minnesota Legislature passed a 10-percent ethanol mandate law. Back then, the oil and gas industries tried the same scare tactics they are using on Capitol Hill now: More ethanol will be prohibitively expensive, unsafe, and unreliable. But for the last 9 years, every motorist in Minnesota has put a gasoline containing 10 percent ethanol into every vehicle at every service station with no problems and at prices that are lower than our neighboring States. Just 2 weeks ago, I bought E85 fuel in 11 Minnesota cities at prices ranging from 25 to 70 cents a gallon less than regular unleaded gasoline. Unleaded gas costs between $1.90 and $2.05 a gallon and E85 between $1.35 and $1.65 a gallon.

I have introduced legislation that will require all of the gasoline-consuming cars, SUVs, and trucks sold in America after 2008 to have these flex-fuel engines which would give their owners the choice between ethanol and gasoline every time they fueled up. Every time, consumers could choose the lower priced option, and that consumer choice would provide healthy competition for both fuels.

Certainly there are other good reasons to buy ethanol instead of gasoline, such as putting that money into the pockets of American farmers rather than Arab sheiks or using a cleaner burning ethanol fuel that is better for engines and the environment. However, the automobile industry will not support such an engine requirement because not enough consumers ask for it or insist upon those flex-fuel engines, even though on most models there is no difference to consumers in the sticker price. Without consumer demand, most service stations do not yet carry E85 fuel.

When I visited Ford and General Motors plants recently to better understand their challenges and costs in designing, producing, and selling vehicles with flex-fuel engines, I told their engineer and executives that the transition to fleets with flex-fuel engines could only occur with their support, not over their opposition. After all, they make the engines, warranty them, and service them. I was greatly impressed with their success in designing and manufacturing those engines that can measure the ethanol content in a fuel tank from 0 to 85 percent and adjust the fuel intake and carburetor to burn a more dense 87 octane gasoline or a less dense 104 octane ethanol, or any blend of the two, and then produce the same acceleration efficiency and other performances from either fuel.

If E85, without its tax subsidies, now equivalent to 43 cents a gallon, and after accounting for its 15-percent fewer miles per gallon because of its lesser density, is still cheaper than regular unleaded gas, which it is at its current price in many parts of Minnesota, then savvy consumers, of whom there are now 100,000 in Minnesota, will decide they, too, are sick of ever higher and higher gasoline prices and they, too, want to take advantage of ethanol's lower cost and equal, if not better, performance in their engines. Then when consumers ask for and insist upon flex-fuel engines at no additional cost in the vehicles they buy, automobile manufacturers will produce them. A marketplace will drive that transition. My bill would accelerate it, but this Congress and this country are not yet ready for that conversion.

My other legislation, Senate amendment No. 790, would have an even greater impact on our country's energy independence, on reducing our imports of foreign oil, on putting more of that $220 billion we now send out of our country to import that foreign oil into our U.S. economy instead.

This bill would require that in 10 years, the rest of America would do what Minnesota has done for the past 9 years—require that every gallon of gasoline contain at least 10 percent ethanol. Right now, the nationwide use of ethanol is about 2.5 percent of gasoline. The Senate's renewable fuel standard in this bill would raise nationwide ethanol consumption to almost 5 percent of gasoline by 2012—an amount of gasoline which I said earlier is expected to be 26 percent more than what we are consuming this year nationwide.

For the gasoline that is refined from that oil, 62 percent of which would be imported foreign oil with our renewable fuel standard, replacing 5 percent of that gasoline with ethanol is real progress, but it is small progress. It is only half of what we could achieve by a 10-percent ethanol mandate nationwide. Ten percent of the 168 billion gallons of gasoline that Americans are projected to consume in 2012 would be 16.8 billion gallons of fuel. If gasoline remained at $2 a gallon, substituting ethanol for 10 percent would shift almost $34 billion each year from a nonrenewable fuel, over half of it foreign, to annually rely on American grown and American manufactured oil that could supply over half of all that oil and gasoline.

Now we see why the American Petroleum Institute is attacking ethanol and why, regrettably, it has convinced some of my Senate colleagues to do the same. I am deeply dismayed by accusations made in the Senate that I and other ethanol proponents are trying to foist some huge additional costs on American motorists in order to increase the profits of one company or to create some profits for our Midwestern farmers. I am beholden to no company or industry. I certainly support policies that benefit Minnesota farmers, but I would never, ever try to advance their economic interests at the expense of all other Americans.

Americans are almost certain to be plagued by higher energy prices in the years ahead. They do not deserve any congressional action that would cause those prices to go even higher. Americans do, however, want congressional leadership to redirect our country away from our continued reliance on the same energy sources—oil, natural gas, coal, and nuclear—and they know we cannot replace something with nothing.

It is true that conservation—using less energy—remains our best energy alternative. Individually and collectively, Americans will need to conserve more and consume less energy in the future. That conservation is essential, but it is not enough. If we are to reduce our national consumption of oil and oil products, we will have to replace them with something else. Electric cars, hydrogen cells, and hybrids may sound good, but they are years away from being able to replace gasoline. Ethanol can replace gasoline today.

Ethanol is cheaper than gasoline in Minnesota today. That may not yet be true on the west coast or the east coast due to transportation costs because most ethanol is transported in relatively small amounts by truck or by rail rather than in large quantities by pipelines.

A nationwide commitment to increased use of ethanol would involve developing a transportation system or, better yet, producing ethanol locally, as Minnesota farm co-ops are doing today.

Ethanol can be made from many different sources, including wood chips, corn stalks, organic garbage, and even animal waste. I will rejoice when California, New York, and other farmers and small business entrepreneurs begin to produce ethanol and sell it locally or regionally. They can make decent profits while still offering consumers lower fuel prices for cleaner burning fuels. If they fail to do so, consumers can continue to buy gasoline, but they will have a choice.

Again, none of this would be necessary if we could continue to get all the oil and gasoline we need at prices no higher than they are today. In the past, we have taken that gamble, and most of the time we have come out ahead. That is evidently what we will continue to do, despite the benefits of this legislation, even if those benefits survive a conference with the House and the administration and if they survive all the efforts to defeat them by the American Petroleum Institute and the other established energy interests because they will still make their profits, no matter how much their energy prices increase, as long as Americans have no alternatives.

They profit and the rest of us pay. That will not change unless we take action to change it. We cannot, and we will not, change our dependence on foreign oil or on any of our current energy sources by wishing them away or by making speeches about alternatives or by waiting for the next energy crisis to demand them. We have to take actions—and sustain those actions—to

make the transition to using significant amounts of other sources of energy and to use enough of them for long enough to enable new entrepreneurs and expanding businesses to produce those supplies, transport them, sell them, and service them.

There is no magic wand. There is no overnight cure. There is not even a guaranteed success. There is only the choice to try to maintain the same old energy supplies and pay for them or to develop real alternatives. Ethanol is ready now. And when America is ready, I will offer my amendments again.

AMENDMENT NO. 790 WITHDRAWN

Mr. President, I ask unanimous consent to withdraw amendment No. 790.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DAYTON. Mr. President, I yield the floor. I thank my colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 817

Mr. HAGEL. Mr. President, I rise today with my colleagues, Senators PRYOR, ALEXANDER, LANDRIEU, CRAIG, DOLE, MURKOWSKI, VOINOVICH, and STEVENS, to offer an amendment to H.R. 6, the Energy Policy Act of 2005.

This amendment incorporates two bills I introduced earlier this year, the Climate Change Technology Deployment Act and the Climate Change Technology Deployment in Developing Countries Act. Taken together, these bills propose a comprehensive, effective U.S. global climate change policy.

The climate change debate is not a debate about who is for or against the environment. No one wants dirty air, dirty water, prolonged drought or declining standards of living for their children or grandchildren. We all agree on the need for a clean environment and stable climate.

The debate is not about whether we should take action but, rather, what kind of action we should take. A sound energy policy must include sensible and effective climate policies reflecting the reality that strong economic growth and abundant clean energy supplies go hand in hand.

The amendment my colleagues and I are offering is comprehensive and practical. Bringing in the private sector, creating incentives for technological innovation, and enlisting developing countries as partners will all be critical to real progress on global climate policy. This amendment seeks to do exactly that, by authorizing new programs, policies, and incentives to reduce greenhouse gas intensity.

It focuses on expanding clean energy supplies, enhancing the role of technology, establishing partnerships between the public and private sectors and between the U.S. and developing countries. Innovation and technology are the building blocks for an effective and sustainable climate policy.

This amendment uses greenhouse gas intensity as a measure of success. Greenhouse gas intensity is the measurement of how efficiently a nation uses carbon-emitting fuels and technology in producing goods and services. It best captures the links between energy efficiency, economic development, and the environment.

The first section of this amendment supports establishing domestic public-private partnerships for demonstration projects that employ greenhouse gas intensity reduction technologies. These provisions are similar to those of title XIV of H.R. 6 but are tied more directly to climate policy. This plan provides credit-based financial assistance and investment protection for American businesses and projects that deploy advanced climate technologies and systems. Federal financial assistance includes direct loans, loan guarantees, standby interest coverage, and power production incentive payments.

We are most successful in confronting the most difficult and complicated issues when we draw on the strength of the private sector. Public-private partnerships meld together the institutional leverage of the Government with the innovation of industry.

This amendment directs the Secretary of Energy to lead an interagency process to develop and implement a national climate technology strategy developed by the White House Office of Science and Technology Policy. It establishes an executive branch Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund these projects.

The second section of this amendment provides the Secretary of State with new authority for coordinating assistance to developing countries for projects and technologies that reduce greenhouse gas intensity. Current international approaches to global climate change overlook the role of developing countries as part of either the problem or the solution. That is, at best, unrealistic and shortsighted.

According to the Congressional Research Service, China is already the world's second largest consumer of oil, with its demand projected to more than double over the next 25 years. It is estimated that coal-burning emissions by China alone, over the next 25 years, would be twice the emissions reductions that would be achieved if all nations that ratified the Kyoto Protocol met their obligations. China and other developing nations will not be able to achieve greenhouse gas reductions until they achieve higher standards of living. They lack clean energy technology, and they cannot absorb the economic impact of necessary changes to reduce emissions reductions. New policies will require recognition of the limitations of developing nations to meet these standards and the necessity of including them in future emission-reduction initiatives.

This amendment works with those limitations by supporting the development of a U.S. global climate strategy to expand the role of the private sector, develop public-private partnerships, and encourage the deployment of greenhouse gas intensity reducing technologies in developing countries.

Further, this amendment directs the Secretary of State to engage global climate change as a foreign policy issue. It directs the U.S. Trade Representative to identify trade-related barriers to the export of greenhouse gas intensity reducing technologies and establishes an interagency working group to promote the export of greenhouse gas intensity reducing technologies and practices from the United States.

Finally, the amendment authorizes fellowship and exchange programs for foreign officials to visit the United States and acquire the expertise and knowledge to reduce greenhouse gas intensity in their countries.

The action we take must be as comprehensive as possible in order to be effective in reducing international greenhouse gas emissions. That means any climate change initiatives we adopt must capture the links between energy use, the environment, and economic development in a global context.

Climate change does not recognize national borders. It is an international issue. It is a shared responsibility for all nations. Focusing on solutions that are too narrow may resolve one problem just to create or exacerbate another problem somewhere else in the world.

Consider, for example, the U.S. manufacturing sector. According to one recent study written for the National Association of Manufacturers, this sector accounts for some 15 million jobs in the United States, producing everything from semiconductors to food products. It is a cornerstone of our economy, and it is the largest consumer of energy in our country.

Rising energy costs and shrinking supply, especially of natural gas, are already a factor in the loss of U.S. manufacturing jobs today. These rising costs, in part a result of regulations and other self-imposed limitations, contribute to a less competitive position for U.S. companies around the world—just as the world economy is becoming increasingly more and more competitive.

Some of these companies are going out of business. Others are going offshore to locations with lower costs and more accessible energy sources. In the end, long-term success will come from stimulating increased energy efficiency and new lower carbon systems, not from actions that set up a system to continually constrain energy supplies.

There are viable policy options for protecting the environment without sacrificing economic performance in manufacturing and other sectors here in this country or in other nations. That will involve ensuring adequate supplies of energy at globally competitive prices. By promoting new energy supplies and clean energy technologies, we could potentially add millions of new jobs and improve our economic performance, as well as the economic

performance of all nations, increasing all standards of living across the globe, assuring more stability and secure living environments around the world, with less conflict, less war around the world.

At the same time, there are policies under discussion today that would restrict energy supplies either now or in the future. These policies would hurt our economic performance without necessarily improving environmental quality. Too often, such policies are considered in isolation of other real-life factors instead of comprehensively and internationally.

America's climate policy needs to be a comprehensive policy that captures the links between our energy use and our economic and environmental well-being. That will mean expanding the availability of cleaner fuels and improving the efficiency of our energy use and production through new technologies. Right now, fuel substitution possibilities are limited, and the rate of innovation is not fast enough to keep pace with our demand.

Natural gas supplies in the U.S. are constricted. No new nuclear powerplants have been constructed in many years. Renewables are promising but not at an adequate level of development for the needs of our growing dynamic economy.

Achieving reductions in greenhouse gas emissions is one of the more important challenges of our time. We recognize that. In developing a sound energy policy, however, America has an opportunity and a responsibility for global climate policy leadership. But it is a responsibility to be shared by all nations.

Mr. President, I look forward to working with my colleagues; the Bush administration, which has done a significant amount in dealing with this issue, especially in market-based, technology-driven projects; the private sector, from which innovation comes; the public interest groups that help focus our attention; and America's allies—American's allies—key to any achievable climate change policies. I look forward to working with all of these individuals, institutions, bodies, and nations to achieve a climate change policy that is workable, sustainable.

By harnessing our many strengths, we can help shape a worthy future for all people in the world.

I encourage my colleagues to review this amendment, and I ask for their consideration and support.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me say how proud I am to speak in behalf of and in favor of the climate change amendment we have just heard thoroughly explained by Senator HAGEL and to thank him and Senator PRYOR for joining in a bipartisan way to provide for us the underpinnings of a path forward on the issue of climate change and to meet both this Nation's and the global needs that are obvious when we talk about climate change and, in that context, economic progress.

In addition, this legislation will provide a sound basis for productive engagements with our friends and allies in sharing a need to cooperatively work literally around the globe on this issue. If we are talking about climate change, we are not talking about it only in the United States. It is literally the climate of the world we are talking about and a concern about those elements that are introduced by man into the environment that make the change or could make the change.

An essential element in this legislation is an active engagement of developing countries. My views on this point are not new, but I do believe they are worth repeating as we begin this important debate on national energy policy and as we step into the arena of climate change.

Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources and meet their needs for their people. For too long, the climate policy debate has been about fixing and assigning blame and inflicting pain. This is most harmful. It is counterproductive. When the climate change community said to the world, save the world by turning out your lights and turning off your economies, the world in large part said: Wait a moment. We don't think we can do that. We have to look at this issue differently.

Our best technological advances, our research activities, all are focusing on how we become cleaner. And as we become cleaner, we immediately provide and send that technology to the world, and we meet their needs while they grow and develop and provide for their own people.

Senator HAGEL, Senator PRYOR, and those of us who support this amendment have made it clear that there are important issues we ought to be about when we talk about climate change. Above all, this legislation is a true acknowledgment that climate variability and change is a top priority of the United States and of all nations, and we have not shirked from that. There can be an honest debate about whether the United States should do more or whether too much reliance is being placed on voluntary initiatives. But to claim that the United States is not acting seriously reflects at best a lack of knowledge or at worst political posturing.

An objective review of government and private sector programs to reduce increases in greenhouse gases now and in the future would have to conclude that the United States is doing at least as much, if not more, than countries that are part of the Kyoto Protocol which went into effect last February. The best evidence of this is our domestic rate of improvement in greenhouse gas intensity relative to improvements in other countries. The term I just used—and it is one we ought to all become familiar with because it is the true measurement of this issue, not the politics of the issue, it is in fact the scientific measurement—''greenhouse gas intensities'' is defined in the legislation Senator HAGEL has just offered as the ratio of greenhouse gas emissions to economic output. This is a far wiser measure of progress because it compliments rather than conflicts with a nation's goal of growing its economy and meeting the needs of its aspiring citizens.

Too much attention has been paid to the mandatory nature of Kyoto, and too little is resulting from it because nations simply can't go there. Most of the countries that ratified Kyoto will not meet the greenhouse gas reduction targets by the deadlines required by Kyoto. So why did they ratify it? Was it the politics of the issue or were they really intent on meeting the goals? We did not ratify it because we knew that it couldn't be done in this country. Yet we are the most technologically advanced country of the world.

Why couldn't it be done here? Simple reason: When we stated on the floor some years ago that we would have to take a hit of at least 3 million jobs in our country to dial ourselves down to meet the Kyoto standards, we were right. In fact, at the depths of this last recession we have just come out of, with 2.9 million people unemployed, we met the standards that we were supposed to meet under Kyoto. Most fascinating is the recent news that Great Britain needs more allocation of credits to meet its targets under Kyoto.

Imagine this, the most aggressive advocate of Kyoto, the nation best positioned to meet the requirements of the treaty, is now backsliding because they can't hit their targets. They need more relief.

At a recent COP–10—that is a climate change conference in Buenos Aires I attended along with many of our colleagues—delegates from a variety of countries came up to us and said very clearly, we need the intensity approach in order to avert harsh, clearly unmanageable, unattainable consequences of Kyoto. Indeed, a conference delegate from Italy informed me and others attending COP–10 that Italy will bow out—they were early to ratify Kyoto—by 2012 because they couldn't comply with phase 2 of the treaty. Remarkable stuff? No. Real stuff. Now that the politics have died down, in every country except this one, where we still want some degree of political expression—now that the politics have died down in these other countries that have ratified the treaty, they don't know what to do because they can't get there.

Let me tell you what they can do. They can follow the guidance and direction of the Hagel-Pryor amendment that I hope will become law. In that law we will engage with them in the use of our technology to advance a cleaner fuel system and systems for the world and not have to ask them to turn their economy down.

The United States is currently spending in excess of $5 billion annually on scientific and technological initiatives. That is far more than any other nation in the world. In fact, I believe we are spending more as a nation than all of the other nations combined on the issue of cleaner emissions—therefore, proclimate change, pro-Kyoto. But nobody talks about it because it wasn't one bill. It wasn't one vote. It wasn't a great big press conference. It is a collective initiative on the part of our Government with some of our direction over the course of a decade to become better at what we do and cleaner in how we do it.

The Bush administration has entered into more than a dozen bilateral agreements with other countries to improve their energy efficiencies and reduce greenhouse gas growth rates and has received compliments from major industries and worked with them to make improvements in the use and the effective efficiencies of their energy sources. These programs are designed to advance our state of knowledge, accelerate the development and deployment of energy technologies, aid developing nations in using energy more efficiently, and achieve the 18-percent reduction in energy intensity by 2012, as our President laid out.

Domestically, the United States continues to make world-leading investments in climate change and climate science technology. The United States has also implemented a wide range of national greenhouse gas control initiatives, carbon sequestration, and international collaborative agreements.

Let me cite from a summary of what we have done: The climate change technology program, a $3 billion program; the climate change science program, a $2 billion program; DOE's registry for greenhouse gas reporting, another major program; DOE's climate vision partnership for industry reductions that includes 12 major industry sectors and the Business Roundtable.

Here are some examples: Refineries committed to improve energy efficiency by 10 percent between 2002 and 2012. The chemical industry will improve greenhouse gas intensity by 18 percent between 1990 and 2012. Mining sites committed to increase efficiency by 10 percent. That is in that initiative alone.

EPA'S climate leaders for individual company reductions: Over 60 major corporate-wide reduction goals are in place, including GM, Alcoa, British Petroleum, IBM, Pfizer, and the list goes on and on.

We could spend an hour talking about the initiatives that are underway in this country. What I told the chairman of the Energy Committee last night as we discussed the issue of climate change was: Mr. Chairman, we ought to take this whole bill and call it the climate change bill of 2005. Why? Clean coal, wind, solar, nuclear, hydrogen—all kinds of incentives and new technologies all designed to keep this economy roaring and to keep the economy greener, if you want to say it that way, certainly to keep it cleaner.

Remember the term that I used a few moments ago when I talked about the term in the legislation, to dramatically improve our greenhouse gas intensity as it relates to emissions per units of economic output. That is where the Hagel-Pryor bill goes. That is where this Senate ought to be going. But we still have an attitude around here that you have to point fingers and you have to inflict pain because that is the only way you can sell an idea to the American people. That is wrong. We have already proven that if we were to walk the walk and talk the talk of Kyoto, there would be 3 million Americans not working today. How would we deal with that? A wink and a nod and simply say we did it because it makes the world cleaner? I know what my young sons would say who might be out of work as a result of that. They would say: Dad, we are the smartest country in the world. We are the most technologically advanced. We can't figure out a way to do it better?

Yes, we can. And we are. The Hagel bill does it. That is why we ought to be supporting it. The key issue is not whether there is any human influence effect on the globe today. Instead the issue is how large any human influence may be as it compares with natural variabilities in our climate; how costly and how effective human intervention may be in reversing, justifying, moderating any form of variability that exists out there; if, in fact, we could possibly do it. What technologies may be required over the near and long term is to determine all that they relate to as it relates to intensity and the climate change issue itself.

It is an important issue for the Senate to address. I believe it has been brought to us today in the proper format, not only to drive technologies at home but to embrace other countries around the world. Why in the air high over Ohio today do we find carbon not from the United States but from China? And we do. Gases, carbon-containing gases, high in the atmosphere over the United States today are coming from the largest burner of coal as a nation in the world. And they are outside Kyoto, and we don't do anything about it. The Hagel bill does. It embraces them. It begins to work with them.

It begins to recognize that if we are going to clean up the world beyond where it is today, if we did it alone, it would be but a moment of time. We must engage our colleagues from all over the world in a comprehensive fashion that deals with technology, that causes the world to be relatively transparent in all that they do, for the developing nations of the world not to say to them, Just turn your lights out and stay where you are. They won't. They haven't. And now we need to work with them to make sure that in our pursuit of a cleaner world, we allow our technology to embrace their problems along with our problems. That is recognized and understood by the Hagel-Pryor amendment. I am pleased to be a cosponsor of it.

I urge my colleagues in the final analysis of this debate, this is the right direction to go. We ought to take it and be happy we are moving in this direction.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I rise today in support of the Hagel-Pryor climate change amendment and to discuss the reality of global warming. I also thank my colleagues for some of the kind comments on the Senate floor and the kind comments I have heard in the last few days just in the hallways around the Senate. They have been encouraging.

Climate change is not a new issue to this body, to the scientific community, or to the public at large. This issue has been discussed, dissected, and debated for years—with little or no action. I believe this is because the complexities and uncertainties about the magnitude, the timing, and the rate of climate change have led to a stalemate on policy recommendations.

Mr. President, Senator HAGEL and I, as well as the other cosponsors, are trying to move past this stalemate. We bring to the table a market-driven, technology-based approach that will begin to address this controversial yet pressing matter.

Our amendment—also cosponsored by Senators ALEXANDER, CRAIG, DOLE, MURKOWSKI, VOINOVICH, and STEVENS—does not dump all of the responsibility on industry, nor does it force a one-size-fits-all mandate. Over and over again, we have watched such approaches result in failure on the Senate floor. We can no longer afford to do nothing.

The business and the environmental sectors do not have to be mutually exclusive. With this amendment, we treat them as partners brought together through innovation for the common and necessary good.

A third partner in this relationship is the Government, with institutional leverage and funding mechanisms that will help spur industry to create new technologies targeted at reducing greenhouse gas emissions.

In a nutshell, we are encouraging American ingenuity, partnerships and, above all, progress.

This comprehensive climate change amendment has two main components. It identifies what must be accomplished domestically and internationally to reduce greenhouse gas emissions.

The domestic component of our amendment would authorize the Federal Government to make financial commitments for research and development and technology.

The Hagel-Pryor amendment authorizes direct loans, loan guarantees, standby default and interest coverage

for projects which deploy technologies that reduce greenhouse gas emissions.

Additionally, we are asking for an authorization of $2 billion over 5 years in tax credits to support these technologies and to create a new investment and construction tax credit for nuclear power facilities.

In Little Rock, we have a small company called ThermoEnergy, which is developing technology that eliminates most air emission from new fossil fuel powerplants. They use a process that increases plant efficiency but also eliminates adverse environmental and health effects associated with the use of fossil fuels, especially coal. I know there are many other companies all over this country that have great potential to achieve a broad range of energy security and environmental goals. They simply need the resources to expand their capabilities into the marketplace.

Under this amendment, a wide variety of greenhouse gas-reducing technologies would be eligible for tax credits or loans, ranging from renewable energy products, lower emission transportation, carbon sequestration, coal gasification and liquefaction, and other energy efficiency enhancements.

This amendment also establishes a climate coordinating committee and climate credit board to assess, approve, and fund projects; and it directs the Secretary of Energy to lead an interagency process to implement a national climate change strategy. While we deal with climate change here in the United States, let us not forget that people in other parts of the world are already experiencing the effects of global warming.

I have heard quite a bit about the 11,000 residents of Tuvalu, who live on a 10-mile square scattered over the Pacific Ocean near Fiji. Tuvalu has no industry, burns little petroleum, and creates less carbon pollution than a small town in America. This tiny place, nevertheless, is on the front line of climate change. The increasing intensity of weather and rising sea level could soon wash away this tiny island. Other low-lying countries, such as Sri Lanka and Bangladesh, are experiencing similar phenomena.

The United States is a contributor to climate change, and we must take action to reduce greenhouse gas emissions, but we cannot prevent global warming on our own. That is why we have included an international component to this amendment to encourage developing countries to adopt U.S. technologies. In doing so, we have asked the Secretary of State and the U.S. Trade Representative to assume additional roles.

First, we provide the Secretary of State with new authority to work with developing countries on deployment and demonstration projects and technologies that reduce greenhouse gas emissions.

Second, the U.S. Trade Representative is directed to negotiate the removal of trade-related barriers to the export of greenhouse gas-reducing technologies.

Furthermore, this amendment would establish an interagency working group to promote the exports of certain technologies and practices.

It is in the shared interests of the United States and industrialized nations to help other countries by sharing cleaner technology.

Mr. President, this amendment is not the solution for all of our climate change problems. It is meant to serve as a catalyst in bringing the necessary technology to the marketplace. I am hopeful that with the resources provided through this amendment, private industry will swiftly create or adopt cleaner technologies as they become available and move us in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise for a moment to commend the Senator from Nebraska and the Senator from Arkansas for their leadership on this amendment and, in particular, for their approach. As a freshman Member of this body, I have looked forward with anticipation to the great debate on the Energy bill. I know that for basically a decade we have been without an energy policy and desperately in need of one.

As a member of the Environment and Public Works Committee, and because of earlier legislation this year, I am critically aware of the climate change concerns and the desires by some to establish absolute standards on carbon. Senator HAGEL and Senator PRYOR have done precisely the right thing—precisely the thing America has done over and over again to address problems and bring about positive solutions.

As Senator PRYOR just outlined, there is no reason for the business and development community of America and the environmental community's interests to be mutually exclusive. In fact, they should be mutually inclusive. Legislation such as this, which promotes incentives to find solutions to greenhouse gases, carbon emissions, develop alternative energy sources and new mechanisms of taking old sources such as coal and making them clean technologies, is absolutely correct.

I rise for one purpose, and that is to talk about a prime example of what Senators PRYOR and HAGEL are proposing. A number of years ago, the Department of Energy put out competition to ask private sector electric generation companies to bid on doing a demonstration project to see if coal gasification was possible and through its generation electricity could be produced at an economically viable and competitive rate.

In my neighboring State of Alabama, next to my home of Georgia, in Wilsonville, AL, such a project took place in the Southern Company. The Department of Energy began a joint project and invested money and developed technology that today leads to the construction of a plant in Orlando, FL, in conjunction with the Orlando Utility Company, where, through the new technique of coal gasification, electricity will be generated and retailed in that part of middle Florida without the emission of greenhouse gases.

That is what America is all about—positive incentives to do the right thing and to find solutions. This amendment by the Senators from Nebraska and Arkansas will do just that. I rise happily to give it my endorsement and my support.

One final comment. As we talk about the need to protect our environment and ensure that greenhouse gases don't run away from us and that we preserve all that we have, we have to understand that we have to incentivize every part of the energy sector and the energy segment, and as we develop new technologies, we also ought to reuse and reintroduce those great technologies of nuclear and others that have produced clean, efficient, reliable energy without the production either of carbon or the greenhouse gases.

So I commend the Senator from Nebraska and the Senator from Arkansas on their leadership. I support the Hagel-Pryor amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his good example and his leadership in this legislation. I especially salute the Senator from Nebraska for having the unerring good judgment to suggest to us the right next step.

This Energy bill we have been debating in the last 2 weeks and working on for the last several months is really a no-carbon, low-carbon energy bill. Since carbon in the air is the principal contributor to the worry about global climate change, this bill is the solution to that problem.

There is still a lot of work to do, and there are a lot of minds that are changing, studying, assessing the science, and trying to make certain we make good policy judgments here. But anyone who watches this debate or reads it closely should understand that, in my view, the Senate is developing a clean energy bill. The Senator from Idaho said it was a climate change energy bill. But it represents, to me, a recognition that it is time to take a more significant step toward putting us on a path of transforming the way we create electricity in this country and use energy so that we can produce less carbon. A big part of that is the concern we have about what we might be doing as human beings to cause global climate change.

So the Senate is like a big train: it is hard to get started, but once it gets going, it moves steadily down the track. We are moving steadily down the track toward a completely different emphasis on the production of

electricity and the use of energy, and the whole focus is no-carbon and low-carbon.

Sometimes we elected officials have a way of saying things like that, and they just turn into little programs that don't amount to much. That is not the case here. This is the whole core of this piece of legislation. If you are really trying to create a way to produce electricity in a country that uses 25 percent of all the energy in the world—and that is what we do—you have to start with conservation.

This legislation, the Domenici-Bingaman legislation that is before us, begins with provisions about efficiency, and it has in it provisions that will shave off between 20 and 40 percent of the anticipated growth of energy demand by 2015.

It would save the equivalent of building 170 300-megawatt plants. So we begin with conservation and we begin with efficiency.

No. 2, the bill—before we get to the Hagel amendment of which I am glad to be a cosponsor—puts a focus on the one way today that we create carbon-free electricity far and above everything else, and that is nuclear power. If we are worried about global warming, the solution is nuclear power. Nuclear power produces 70 percent of our carbon-free electricity. We know how to do it, we invented it. We have never had a single reactor accident in the dozens of Navy vessels that are powered by nuclear reactors that we have used since the 1950s. We have shipped this technology to France which now is nearly 80 percent in terms of supplying its electricity from nuclear power. Japan builds new nuclear powerplants every year.

If we care about low-carbon, no-carbon electricity, after we have aggressive conservation, we should make it easier to produce nuclear power, and in a variety of ways this legislation does that.

Waiting in the wings, if we care about low-carbon, no-carbon power, is an example of what the Senator from Georgia talked about. We call that coal gasification with carbon sequestration. That is such a long-sounding title that nobody could possibly imagine what it is. But what it does is it simply takes this hundreds and hundreds of years' supply of coal that we have and turns it, by burning it, into gas, and then we burn the gas. That gets rid of the sulfur, the nitrogen, and the mercury, but it leaves the carbon.

The technology of carbon sequestration is to take that carbon and store it in the ground or do something else with it.

As the Senator from Nebraska has said, if through his initiative, his incentive program, we are able to encourage the science and technology capacity of the United States and the world to advance through demonstration coal gasification, reduce its costs somewhat, and then to solve the problem of carbon sequestration, that is the single best way, after nuclear power, to create clean air in the world. Many in the environmental community prefer it to nuclear power because of their concerns about storage of spent fuel and about proliferation.

So conservation, nuclear power, and coal gasification with carbon sequestration are the ways to solve any concerns we might have about global warming because, especially with the Hagel-Pryor provisions, we are able to accelerate that technology not just for ourselves but for the world.

We also have in this legislation important support for solar power which has basically been left out of our renewable production tax credit. It has not gotten any of the money—almost any of the money. Biomass, which is becoming more important, wind power—many of my colleagues know I think we have gone overboard on wind power, but there are substantial generous provisions in here.

Add up all those renewable fuels and they are a few percent. They are important, but we have to put them in their proper perspective.

There is an oil savings amendment in this bill that reduces the amount of carbon in the air. And then there is the tax title to the Energy bill that we will be considering later this week which Senator GRASSLEY, Senator BAUCUS, and their committee have produced which—with a couple of exceptions, which I will talk about at another time—I think is a great step forward. It would have to be considered a low-carbon, no-carbon tax title with clean energy bonds for certified coal property, with consumer incentives for hybrid and diesel vehicles.

There is an amendment being discussed, of which I hope to be a part, that would add incentives to retooling automobile plants so that we can see that those hybrid cars and advanced diesel vehicles are built in the United States and not in Yokohama.

There is in the tax title energy-efficient proposals to support energy-efficient appliances and buildings. There is in the tax title support for investment tax credits for the coal gasification plants I mentioned.

There is in the Energy and Natural Resources bill a new financing procedure that Senator DOMENICI has envisioned which would be loan guarantees for all of these forms of clean energy.

There is support for solar deployment, and then there is support for advanced nuclear power facilities so that we can build smaller, less expensive nuclear power facilities.

All this adds up to a clean Energy bill that puts its focus on low-carbon and no-carbon electricity. What Senator HAGEL has done is say that is a good direction, but let's accelerate it by encouraging technology. It is not a top-down idea. It is to say to someone in Tennessee or Minnesota who might be producing carbon in their business or a utility: Bring us your baseline. Tell us how much carbon you have been producing. Tell us how much less you plan to produce. Then this board would create the incentives for that, and we would see where we go with that.

There are other important steps, and we are about to debate one of them. Senators MCCAIN and LIEBERMAN have worked hard to take us to what I would call the next generation or the next step, which would be mandatory caps on carbon.

I have supported one version of legislation that has a mandatory cap on carbon. It was the bill introduced by Senator CARPER last year. I did it primarily because I care about clean air, and I wanted less sulfur, nitrogen, and mercury in the air, and it had more aggressive standards than the President's proposals. But it also included a carbon cap and that fitted my understanding of where the technology is.

The more I have studied this I think the Hagel approach is the better approach because it fits with the low-carbon legislation which we have. It accelerates it, gives it some juice. Then I like what Senator DOMENICI said last night in his statement about the discussions we have been having with Senator BINGAMAN about his proposal for the possibility of caps.

Senator DOMENICI said we should begin immediately, in July, holding hearings on the Hagel legislation and on whatever the next steps might be. In other words, this is not just passing an energy bill and then wait 10 to 15 years and pass another one. This is recognizing we have created a completely different direction for production of energy and electricity in the United States; that we are adding to it with the Hagel amendment; that we have serious proposals from Senators MCCAIN and LIEBERMAN, and Senator BINGAMAN has made some. The National Commission on Energy Policy, many of whose suggestions are a part of this bill, have made some.

So my hope is that Chairman DOMENICI and Senator BINGAMAN, if we should adopt the Hagel amendment, will take us to the next step in July and August and let us see how we might implement it and where we might go.

Speaking as one Senator, this is a significant shift of direction. I am not willing to go further with mandates at this point. I like the concepts, but I am leery of applying such a complex, detailed set of mandates as some have proposed to such a big complex economy as we have today.

I prefer the Hagel approach. It is the right next step. It fits easily into this no-carbon, low-carbon Energy bill. I salute the Senator from Nebraska and the Senator from Arkansas for their leadership. I look forward to voting for it.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on behalf of the leader, I have a unanimous consent request which has been cleared on both sides.

I ask unanimous consent that there now be 60 minutes of debate in relation to the pending amendment with the following Senators recognized: Senator VOINOVICH, 15 minutes; Senator REID or his designee, 15 minutes; Senator INHOFE, 15 minutes; Senator HAGEL, 15 minutes. I further ask unanimous consent that following the use or yielding back of the time the Senate proceed to a vote in relation to the Hagel amendment, with no second-degree amendments in order to the amendment prior to that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that this is satisfactory with Senator HAGEL.

Mr. HAGEL. Mr. President, it is. I thank the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I know we just set this in motion, but I ask Senator HAGEL if I could use 2 minutes of his time now.

Mr. HAGEL. I yield as much time as the chairman needs.

Mr. DOMENICI. Mr. President, before we are finished with the votes on global warming—and I will have a little to say; I will get time from somebody—I will present to the Senate a detailed summary of the bill that is pending before the Senate in terms of what it does to move the United States of America toward a reduction in the so-called greenhouse gases led by carbon.

This bill we are going to vote out of here hopefully tomorrow or the next day that we worked so hard on in the Committee on Energy and Natural Resources, with Senator BINGAMAN, my ranking member, and Senators such as LAMAR ALEXANDER who have worked very hard, it does take some giant steps toward the reduction of carbon in the American economy. It does so in ways that if our business communities want to spend money and use innovative technology, the opportunities are there.

If our scientists want to make breakthroughs to clean up, it is there. If people want to move with nuclear power, which is the cleanest—right now, as my friend from Tennessee has reminded me, 70 percent of the carbon-free emissions in America come from the nuclear powerplants. That is rather astounding. We run around thinking we have done so much cleanup, but these very old—old in that we have not built one in 23 years—these nuclear powerplants are the ones that are cleaning up right now.

All I am saying is, this bill says if we are right, we are going to build some nuclear powerplants during the era of trying to reduce carbon. That is going to be part of our world, both economic and cleanup world, as provided in this bill.

We will summarize that. There is no attempt to delude the efficacy of the other bills, be it Hagel or McCain, but merely to say we recognized this in our committee, but we just did not think we ought to do global warming per se. That is where we are.

The Senate is confronted with the unanimous consent agreement which we have just laid before it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that time that elapses during the quorum call be charged equally to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I rise as a cosponsor of the bipartisan amendment proposed by Senators HAGEL and PRYOR to add a climate change title to the Energy bill. I commend them for their leadership on this very important issue.

Man's relationship with the world's climate has long been a focus of scientists and policymakers. Thirty years ago, there was great concern about global cooling, as evidenced by articles in Science Digest in February, 1973, entitled ''Brace Yourself for an Ice Age'' and Time Magazine in June, 1974, entitled ''Another Ice Age?''

Today, many are worried instead about global warming, with claims that urgent and dramatic actions are needed to avoid catastrophic impacts. As the chairman of the Environment and Public Works Clean Air, Climate Change, and Nuclear Safety Subcommittee, I have spent a great deal of time studying this issue, as our committee has held numerous hearings on climate change.

The chairman of the committee, Senator INHOFE from Oklahoma, has spent countless hours personally examining climate change science. He has recently given several speeches on the Senate floor, pointing out serious flaws in the four principal beliefs underlying what some call a consensus on global warming. His work points out very clearly that we are far from a consensus and many questions remain.

I am hopeful today he will take the floor some time to go into more of the details on that, as he has in the past.

Despite the scientific debate, the issue of global warming and proposals to address this perceived threat have received a lot of attention lately in the Senate. On one side of this debate, there are proposals to create a mandatory domestic program to reduce greenhouse gas emissions, such as the amendment that will be proposed by Senator MCCAIN, to my understanding, and I strongly urge my colleagues to vote against this amendment.

It is my understanding that the amendment, according to Charles Rivers Associates, which analyzed its provisions, would cause the loss of 24,000 to 47,000 Ohio jobs, in 2010, and energy-intensive industries to shrink by 2.3 to 5.6 percent in 2020. We are talking about manufacturing industries, energy-intensive manufacturing and chemical and many others.

The McCain amendment will put coal out of business by forcing fuel switching to natural gas. This might even be why some organizations are pushing this amendment. Last year, I was shocked to read that a Sierra Legal Defense Fund staff lawyer said:

> In general, our long-term objective is to make sure that coal-fired plants get closed.

This is an unacceptable outcome for my State and our Nation. Nearly 90 percent of Ohio's electricity comes from coal. For the Nation, it is about 50 percent. Companies depend on this low-cost energy to compete in the global marketplace. We do not live in a cocoon. Companies are moving overseas because of increased health care costs, litigation costs, and energy costs are also a major factor.

According to a recent survey of industrial executives, the No. 1 barrier to U.S. manufacturing growth in the coming year is high energy prices. It becomes even more costly for companies to operate in this country when you consider the new air quality standards for ozone and particulate matter. States and localities have yet to fully understand how difficult and expensive it will be to come in compliance with the standards.

Over the last decade, the use of natural gas in electricity generation has risen significantly, while domestic supplies of natural gas have fallen.

That is why we are trying to do something about more natural gas in this Energy bill. The results are predictable: Tightening supplies of natural gas, higher natural gas prices, and higher electricity prices.

Because of this situation, U.S. natural gas prices are the highest in the developed world. Families that use natural gas to heat their homes, farmers that use it to make fertilizer, and the manufacturers who use it as a feed stock are getting hammered due to these higher costs.

The chemical industry's 8-decade run as a major exporter ended in 2003 with a $19 billion trade surplus in 1997 becoming a $9.6 billion deficit.

So we have lost the chemical industry for all intents and purposes because of the high cost of natural gas.

The President of one major pharmaceutical company that employs 22,000 people in the United States called me recently and said unless we do something about natural gas prices, his company will be forced to move many of its operations overseas.

The bottom line is, if you kill coal with a mandatory cap on carbon, you force more people to go to natural gas to produce electricity. We just add to the crisis that we already have.

The energy bill tries to address this crisis, but the amendment we are going

to be getting later on would reverse those efforts and cause an even worse situation than what exists today. The U.S. has a responsibility to develop a policy that harmonizes the needs of our economy and our environment. These are not competing needs. A sustainable environment is critical to a strong economy, and a sustainable economy is critical to providing the funding necessary to improve our environment.

If we kill the golden goose, we will not have the money for the technology to do the things that we need to do, to improve the environment. A carbon cap—and that is what we are going to be hearing more about—means fuel switching, the end of manufacturing in my State, enormous burdens on the least of our brethren, and moving jobs and production overseas.

It is already happening. We have a $162 billion trade deficit with China and almost all of it is in the manufacturing area. These are people who are moving out because of the high cost of producing here in the United States.

Ironically, a carbon cap, a cap on carbon, as I say, is going to have a dramatic negative impact on our manufacturing. A couple of years ago, when Senator JEFFORDS was promoting a bill that would put a cap on carbon, I said to him: Senator, those jobs that you are killing in Ohio are not going to Vermont. They are going to China, and they are going to go to India.

I have also discussed this issue twice with British Prime Minister Tony Blair, who has made climate change one of the focuses of the upcoming G8 meeting. I think he understands that Kyoto is not working, and we need to do something else.

Furthermore, many of the countries that did ratify the Kyoto treaty are not expected to meet their commitments. According to a Washington Times article of May 16 entitled ''Broken Promises, Hot Air,'' 12 of the 15 European Union countries are currently 20 to 70 percent above their emissions target levels.

I think the Senator from Idaho mentioned earlier in his remarks that the Italians have basically said they are not going to be able to meet their commitments that they made when they signed the Kyoto treaty.

So last week I became a cosponsor of three pieces of legislation that comprehensively address climate change by focusing on tax incentives, technology development, and international deployment.

The amendment that we have proposed today contains the domestic and international proposal. It does not include the tax incentives because the Energy bill now includes an amendment by the Finance Committee to add over $14 billion, over 10 years, in tax incentives.

I will only briefly explain the amendment since it has been explained by colleagues. It proposes the adoption of technologies that reduce greenhouse gas intensity by creating a Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund projects. Addressing climate change must be accomplished through the development of new technologies, as there currently is no technology available to capture and control carbon dioxide emissions.

Many people today are promoting combined gas—integrated gas combined cycle technology, which will reduce NOx and SOx and deal with mercury. The fact of the matter is, in terms of greenhouse gases, it does not get the job done.

Second, the amendment focuses on the notion that all nations must be part of this effort. It directs the Department of State to work with the top 25 greenhouse gas-emitting developing countries to reduce their greenhouse gas intensity. It also promotes the export of greenhouse gas intensity reducing technologies.

I really think, if this amendment to the Energy bill is agreed to, it is something the President, when he goes to the G8 meeting, can refer to in terms of its importance, getting everybody at the table to start to do something realistic about the problem of greenhouse gases.

I am concerned that the very nature of this amendment is misleading; that is, that we are adding a climate title to the Energy bill, which means that maybe it does not address climate change. This is not true.

I commend Senators DOMENICI and BINGAMAN for putting together a bipartisan energy bill that deals with climate change in several ways. In other words, the underlying bill already deals with climate change.

First, the bill provides research and development funding for long-term zero- or low-emitting greenhouse technologies. These include fuel cells, hydrogen cells, coal gasification—with the greatest potential to capture and control carbon dioxide emissions.

Second, the bill includes extensive provisions to increase energy conservation.

Third, the bill promotes the use of nuclear power, which is emissions-free power. There is no greenhouse gas with nuclear power.

I restate this for my colleagues: The Energy bill already addresses climate change. For all those concerned about climate change, the underlying bill deals with it. The Hagel-Pryor amendment simply adds to these provisions. Let me restate this for my colleagues: This bill, without any amendments, including ours, addresses climate change.

Some might be further misled to think that our country is currently not doing anything because the Energy bill does all of this to address a climate change. However, this is far from the truth. In fact, our Nation is taking so many actions on this front that I am going to try to run through them very quickly. In other words, we are doing an enormous amount in our country in terms of greenhouse gases and dealing with this whole issue of carbon emissions.

The President established a climate change policy to reduce the greenhouse gas intensity of our economy by 18 percent over the next 10 years through voluntary measures. This is more than most of the countries involved in the Kyoto Protocol. Unlike the rest of the world, we are on target to meet our goal—not like the Europeans, 12 to 70 percent away from meeting their goals.

We have the Climate VISION Partnership which involves 12 major industrial sectors and the members of the Business Roundtable who have committed to work with Cabinet agencies to reduce greenhouse gas emissions in the next decade.

We have the climate leader's program, an EPA partnership encouraging individual companies to develop long-term comprehensive climate change strategy. Sixty-eight corporations are already participating in the program.

The administration's budget for 2006 is $5.5 billion for extensive climate change technology and science programs and energy tax incentives.

The United States is also taking a lead internationally—and again, we get no credit. There is $198 million included in the President's fiscal year 2006 budget for international climate change.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. HAGEL. Mr. President, I extend the time of the Senator from Ohio by another 3 minutes if that would assist the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. As I mentioned, we are taking a lead internationally. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change. Also, despite complaints to the contrary, the United States remains fully engaged in multilateral negotiations under the United Nations Framework Convention on Climate Change.

Announced by EPA in July of 2004, along with 13 other countries, the Methane-to-Markets partnership is a new and innovative program to help promote energy security, improve environmental quality, and reduce greenhouse gas emissions throughout the world.

The United States hosted the first Ministerial Meeting of the International Partnership for Hydrogen Economy, the Carbon Sequestration Leadership Forum and Earth Observation Summit. We never hear anything about this. It is as if we are doing nothing.

Despite all that we are doing and all that is contained in the Energy bill, we can even do more by passing this amendment proposed today by Senators HAGEL and PRYOR. I strongly urge my colleagues to vote against any amendments that contain mandatory

programs which work against the very purpose of the Energy bill and cause substantial harm to our economy, its workers, and our families. Instead, I urge the support of this bipartisan amendment which builds on all we are doing and will do under the Energy bill to address climate change responsibly and comprehensively.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding I have 13 minutes.

Mr. President, first of all, let me commend Senator HAGEL for the work he has done and for the realistic approach he is taking. Right now, there is so much misinformation out there in conjunction with the whole issue of climate change.

Someone said the other day that climate change is not a scientific discussion, it is a religion. People have such strong feelings about it or they want to believe so badly. If my staff had the charts, I would show a few of them, but I will wait until we are debating the McCain-Lieberman bill to show them.

I vividly remember not too long ago the front page of Time magazine, the front page of Science magazine, huge pictures: Another ice age is coming; we are all going to die. If some people cannot be hysterical and think the end is coming, they are not happy.

One important area in this debate is to recognize, as I think the Senator from Idaho and the Senator from Ohio both did, that this President has done quite a bit more than science would justify in pursuing the notion, first of all, is there a warming trend that is outside of natural variances; No. 2, if that is the case, is it due to anthropogenic gasses—methane, CO_2. I suggest science does not show that either is true. It is not just me saying this. I don't know why people totally ignore the fact that we had the Heidelburg accords, when 4,000 scientists questioned that there is any major change.

By the way, this morning's Wall Street Journal plots out the changes in the Earth's surface since 1000 A.D. and what has perhaps caused these changes. They have come to the conclusion that it could not be anthropogenic gases because at that time there were not any. There were not human-induced gases until about 1940.

In 1940, what happened? In 1940, there was a cooling period that went all the way to the end of the 1970s. That is when you saw all the articles saying the ice age is coming. The largest increase in anthropogenic gases came right around 1940 and following World War II. You know, instead of precipitating a warming period, it precipitated a cooling period. So just the opposite of what they are saying seems to be true.

We have the Heidelburg accords, 4,000 scientists say there is not a relationship between manmade gases and climate change. Then we have the Oregon Petition and 17,000 scientists coming to the same conclusion. We have the Smithsonian-Harvard peer-reviewed study that evaluated everything done so far and came to that same conclusion.

Since 1999, science has been on the other side refuting the fact that, No. 1, climate is changing; and No. 2, it is due to manmade gases or to anthropogenic gases.

People do not realize what this President has done. One would think by reading some of the magazines, publications, and watching TV that this President is not doing a good job with the environment. He is doing everything he can to determine if there is a relationship between these anthropogenic gases and climate change. If anyone does not believe it, look at the amount of money being spent. His 2006 budget proposed $5.5 billion for climate change programs, energy tax incentives, and these types of things. I see the Hagel bill as extending what the President is doing right now and is actually addressing what is happening internationally.

I was very pleased to be part of the 95-to-0 vote on the Hagel-Byrd amendment some time ago that said that if you go to Kyoto meeting, we should oppose signing on to any kind of a treaty that does not treat developing countries the same as developed nations. That is exactly what happened.

Now, at least in the Hagel approach, we are looking internationally. It is true, what the Senator from Idaho said a few minutes ago. Over the State of Ohio, if you get high up, that which is up there originated in China. The pollution—not that that is pollution, because it is not, it is a fertilizer. But in terms of SOx, NOx, mercury, they do not stop at State lines.

We have a President giving the benefit of the doubt to the fact there might be something there. He is putting money into research. The Hagel bill is carrying that on to a logical conclusion.

Quite frankly, when the Hagel bill first came up, I was a little concerned because the price tag, as I calculated it—and I would certainly stand to be corrected if it is not accurate—would have been $4 billion over a 5-year period; around $800 million a year. To add that to what is already being expended—perhaps we are talking about too much money. He has changed it and said such sums ''as necessary.'' This is a little bit disturbing to me. We do not know who will be in the White House. We do not know who will control Congress. We do not know what will happen in the future. I hate to leave it open-ended like that.

When we look at the arguments out there, we will have ample time to debate when the next amendment comes up—the McCain Lieberman amendment—that the science clearly has turned around and is in favor right now of refuting some of the earlier suggestions.

This whole thing started in 1998 when Michael Mann from Virginia came out with his hockey stick theory. He plotted out all the temperatures and came through the 20th century. Temperatures started going up as of late on the hockey stick. What he neglected to realize, prior to that time, the medieval warming period, which was around 1000 to 1300 A.D., the temperatures were actually higher at that time than they were in the 20th century.

All these things are going to be discussed in the next amendment. I believe that reason is prevailing in this approach. I applaud the Senator from Nebraska for coming up with something measured and reasonable that will help convince a lot of the people that are right now participating in this religion called global warming to realize maybe this is something for which we shouldn't have to suffer economically.

A lot of people have asked the question, If the science is not there and if we know as a result of the Wharton Econometric Survey that it will cause a dramatic increase in the cost of energy—it will cost each average family of four $2,700 a year—if the science is not there, what is the motivation? I suggest there are people outside of the United States who would love to see us become partners and sign on to the Kyoto treaty.

Jacques Chirac said global warming is not about climate change but for leveling the playing field for big business worldwide. The same thing was stated by Margot Wallstrom, the Environmental Minister for the European Union, that it is leveling that playing field.

Cooler heads are prevailing, and in this amendment we have a chance to look at this, study this as time goes by, and take whatever actions are necessary in the future but not react to fictitious science and to science that just flat is not there.

I applaud the Senator from Nebraska for the fine work he has done. I believe this will be a good approach to making this through the current debate.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President; is there a quorum call?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Further parliamentary inquiry; what is the regular order at this point?

The PRESIDING OFFICER. The time is divided between three speakers on the Hagel amendment, and each have time remaining. Senator INHOFE has 1 minute, Senator HAGEL has 6 minutes, and Senator REID or his designee has 10 minutes.

Mr. DOMENICI. Further parliamentary inquiry: Is there any other time on behalf of any other Senators on either side?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Might I ask, when those are finished, what is the regular order after that?

The PRESIDING OFFICER. The Senate will then vote on the Hagel amendment.

Mr. DOMENICI. Mr. President, have the yeas and nays been ordered on the Hagel amendment?

The PRESIDING OFFICER. No, they have not.

Mr. DOMENICI. I ask the Senator, would you like to get the yeas and nays on your amendment?

Mr. HAGEL. I say to the chairman, I am waiting for one additional sponsor.

Mr. DOMENICI. We can get the yeas and nays now?

Mr. HAGEL. Yes.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes. I ask unanimous consent that I be permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I have a very detailed analysis I would like put in the RECORD which relates to provisions within the Bingaman-Domenici bill that is before the Senate which would promote responsible progress on climate change.

What I tried to do here was to say to the Senate: Please understand that your Energy and Natural Resources Committee, from the inception, was worried about climate change and the gases that have an impact on climate change according to scientists in the United States. Now, there are some who contest that, but let me just follow through.

The bill before us might even have been called the Clean Energy Act because so much of it is directed at producing, in the future, for these United States, energy that will have little or no effect in terms of emitting carbon that is the principal problem with global warming. Having said that, the statement goes into detail. Indeed, it is a detailed statement.

So I would, just for summary, say there is an entire title which we chose to call Incentives For Innovative Technology, title XIV of the bill. This is a very different section than you find in most technology-promoting or science-promoting bills because it says this entire provision is aimed at new technologies that will produce energy sources that have no global warming emissions.

Then it says, in order to do that, the Secretary of Energy—we put all this in the Energy Department so there is no mixup as to who is doing what—it allows so-called guaranteed loans to be issued for the purpose of building clean energy-producing plants, mechanisms, or activities. It says the Secretary shall analyze them. If they are feasible, he can use whatever peer review he would like.

Then they ask of the Congressional Budget Office: How much should this loan require by way of insurance, insurance for the risk? If they say 10 percent, then the company asking for the money to build the new technology, which will produce clean energy, has to put up 10 percent of the cost in cash. And then we lend them the money, on an 80–20 basis, and they proceed, under the direction of the Secretary, to produce this new facility.

We believe this is going to say to our Federal Government for the first time: Take a look out there and see what we can do in the next decade to move new technology along that will take the carbon out of coal, perhaps even move with the very first generation of pilot projects for the sequestration of coal and of carbon—meaning get rid of it, putting it in the ground or whatever. At the same time, who knows, that technology may take the mercury and other pollutants out of it.

But we are going to put in place an opportunity for the Secretary to do this so long as he thinks they are moving in the right direction. And the right direction is the same direction as the technology-laden proposal by Senator HAGEL.

We also have in this bill expanded research and development for bioenergy which concentrates on solar. We expanded R&D for nuclear power. Now, for anybody interested in that, that is completely different than the incentives to build nuclear powerplants soon. This is research and development in what we call Generation IV. It is the next, next generation of nuclear powerplants. And we start moving on that. Why? Because there is a lot of money and a lot of hope that we will be moving toward a hydrogen economy. I am not predicting that will be the case but many are.

In any event, it is sufficiently important. The President moved in that direction. This bill and the appropriators have spent money in that way. And what we are saying in this bill is that we should spend money for the next-two-generations-out nuclear powerplants because that kind of powerplant may be the source of heat that will produce hydrogen.

At this point hydrogen must be produced. But the other day Senator BINGAMAN and I were on a television show and somebody asked: How are we going to produce hydrogen? My friend from New Mexico said right now we could produce it from natural gas. I had forgotten about that. That is true. But natural gas is in short supply, and it takes a lot of it to produce hydrogen. So we need another source. That R&D for a new generation of powerplants is aiming in the same direction as everything I have spoken of. It is seeking a way to get away from carbon-laden energy and move with more hydrogen potential.

This bill has an 8 billion gallon renewable fuel standard, which means ethanol. Many people around here and some in the country have said ethanol isn't any good. We should not be doing it. Maybe when the price of crude oil was $8 or $7—I can remember when Senator Henry Bellmon from Oklahoma was here, it was $6. He used to say the arithmetic doesn't work. At $6 it is not worth producing ethanol. But at the price now, it is worth it. I don't know if eight is the right number, but we did that here because we said if we can produce ethanol, we will have had a dramatic effect on the prospect of contributing more carbon, which is what Senator HAGEL is trying to do in his technology-pushing amendment, is to produce less carbon, thus less pressure on what many believe is the human contributor to global warming. There is another one that is in this bill. Senator HAGEL doesn't have to have ethanol in his bill because ethanol is in this bill.

We also require alternative fuel use, dual fuel in all Federal vehicles. We have reforms for alternative fuel programs. We have some incentives for hybrid cars. On the nuclear side, we all think that new nuclear powerplants is one of the best ways to address the issue of carbon in the atmosphere and global warming. I think my friend from Nebraska would agree. Right now in America 70 percent of the carbon-clean smokestack gases, 70 percent that is totally free of carbon comes from nuclear powerplants. So the underlying bill says: Let's build some nuclear powerplants. And it does everything possible, extending Price Anderson. So I would assume that if you had a tax-promoting bill that didn't have this underlying bill that we produced in our committee, say it was a standalone Hagel bill, he might even put Price Anderson in there because in a sense it would surely be moving the technology ahead by providing some of the security necessary for nuclear power.

Beyond that, we have changes in the geothermal leasing to get more geothermal. Everywhere we turn in the bill we have produced we have moved in the direction of trying to produce carbon-free energy for the future.

As I understand it, the distinguished Senator from Nebraska and his sponsors want to move in that direction with loan guarantees and other kinds of consortia arrangements to move ahead with technology. They have an international feature to their bill. Obviously, we don't have an international feature to our bill, but Senator HAGEL has chosen to put some provisions in that would move us in the right direction if they can become law. It says that the world has a problem, not just America, and that the international community, with America as part of it, ought to do some things to move ahead with global warming contributors that will come from outside the United States, which is a very good idea.

I ask that my full analysis of the bill before us, before the Hagel amendment, which will be amplified if the Hagel

amendment is agreed to—this statement shows everything we are doing in this bill to contribute to cleaner energy sources for the future in terms of our electricity production which will greatly minimize carbon production—I ask unanimous consent that summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE ENERGY BILL ADDRESSES CLIMATE CHANGE

Support for the provisions in the energy bill passed by the Senate Energy Committee would promote responsible progress on climate change.

HIGHLIGHTS

The Bingaman RPS floor amendment that requires at least 10% of electricity in 2020 to be generated from low-emission renewable sources, such as solar, wind, geothermal and biomass. EIA estimates that such an RPS would result in a reduction of greenhouse gases of nearly 3 percent by 2025.

In addition, the energy efficiency improvements embodied in Title I is estimated by ACEEE to reduce carbon dioxide emissions by 433 million metric tons by 2020 and reduce electricity demand by 23 quadrillion Btus.

The incentive provisions contained in Titles IV (Coal), IX (R&D), and XIV (Incentives) are designed to improve efficiency performance and reduce carbon emissions from electric generating stations, industrial power and gasification applications and to encourage the development of new clean energy sources such as advanced nuclear power and renewable energy.

LONG TERM TECHNOLOGIES

Research in the energy bill could lead to fundamental reductions in GHG emission trends even with a healthy growing economy. The new technologies could be used in developing countries where greenhouse gas emissions are growing most rapidly. R&D on Long-term zero-greenhouse gas (GHG) and low-GHG technologies include:

Hydrogen Fuels—funding enhances the potential for practical use of hydrogen fuels by addressing everything from safe delivery to the codes and standards for hydrogen use.

Coal Gasification, Carbon Sequestration and Efficiency Improvements—could allow coal to be used to generate carbon-free or low-carbon electricity.

Fuel Cell Research—will address technical and cost issues and potentially speed fuel cell use in residential, commercial and transportation applications.

Energy Conservation and Efficiency—the Next Generation Lighting Initiative and initiatives like advanced electric motor control device research could significantly reduce overall energy use, further reducing GHG emissions.

NEAR-TERM TECHNOLOGIES

The energy bill promotes or requires actions to improve energy efficiency and reduce greenhouse gas emissions throughout the economy. Research and incentives for near- and medium-term zero and low-GHG intensive technologies include:

National Requirements for increased ethanol use and decreased petroleum use;

Federal Agency Requirements covering metering, percentage reduction schedules and new options for contracting to reduce energy use and GHG emissions;

Communities and States have new funding for energy efficient appliance programs, weatherization assistance and state energy conservations plans;

Efficiency Standards and Incentives for Public Housing will improve energy efficiency;

Efficiency Standards and Incentives for Individuals and Businesses adds energy conservation standards for a wide range of commercial appliances and other products.

NEAR TERM ENERGY SOURCES

Incentives and improved flexibility for near- and medium-term expansion of zero and low-GHG energy sources include:

Renewable Energy options for increased production of renewable energy on federal lands;

Natural Gas incentives and reduction of barriers to marginal or unconventional natural gas and installation of LNG terminals will increase supplies of this lowest-carbon fossil fuel;

Nuclear Power options improve, promoting continued use of carbon-free nuclear power, development of new modular nuclear reactors.

DETAILS ON THE ENERGY BILL'S CONTRIBUTION TO ENERGY EFFICIENCY AND RESPONSIBLE CLIMATE POLICY

The energy bill advances the following significant actions on potential climate change.

CRITICAL RESEARCH, DEVELOPMENT AND DEMONSTRATION OF ZERO OR LOW-GHG TECHNOLOGY OPTIONS

HYDROGEN

Authorizes $12.5 billion over 10 years for the Next Generation Nuclear Plant Project for research, development, design, construction and operation of an advanced, next-generation, nuclear energy system leading to alternative approaches to reactor-based generation of hydrogen. (Title VI—Nuclear Matters, Sec. 631–635—6/8/05)

Authorizes $3.2 billion over five years for programs enhancing the potential for using as an energy source in the U.S. economy. Program elements address:

Hydrogen and Fuel Cell Technology Research and Development ($1.9 billion);

Hydrogen Supply and Fuel Cell Demonstration Program ($1.3 billion);

Development of Safety Codes and Standards ($38 million);

Reports ($7.5 million); (Title VIII—Hydrogen—6/8/05)

ENERGY EFFICIENCY

Authorizes $1.8 billion over nine years for the Clean Coal Power Initiative for projects that advance efficiency, environmental performance or cost competitiveness of coal gasification and related projects. Establishes a 60% thermal efficiency target for coal gasification technologies and 7% improvements in thermal efficiencies of existing units. (Title IV-Coal, Sec. 401, 402, 405, 406, 407—6/8/05)

Authorizes $2.8 billion over eight years for energy efficiency and conservation research, development, demonstration and commercial applications including:

Minimum $400 million over eight years for the Next Generation Lighting Initiative for energy efficient advanced solid-state lighting technologies. (Title IX: Research and Development, Sec. 911, 912—6/8/05)

Creates National Building Performance Initiative to, in part, energy conservation. (Title IX: Research and Development, Sec. 913—6/8/05)

Minimum $21 million over three years for research, development and demonstration for improving performance, service life and cost of used vehicle batteries in secondary applications. (Title IX: Research and Development, Sec. 911, 914—6/8/05)

Minimum $105 million over three years for Energy Efficiency Science Initiative. (Title IX: Research and Development, Sec. 915—6/8/05)

$825 million over three years to promote distributed energy and electric energy systems including:

High Power Density Industry Program to improve the energy efficiency of data centers, server farms and telecommunications facilities; (Title IX: Research and Development, Sec. 921—6/8/05)

Micro-Cogeneration Energy Technology for increased efficiency in small-scale combined heat and power for residential applications; (Title IX: Research and Development, Sec. 923—6/8/05)

Distributed Energy Technology Demonstration Program to accelerate utilization of efficient and low-emitting technologies such as fuel cells, micro-turbines and combined heat and power systems. (Title IX: Research and Development, Sec. 924—6/8/05)

Electric Transmission and Distribution Programs to ensure in part, energy efficiency of electrical transmission and distribution systems. (Title IX: Research and Development, Sec. 925—6/8/05)

Authorizes $140 million over five years for fuel cell research on proton exchange membrane technology for commercial, residential and transportation applications. (Title IX: Research and Development, Sec. 951, 952—6/8/05)

Authorizes $891 million over three years for R&D and commercial application programs to facilitate systems including integrated gasification combined cycle, advanced combustion systems, turbines for synthesis gas derived from coal, carbon capture and sequestration research and development. (Title IX: Research and Development, Sec. 951, 955—6/8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of energy efficiency technologies. (Title I—Energy Efficiency, Sec. 126—6/8/05)

Authorizes $110 million over three years to establish a research partnership to develop and demonstrate railroad locomotive technologies that, in part, increase fuel economy. (Title VII—Vehicles and Fuels, Sec. 721—6/8/05)

Mandates a study of feasibility and effects of reducing the use of fuel for automobiles. (Title XIII—Studies, Sec. 1309—6/8/05)

Calls for a study of how to measure energy efficiency. (Title XIII—Studies, Sec. 1323—6/8/05)

RENEWABLE ENERGY

Authorizes $20 billion over three years for renewable energy research, development and demonstration including:

Biofuels research aimed at making fuels that are price-competitive with gasoline or diesel in internal combustion or fuel- cell-powered vehicles; (Title IX: Research and Development, Sec. 931, 932—6/8/05)

Concentrating Solar Power Research Program for the production of hydrogen including cogeneration of hydrogen and electricity. (Title IX: Research and Development, Sec. 931, 933—6/8/05)

Hybrid Solar lighting R&D for novel lighting that combines sunlight and electrical lighting. (Title IX: Research and Development, Sec. 934—6/8/05)

Evaluation of other technologies including ocean, wave, wind, and coal gasification technologies; (Title IX: Research and Development, Sec. 935—6/8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of renewable energy technologies. (Title I—Energy Efficiency, Sec. 126—6/8/05)

Establishes the Advanced Biofuel Technologies Program to demonstrate advanced technologies for the production of alternative transportation fuels. (Title II—Renewable Energy, Sec. 209—6/8/05)

Requires a study of the Energy Policy Act of 1992 and its impact on alternative fueled vehicle technology, availability of technology and cost of alternative fueled vehicles. (Title XIII—Studies, Sec. 1305—6/8/05)

Requires a strategy for a research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine one or more renewable electric power generation technologies. (Title XIII—Studies, Sec. 1310—6/8/05)

NUCLEAR

Authorizes $1.6 billion over 3 years for Nuclear Energy research, development, demonstration and commercial application activities including:

Research to examine reactor designs for large-scale production of hydrogen using thermochemical processes. (Title IX: Research and Development, Sec. 942—6/8/05)

Nuclear Energy Plant Optimization Program to address productivity, reliability, and availability of nuclear plants. (Title IX: Research and Development, Sec. 942—6/8/05)

Generation IV Nuclear Energy Systems initiative to advance understanding of efficiency and cost opportunities for next generation nuclear power plants. (Title IX: Research and Development, Sec. 942—6/8/05)

SEQUESTRATION

Establishes grant program to encourage projects that sequester carbon dioxide as part of enhanced oil recovery. (Title III—Oil and Gas, Sec. 327—6/8/05)

Mandates research on technologies to capture carbon dioxide from pulverized coal combustion units. (Title IX—Research and Development, Sec. 956—6/8/05)

Institutes loan guarantees for projects that avoid, reduce, or sequester anthropogenic emissions of greenhouse gases and employ new or significantly improved technologies. (Title XIV—Incentives for Innovative Technologies, Sec. 1401–1404—6/8/05)

SCIENCE

Authorizes $13.7 billion over three years for basic science research that could have significant implications for long-term trends in the nation's greenhouse gas emissions. (Title IX: Research and Development, Sec. 961—6/8/05). These programs include:

Fusion Energy Science Program (Sec. 962);

Fusion and Fusion Energy Materials Research Program (Sec. 969);

Catalysis science research that may contribute to new fuels for energy production and more efficient material fabrication processes (Sec. 964);

Nanoscale science and engineering research (Sec. 971);

Advanced scientific computing for energy missions (Sec. 967);

Genomes to Life Program with a goal of developing technologies and methods that will facilitate production of fuels, including hydrogen, and convert carbon dioxide to organic carbon (Sec. 968).

USE OF HIGH-EFFICIENCY TECHNOLOGIES AND ZERO OR LOW-GHG ENERGY SOURCES

NATIONAL

Mandates that motor vehicle fuel sold in U.S. contains 4 billion gallons of renewable fuel in 2006, rising to 8 billion gallons in 2012. (Title II—Renewable Energy, Sec. 204—6/8/05)

Establishes a self-sustaining national public energy education program which will cover, among other things, conservation and energy efficiency, and the impact of energy use on the environment. (Title I—Energy Efficiency, Sec. 133—6/8/05)

Authorizes $450 million over five years to create a comprehensive national public awareness program regarding the need to reduce energy consumption, the benefits of reducing energy consumption during peak use periods, and practical, cost-effective energy conservation measures. (Title I—Energy Efficiency, Sec. 134—6/8/05)

Requires the President to implement measures to reduce U.S. petroleum consumption by one million barrels per day in 2015 as compared to 2005 EIA reference case. (Title I—Energy Efficiency, Sec. 151—6/8/05)

FEDERAL AGENCIES

Directs Secretary of Energy to revise Federal building energy efficiency performance standards to require, if life-cycle cost-effective, that new Federal buildings achieve energy consumption levels at least 30 percent below the most recent version of ASHRAE or the International Energy Conservation Code. (Title I—Energy Efficiency, Sec. 107—6/8/05)

Promotes plans for energy and water savings measures in Congressional buildings as well as reductions in energy consumption in federal buildings nationwide. Authorizes $10 million over five years for the Architect of the Capitol to carry out the Master Plan Study. (Title: I—Energy Efficiency, Sec. 101—6/8/05)

Establishes percentage reduction schedule for fuel use per gross square foot of Federal buildings for 2006 through 2015. (Title: I—Energy Efficiency, Sec. 102—6/8/05)

Calls for all Federal buildings to be metered or sub-metered to promote efficient energy use and reduce electricity costs. (Title I—Energy Efficiency, Sec. 103—6/8/05)

Directs federal agencies to procure Energy Star or FEMP designated-energy efficient products. (Title I—Energy Efficiency, Sec. 104—6/8/05)

Permanently extends and expands existing federal agency authority to contract with energy service companies to assume the capital costs of installing energy and water conservation equipment and renewable energy systems in federal facilities, and recover life-cycle energy cost savings over the term of the contract. (Title I—Energy Efficiency, Sec. 105—6/8/05)

Authorizes the Secretary of Energy to enter into voluntary agreements with energy intensive industrial sector entities to significantly reduce the energy intensity of their production activities. (Title I—Energy Efficiency, Sec. 106—6/8/05)

Promotes increased use of recovered mineral component in Federally funded projects involving procurement of cement or concrete. (Title I—Energy Efficiency, Sec. 108—6/8/05)

Amends the Energy Policy Act of 1992 to require Federal agencies to purchase ethanol-blended gasoline and biodiesel. (Title II—Renewable Energy, Sec. 205—6/8/05)

Amends Energy Policy and Conservation Act to promote Federal agencies' use of alternative fuels in duel-fuel vehicles. (Title VII—Vehicles and Fuels, Sec. 701—6/8/05)

Requires energy savings goals for each Federal agency and requires the use of fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. Authorizes $450 million over five years to achieve these goals. (Title VII—Vehicles and Fuels, Sec. 732, 733—6/8/05)

Mandates a study on energy conservation implications of widespread adoption of telecommuting by Federal employees. (Title XIII—Studies, Sec. 1324—6/8/05)

Requires a study on the amount of oil demand that could be reduced by oil bypass filtration technology and total integrated thermal systems and feasibility of using the technologies in Federal motor vehicle fleets. (Title XIII—Studies, Sec. 1325, 1326—6/8/05)

COMMUNITIES AND STATES

Amends the Energy Conservation and Production Act and reauthorizes $1.2 billion over three years for weatherization assistance. (Title I—Energy Efficiency, Sec. 121—6/8/05)

Authorizes $325 million over three years and amends the Energy Policy and Conservation Act to promote State review their energy conservation plans, with a state energy efficiency goal of a 25 percent or more improvement by 2012 compared to 1992. (Title I—Energy Efficiency, Sec. 122—6/8/05)

Authorizes $250 million over five years for State energy efficient appliance rebate programs. (Title I—Energy Efficiency, Sec. 123—6/8/05)

Authorizes $150 million over five years for grants to State agencies to assist local governments in constructing new energy efficient public buildings that use at least 30 percent less energy than comparable public building meeting the International Energy Conservation codes. (Title: Energy Efficiency, Sec. 124—6/8/05)

Authorizes $100 million over five years for grants to local government, private, and non-profit community development organizations, and Indian tribes to improve energy efficiency, develop alternative renewable energy supplies, and increase energy conservation in low income rural and urban communities. (Title I—Energy Efficiency, Sec. 125—6/8/05)

Authorizes $1.25 billion worth of grants over five years to States to develop and implement building codes that exceed the energy efficiency of the most recent building energy codes. (Title I—Energy Efficiency, Sec. 127—6/8/05)

Calls for a study of State and regional policies that promote utilities to undertake cost-effective programs reducing energy consumption. (Title I—Energy Efficiency, Sec. 139—6/8/05)

Authorizes $25 million for States to carry out programs that encourage energy efficiency and conservation of electricity or natural gas. (Title I—Energy Efficiency, Sec. 140—6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR PUBLIC HOUSING

Encourages increased energy efficiency and water conservation through amendments to the U.S. Housing Act of 1937 by promoting installation of equipment conforming to new standards. (Title I—Energy Efficiency, Sec. 161—6/8/05)

Requires public housing agencies to purchase energy-efficient appliances that are Energy Star products or FEMP-designated products when purchasing appliances unless these products are not cost-effective. (Title I—Energy Efficiency, Sec. 162—6/8/05)

Includes energy efficiency standards in amendments to the Cranston-Gonzalez National Affordable Housing Act. (Title I—Energy Efficiency, Sec. 163—6/8/05)

Directs the Secretary of Housing and Urban Development to develop and implement an integrated strategy to reduce utility expenses at public and assisted housing through cost-effective energy conservation, efficiency measures, as well as energy efficient design and construction. (Title I—Energy Efficiency, Sec. 164—6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR INDIVIDUALS AND BUSINESSES

Creates energy conservation standards for commercial clothes washers, ice makers, refrigerators, freezers, air conditioners, and heaters. (Title I—Energy Efficiency, Sec. 136—6/8/05)

Authorizes $6 million for pilot projects designed to conserve energy resource by encouraging use of bicycles in place of motor vehicles. (Title VII—Vehicles and Fuels, Sec. 722—6/8/05)

Authorizes $95 million over three years to reduce energy use by reducing heavy-duty vehicle long-term idling. (Title VII—Vehicles and Fuels, Sec. 723—6/8/05)

Authorizes $15 million over three years for a biodiesel testing partnership with engine, fuel injection, vehicle and biodiesel manufacturers to test and improve biodiesel technologies. (Title VII—Vehicles and Fuels, Sec. 724—6/8/05)

Authorizes $10 million over five years for CAFÉ enforcement obligations. (Title VII—Vehicles and Fuels, Sec. 711—6/8/05)

Establishes a DOE/EPA voluntary Energy Star Program under the Energy Policy and Conservation Act to identify and promotes energy-efficient products and buildings. (Title I—Energy Efficiency, Sec. 131—6/8/05)

Directs the Secretary of Energy in cooperation with EPA to undertake an educational program for homeowners and small businesses on energy savings from properly maintained air conditioning, heating, and ventilating systems. (Title I—Energy Efficiency, Sec. 132—6/8/05)

Adds energy conservation standards definitions for additional products (e.g. lamps, battery chargers, refrigerators, external power supply, illuminated exit sign, low-voltage, transformer, traffic signal module) to the Energy Policy and Conservation Act. (Title I—Energy Efficiency, Sec. 135—6/8/05)

Initiates a rulemaking under the Energy Policy and Conservation Act to evaluate and improve the effectiveness of current energy efficiency labeling on consumer products. (Title I—Energy Efficiency, Sec. 138—6/8/05)

Requires natural gas and electric utilities to evaluate energy efficiency or other demand reduction programs and, if beneficial and feasible, to adopt them. (Title I—Energy Efficiency, Sec. 141—6/8/05)

SUPPLY OF HIGH-EFFICIENCY TECHNOLOGIES AND ZERO OR LOW-GHG ENERGY SOURCES

RENEWABLE ENERGY AND INCREASED EFFICIENCY

Authorizes study of the potential for increasing hydroelectric power production capability at federally owned or operated water regulation, storage, and conveyance facilities. (Title XIII—Studies, Sec. 1302—9/29/03)

Prioritizes funds for renewable energy production incentives, placing emphasis on solar, wind, geothermal and closed-loop biomass technologies. (Title II—Renewable Energy, Sec. 202, 9/29/03)

Establishes goals for the share of federal government purchases of electricity from renewable sources to the extent economically feasible and technically practicable. (Title II—Renewable Energy, 203, 9/29/03)

Authorizes $36 million for the establishment of a Sugar Cane Ethanol Program to promote the production of ethanol from sugar cane. (Title II—Renewable Energy, Sec. 207—6/8/05)

Expands the scope of the Commodity Credit Corporation Bioenergy Program. (Title II—Renewable Energy, Sec. 208—6/8/05)

Authorizes $125 million over 5 years for grants to facilities that use biomass to produce electricity, sensible heat, transportation fuels or substitutes for petroleum-based products. (Title II—Renewable Energy, Sec. 232, 9/29/03)

Authorizes $125 million over 5 years for grants to persons researching ways to improve the use of biomass or add value to biomass utilization. (Title II—Renewable Energy, Sec. 233, 9/29/03)

Improves geothermal energy leasing procedures, terms and conditions to increase use of geothermal energy. (Title II—Renewable Energy, Subtitle D, 9/29/03)

Facilitates use of the OCS for alternative energy sources such as wind power and ocean thermal energy. (Title III—Oil and Gas, Sec. 321, 9/29/03)

Calls for a study of the potential for renewable energy on Federal land and make recommendations for statutory and regulatory mechanisms for developing these resources. (Title XIII—Studies, Sec. 1304—6/8/05)

NATURAL GAS SUPPLIES

Provides incentives to continue natural gas production on low-yield (marginal) properties by reducing the royalty rate when prices fall. (Title III—Oil and Gas, Sec. 313, 9/29/03)

Provides incentives for natural gas production from deep wells in the shallow water of the Gulf of Mexico. (Title III—Oil and Gas, Sec. 314, 9/29/03)

Extends royalty relief for natural gas production in the deepwater of the Gulf of Mexico. (Title III—Oil and Gas, Sec. 315, 9/29/03)

Authorizes $125 million over five years to reduce fugitive methane emissions by establishing a program to properly plug and abandon orphaned, abandoned, or idled wells on federal land. (Title III—Oil and Gas, Sec. 319, 9/29/03)

Authorizes $350 million over five years to facilitate timely action on natural gas leases and permits and creation of Best Management Practices for processing permits. (Title III—Oil and Gas, Sec. 342, 9/29/03)

Requires the creation of a Memorandum of Understanding between the Department of Interior and Department of Agriculture to facilitate natural gas development on National Forest lands. (Title III—Oil and Gas, Sec. 343, 9/29/03)

Establishes a Federal Permit Streamlining Pilot Project to expedite processing of natural gas permits. (Title III—Oil and Gas, Sec. 344—6/8/05)

Facilitates the building of LNG terminals thereby increasing the supply of natural gas. (Title III—Oil and Gas, Sec. 381, 9/29/03)

Authorizes $165 million over 5 years for research aimed at facilitating production of natural gas from Methane Hydrates. (Title IX—Research and Development, Sec. 953—6/8/05)

NUCLEAR ENERGY TECHNOLOGIES

Reauthorizes for 20 years the Price-Anderson Act, the long-standing liability insurance system for all nuclear operations in the country. This system has existed for more than 40 years and never required payment from the federal government. (Title VI—Nuclear Matters, Sec. 602—6/8/05)

Improves the regulatory treatment modular reactors, facilitating the installation of new, more cost effective nuclear power reactor designs. (Title VI—Nuclear Matters, Sec. 608—6/8/05)

Mr. DOMENICI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes remaining.

Mr. HAGEL. Mr. President, let me summarize the Hagel-Pryor climate change amendment. This amendment offers a comprehensive voluntary approach to addressing the issue of climate change by connecting domestic and international economic, environmental, and energy policies. It takes a market-driven, technology-based approach to climate change by using public-private partnerships to meld together the institutional leverage of the Government with the innovation of industry.

With that, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 817.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—66

Alexander	DeWine	Mikulski
Allard	Dole	Murkowski
Allen	Domenici	Murray
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Pryor
Bennett	Feinstein	Reid
Bingaman	Frist	Roberts
Bond	Graham	Rockefeller
Brownback	Grassley	Salazar
Burns	Hagel	Santorum
Burr	Hatch	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Coburn	Isakson	Smith
Cochran	Kyl	Specter
Coleman	Landrieu	Stabenow
Conrad	Levin	Stevens
Cornyn	Lincoln	Talent
Craig	Lott	Thomas
Crapo	Lugar	Vitter
Dayton	Martinez	Voinovich
DeMint	McConnell	Warner

NAYS—29

Akaka	Dodd	Lieberman
Biden	Durbin	McCain
Boxer	Feingold	Nelson (FL)
Bunning	Gregg	Obama
Byrd	Harkin	Reed
Cantwell	Inouye	Sarbanes
Carper	Kennedy	Snowe
Chafee	Kohl	Sununu
Collins	Lautenberg	Wyden
Corzine	Leahy	

NOT VOTING—5

Dorgan	Johnson	Thune
Jeffords	Kerry	

The amendment (No. 817) was agreed to.

Mr. HAGEL. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope the Senator from Colorado, Mr. SALAZAR, will find his way to the Senate Chamber because he asked us to get him some time, and we are doing that right now in this request.

The suggestion I have for the Senate is as follows: I understand Senator SALAZAR from Colorado would like to speak for 3 minutes as in morning business about a deceased general in his State. Then Senator MCCAIN will offer a climate change amendment along with his cosponsor, Senator LIEBERMAN. That will be debated tonight, and we will set some additional

debate time for tomorrow if required by the distinguished Senators or anybody in opposition.

We may, however, have an additional vote tonight. I want everybody to know this. We might have a vote tonight. It will not be on the McCain amendment, but we will set that amendment aside, without objection from the Senator from Arizona, and take up this other amendment.

We have a number of amendments that are pending, besides the one I just indicated. One of those is a DeWine-Kohl amendment. We are going to try to work that in here and that would be without a rollcall vote. The Voinovich amendment is the one on which we will be voting.

We will proceed, as I have indicated, and recognize the Senator from Colorado, if he is here. If he is not here, we are going right to Senator MCCAIN. If he comes, maybe the Senator from Arizona can accommodate Senator SALAZAR. If not, we will let Senator MCCAIN proceed.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, may I ask unanimous consent to speak for 30 seconds as in morning business while we are waiting?

Mr. DOMENICI. We are not waiting. Senator MCCAIN is yielding time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I thank my colleagues from New Mexico and Arizona. I thank my colleague from New Mexico for moving this Energy bill forward and making such progress.

(The remarks of Ms. LANDRIEU and Ms. STABENOW are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 826

Mr. MCCAIN. Mr. President, I have an amendment at the desk on behalf of myself and Senator LIEBERMAN. I ask unanimous consent the pending amendment be set aside, and the amendment on behalf of myself and Senator LIEBERMAN be considered.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. LIEBERMAN, proposes an amendment numbered 826.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCAIN. Mr. President, first I would like to congratulate the sponsors of the amendment that was just passed. They did a good job on the amendment. I appreciate it because it is very indicative of where this debate has gone.

My dear friend from Connecticut and I, last October of 2003, forced a vote—or we had a vote on, basically, this issue, although we have changed this somewhat with the inclusion of the incentives for technological advances, as well as some nuclear power provisions which have proven somewhat controversial with some of our environmental friends.

At that time the debate on the amendment was: there is no such thing, it is a myth, this simply bears no relation to reality—on and on. There were some fascinating statements made about what a myth climate change was.

Now, obviously, we have, by passage of the Hagel amendment, recognized—at least by a majority of the Senate—that climate change is real and action needs to be taken. So I believe we have made significant progress since October 2003. At the same time, I have noticed on other reform issues that I have been involved in over the years, once the opponents of reform see reality, then they try to put up some kind of legislation which appears to address the issue but actually does not. Unfortunately, the amendment by my good friend from Nebraska that was just approved by the Senate simply has no bearing on the requirement that we act.

The Senator from Connecticut and I are going to present, not our opinions but evidence, scientific evidence, that climate change is real, it is happening, and as we speak we will see things happening to our environment which will have long-term devastating effects on this globe on which we reside. When we talk about scientific evidence and opinion, with the exception of those who may somehow be financially related to certain opponents of this legislation, there is very little doubt as to the scientific evidence of every objective observer, not to mention our European friends who have so concluded and are acting to reduce the effects of greenhouse gas emissions in the world.

By the way, they have not faced Armageddon to their economies, as predicted by some of the speakers who have already addressed this issue. I found them entertaining. Do you know why I found them entertaining? Because every time I have been in a reform issue—whether it be installation of safety belts in automobiles, or airbags, or campaign finance reform—the Apocalypse was upon us.

In this amendment we encourage technology in order to reduce greenhouse gas emissions and make energy use more efficient, and we are trying at the expense of some support to recognize that nuclear power is a very important contributor to our energy needs in the coming years, particularly since 20 percent of our energy supply is already supplied by nuclear power and those powerplants are going out of business fairly soon. We have a proposal that is balanced and fair and not only tries to minimize and, over time, reduce the damage that has already been inflicted by greenhouse gas emissions, but also will provide for energy that this world—our country as well as others—needs.

Is this Kyoto that Senator LIEBERMAN and I are proposing? No. Sometimes I wish that it were, but it is not. It is far less stringent in its requirements to address the issue of greenhouse gas emissions. It is something that we believe is not only affordable but doable.

Does it involve some sacrifice on the part of the American people? Yes. I have to tell you, every time I talk to young Americans and say, Are you willing to make some sacrifice to prevent the occurrences that we see are happening now, these young Americans are more than willing to do so.

When we talk about jobs, these Draconian estimates of lost jobs that they have hired some think tank to come up with, what about the jobs and the economic effect on the United States of America that is already taking place when we have four hurricanes in one season in Florida; when we have greater and more extreme climatic effects generated by greenhouse gas emissions? How much is it going to cost when the great barrier reef dies? The Australian Government has said that the great barrier reef will die by—I think the year is 2040. What happens then to the food chain? What is the cost then?

What is the cost to the Alaskan Inuit Tribe when, as we speak, their villages are falling into the ocean because of the melting of the permafrost? What are those costs?

I will tell you what they are; they are astronomical. They may hire a lot of people, in the form of emergency workers and FEMA and all of that.

I have a very long statement. I am not going to take too long because I want my friend, Senator LIEBERMAN, to talk. But why is it that our best partner in Europe, Tony Blair, is so dedicated to the proposition that we need to act on this issue? I do not find him to be an irrational individual. What does Prime Minister Tony Blair say? I think he puts it better than anyone.

The opponents, particularly my friend from Oklahoma, will come down and say all this climate change is just a myth, the Earth is not warmer, there is no real basis for this whatsoever. And he will find some obscure scientist who will say, yes, it is a myth—despite the overwhelming body of evidence that dictates that climate change is real and its effects are already being felt in a variety of ways.

Suppose the Senator from Connecticut and I, and the overwhelming body of scientific evidence, and Tony Blair, and all the Europeans, and all the signatories to the Kyoto treaty, they are all wrong and we went ahead and made these modest proposals. What would we have? We would have a cleaner Earth. We would have an Earth with a less polluted atmosphere. We

would have cleaner technologies. We would have found a way to again utilize nuclear power in a safe and efficient fashion.

But suppose that we are right. Let's suppose the National Academy of Sciences is right when they say:

> There will always be uncertainty in understanding a system as complex as the world's climate, however there is now strong evidence that significant global warming is occurring.

This comes from the National Academy of Sciences, the National Academies from the G8 countries along with those from Brazil, China, and India.

> The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.

Remember, this is from the U.S. National Academy of Sciences, National Academies from other G8 countries along with other countries:

> We urge all nations to take prompt action to reduce the causes of climate change, adapt to its impact, and ensure that the issue is included in all relevant national and international strategies.

Suppose they are right. Suppose they are right and we, as stewards of our environment, have failed to act. The consequences are clear. The effects are devastating. They are extremely difficult to reverse, as any scientist will tell you. And we will have done such a terrible thing to future generations not only in America but in the world because of our enormous contributions to the greenhouse gas emissions which are causing such devastating effects already as we speak.

I am going to yield to my friend from Connecticut. But I hope my colleagues make no mistake about what we just did, which is nothing—which is nothing. There is nothing in the last amendment that has any requirements whatsoever—except perhaps some more reporting. I believe the time for reports is past. I think we have a sufficient number of reports and assessments. It has done nothing.

This amendment, I am sure, will be attacked—thousands of jobs will be lost, we will find some obscure scientist, some will talk about the dangers of encouraging the use of nuclear power. The fact is, we are going to win on this issue. The reason we are going to win is because every single month there is another manifestation of the terrible effects of what climate change is doing to our Earth. The problem is how late will it be when we win? How devastating will be the effects of climate change on this Earth on which we live? I am very much afraid that every day that goes by our challenge becomes greater and greater.

That is what this debate is all about. I know the chances of our passing this amendment are probably not as good as we would like. But I hope my colleagues and the American people will pay attention to this debate because it may be the most important single issue that is addressed by this Senate in all the time that I have been here.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona with whom I am proud, once again, to sponsor the Climate Stewardship and Innovation Act to combat global warming.

Senator MCCAIN has, as is his characteristic mode of behavior, talked straight. He has sounded a clarion call. He has spoken in words that I would echo right now: This is the challenge of our generation, environmentally. It will begin to affect the way we live on planet Earth.

We feel so strongly about it that we are going to stick together, and I believe our ranks will grow over time, I hope before the worst effects of global warming occur, before the most cataclysmic effects occur.

We are going to get this done because it has to be done. This amendment we are offering is the only proposal the Senate will consider that will actually put a halt to the rise in carbon emissions that cause global warming. It will also spur technological innovations to deal with that problem.

In some sense, as I view this—and I have spent a lot of time working on it—what is involved is a conflict between science and the resistance to change. Change is frightening sometimes, particularly when the worst consequences of not changing are not apparent. This is why this is such a great challenge to our political system because, although we are beginning to see the effects of global warming, the worst effects are over the horizon.

The challenge now, having been put on notice by science, is whether the political leadership of our country will take the steps necessary to protect the generations that will follow from the worst consequences of global warming.

I will paraphrase Jonas Salk, who invented the polio vaccine: One of the tests of every generation is whether we have been good ancestors, whether we have acted in a way that those who follow us will say that we had farsighted ancestors who saw this problem coming and dealt with it.

That is the challenge this amendment offers. Because it is about science. With the distinguished Presiding Officer, particularly, I cannot resist going into a bit of history. It was 100 years ago this month, June 30, 1905, that Albert Einstein finished a paper with the very dense title ''On the Electrodynamics of Moving Bodies.'' Today we know it better as the Theory of Special Relativity or E equals MC squared.

Why do I bring this up in the context of global warming? Because when Einstein first proposed the theory, it was dismissed as unrealistic, as a dream. Its consequences were widely misunderstood. Over time, the best scientists agreed not only that Einstein's theory was true, but they expanded upon it and used it to the extraordinary benefit of the generations that have followed.

With apologies to another great scientist, Darwin, this process might be called the ''Evolution of Theory.'' The theory that the Earth is warming with dire consequences may have started off with little understanding or acceptance. In fact, when we first began to talk about it, Senator MCCAIN and I, a lot of people including in this Senate discussed it as if it had a Chicken Little ''sky is falling'' quality. The fact is, we were basing our actions and our arguments on temperatures that were rising. But the worst effects that we were projecting were based on scientific modeling.

Now the best scientific minds in the world have examined the evidence and stated that climate change is real. Its cost to our economies will be devastatingly real. Its costs to our people and the way they live will be devastatingly real if we do not act.

Just a few months ago, the head of the International Panel on Climate Change, Dr. Pachauri, whose candidacy for that position that was supported by the Bush administration, said:

> We are already at a dangerous point when it comes to global warming. Immediate and very deep cuts in greenhouse gases are needed if humanity, as we know it, is to survive.

The truth is, at this point, we do not need the scientists to tell us that the globe is warming. We can see it with our own eyes. The most compelling evidence is the satellite photographs of the polar ice caps. Look back 10, 15, 20 years; they are shrinking before our eyes.

Consider this very real example that is a consequence of that warming: 184 Alaskan coastal villages already are facing the threat of relocation because their land and infrastructure are being impacted by advancing seas and warmer temperatures that are melting the permafrost. One estimate I have seen says it will cost $100 million to locate just one of those villages or towns. I hesitate to articulate this fear, but what would be the price if we needed to relocate New Orleans or Miami or Santa Cruz, CA?

One of North America's leading reinsurers, Swiss Re, projects that climate-driven disasters could cost global financial centers more than $150 billion per year within the next 10 years. That is not Senator MCCAIN or me or some environmental group. It is a business, an insurance company, which is on the line for the costs of climate-driven disasters: $150 billion a year within the next 10 years.

I could go on with stories of wildlife appearing in places where they have never appeared before. Even in Connecticut, we have certain birds that are lingering longer in our State, because it is staying warmer longer. In Maine, our colleagues say the sugar maples are being affected by the alteration in the climate.

What is the United States doing? The United States, the largest emitter, the largest source of the greenhouse gases that cause global warming, what are we doing? Nothing. Literally nothing. In some sense, less than nothing because we pulled out of the Kyoto Protocol that subsequently has been ratified by enough of the industrialized world.

I agree with Senator MCCAIN about the preceding amendment. It is a fig leaf. It may allow some people to say we are doing something about global warming but it does not do anything. It leaves it all to voluntary action to support some research. It asks for reports. This goes back to the early 1990s, when the first President Bush was very actively involved in the Rio conference on global warming and recognized the reality of global warming, supported measures to deal with it, and set voluntary standards. They did not work. That is why Kyoto came along in 1997.

We saw, in the intervening years, if you leave it just plain voluntary, nothing will happen. People will continue to do things as before. Sources of greenhouse gases will not change. We have to show some leadership.

The last amendment I call ''fiddling while the Earth is warming.'' In its way, it is more consequential than Rome burning.

The Climate Stewardship and Innovation Act, which Senator MCCAIN and I introduced as an amendment to this Energy bill, is the needed first step, second step, and third step. It is the only proposal that will come before the Senate that puts an absolute stop to the increase in greenhouse gas emissions by America. In that sense, it brings us back to some point of moral responsibility. This is a problem for the whole globe. We are the biggest source of it. Yet we are doing nothing about it, while a lot of other countries are.

This amendment is the only proposal that will come before the Senate that creates not old-fashioned command and control but a true market mechanism reflecting the punishing social and economic costs of global warming. And this amendment, the Climate Stewardship and Innovation Act, is the only proposal that will come before the Senate that harnesses these market forces and steers them toward new energy technology that will not only help us meet the standards but will energize our economy because it will create jobs; those jobs will create products that will fill a growing global demand for energy-efficient greenhouse gas-resistant technologies.

Let me briefly state the basics of our bill. The original Climate Stewardship Act was the result itself of a lengthy process Senator MCCAIN and I were involved in, with the stakeholders, sources of greenhouse gases, environmentalists, and scientists working together. A major role was played by the Pew Trust. The original Climate Stewardship Act asked the American people, businesses, to reduce our carbon emissions to 2000 levels by the end of the decade—by 2012—easier to achieve than what Kyoto asked. Kyoto asked to go back to 1990.

There was a graph in one of the papers yesterday that shows reductions from Kyoto about here; if we do nothing, about there; McCain-Lieberman was in between. It is always nice to be in the middle—the golden mean. That is exactly what this proposal is. Our proposal then, and now, will reduce carbon emissions by use of the market, by putting a price on those emissions, with a cap and trade policy modeled on the one used so successfully in the Clean Air Act of 1990 which, as we all know, has reduced acid rain at far less cost than expected without the old ''command and control'' Government.

Simply put, a business that does not reach its emissions target can buy emissions credits from an entity who has managed to move themselves under the target.

Because the cap and trade system creates a market price for greenhouse gas emissions, it exposes the true cost of burning fossil fuels and will drive investments toward lower carbon-emitting technologies. It will, incidentally, also help us break our dangerous dependence on foreign oil which now is approaching $60 a barrel and rising. I fear, as so many others do, no matter how strong we are militarily, it can ultimately compromise our national security.

As the new title of this amendment implies, we have added an innovation section to our original bill because technological change and innovation are the keys in both the fight against global warming and the battle for energy independence. Our amendment creates a dedicated public sector fund for ensuring that investment is directed at the new technologies we need, including, but not limited to, biofuels, clean coal technology, solar and nuclear power, to name just a few off an open-ended menu of climate-friendly technology choices.

Instead of turning to the taxpayer to fund these, our bill uses a very creative self-funding mechanism. It empowers the Secretary of Energy to use some of the money generated through the purchase of emissions credits, funneled through a new public corporation our bill would create to help bring those innovations to market. The amendment will ensure the most important and efficient technological alternatives are supported. We did not pick winners and losers. That is for the market to do. Our bill does make sure, however, that if there are barriers to developing or using these new technologies to meet the standards and cap in our proposal, the resources are available to knock those barriers down.

If we do not help bring these new low carbon or zero carbon technologies to market, believe me, we will be buying them from the nations that do. Here is exhibit A to prove that point: Hybrid cars today are popular. There are waiting lists for them. I heard there is a market where people sell the ticket they have in the line so somebody can buy a hybrid car, low-emitting vehicles that consumers have clearly shown they want.

Where did American companies get the technology to build those hybrids? They have licensed it from Japan. Our bill will ensure that assistance is provided to American manufacturers to help with the transition to new technologies and energy productions with programs to reduce consumer costs and help dislocated workers and communities. The point is, we want what we know will be an enormous market for low carbon, zero carbon, low/zero greenhouse gas-emitting products to be filled by products made in the United States.

When Senator MCCAIN and I sat down to write this bill, we knew it had to pass three tests: First, it had to guarantee that it would achieve a real reduction in total greenhouse gas emissions across our society. Second, it had to create a true wide-open market for emissions reductions. And third, it had to provide businesses, and ultimately consumers, with a wide range of low-emission, low-cost energy choices through technological innovations.

I am proud to say to my colleagues our amendment meets all three of those tests.

The Senate should scrutinize any alternatives that are offered to this amendment we have proposed and ask whether those meet those same tests, whether, as the planet is warming and the rest of the world is trying to do something about it, the United States is fiddling.

I mentioned at the outset that 100 years ago this month that young man sitting in a Swiss patent office changed our understanding of the universe with the power of his new ideas.

A century later, we are facing a real threat. To meet it, we need to empower our best minds to use the power of new ideas to help provide new sources of power to our world. If we do not take these simple steps now, steps that are well within both our technological and financial reach, the generations that come will rightfully look back at us with scorn and ask why we acted so selfishly, why we yielded to the status quo that did not want to change, why we cared only for short-term comforts or profits, and why we left them a global environment in danger.

Einstein once said:

> The significant problems we face cannot be solved at the same level of thinking with which we created them.

Senator MCCAIN and I and our other cosponsors and supporters believe the Climate Stewardship and Innovation Act will not only set standards for reducing global warming but will lead us to the new thinking, to the new ideas, and the new products we need to halt global warming, achieve energy independence and protect the world as we know it and love it for the generations to come.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say thank you to both Senator LIEBERMAN and Senator MCCAIN for giving this Senate the first real start to reduce global warming. I was one who voted for the Hagel amendment, but I did so realizing it really had very little bang for the buck. This is the first real global warming bill this body will come to grips with. I think it is extraordinarily important.

In real terms, passage of this bill would mean that instead of having 8 billion tons of greenhouse gases emitted into the air in 2010, as would be the case if we do not pass the amendment, we will emit slightly less than 6 billion tons in 2010. That means this amendment would reduce emissions by almost 2 billion tons, or 25 percent, by the end of the decade.

In order to achieve the goal, the amendment would implement a market-based emissions cap and trade system. Currently, the United States is the largest emitter of greenhouse gases in the world. We account for one-fourth of all global greenhouse gas emissions.

In a single year, the average American produces the same greenhouse gas emissions as 4.5 people in Mexico or 18 people in India or 99 people in Bangladesh.

In the past 200 years, since the Industrial Revolution, the concentration of carbon dioxide in the Earth's atmosphere has risen by roughly 30 percent. If we do nothing to reduce these emissions, CO2 levels are estimated to again rise by 30 percent in only the next 50 years.

Here it is on the chart. You see, as temperature rises, global warming takes place, and carbon dioxide emissions increase.

The hottest year on record is 1998, followed by a tie for the second hottest year between 2002 and 2003.

Let me say what the National Academy of Sciences has reported. Let me just briefly quote:

> Since the 1900s global average temperature and atmospheric carbon dioxide concentration have increased dramatically, particularly compared to their levels in the 900 preceding years.

Carbon dioxide is the No. 1 global warming gas. We have already begun to see, as both Senators MCCAIN and LIEBERMAN have said, the real impacts of global warming.

Glaciers are beginning to disappear throughout the United States and around the world at a rapid rate. This chart demonstrates the rapid loss of the South Cascade Glaciers in Washington State. In addition, it is predicted that all the glaciers in Glacier National Park in Montana will be gone by 2030.

Here on the chart, you can see the South Glacier. In 1928, you could see the full glacier. Then, this is what you saw in 1979. And you can see that in 2003 it was just about one-half of what it was.

Since 1979, more than 20 percent of the polar ice cap has melted away due to the increase of global temperatures. Senator LIEBERMAN mentioned that in his speech, but I think this chart shows it dramatically. This line indicates the Arctic sea ice boundary in 1979. You can see how large it was. And you see more than 20 percent of the polar ice cap has already melted away. That is disastrous because the top of the planet is more impacted than the bottom of the planet.

Now, this is forcing Eskimos in Alaska to move inland. My husband just visited an Eskimo village. They were preparing to move their village because it was being inundated by the ocean.

Over the last century, the global sea level has risen by 6 inches. The United Nations Intergovernmental Panel on Climate Change predicts that by the next century, the global sea level will rise even higher to anywhere from 4 inches to 3 feet. That is enormous when you look at these changes.

Let me just speak for a moment about my State.

Since 1900, California has warmed by 2 degrees Fahrenheit. Annual precipitation has decreased over much of the State—by 10 to 25 percent in many areas. The EPA estimates that the temperature in California could rise by as much as 5 degrees by the end of this century if the current global warming trends continue.

That increase is going to have a drastic impact on many facets of California life—water, for one. As the largest agricultural State in the Union, we need it to farm and grow our crops. We need water to keep the ecosystem in balance, and we need water for 37.5 million people to drink, to wash, and to water crops and plants.

The Sierra Nevada snowpack is the largest source of water. The snowpack equals about half the storage capacity of all of California's man-made reservoirs. It is estimated that by the end of the century, the shrinking of the snowpack will eliminate the water source for 16 million people. That is equal to all of the people in the Los Angeles Basin. That is how big this is.

What this chart shows is, if we take strong action to curb greenhouse gas emissions, 27 percent of the snowpack will remain in the Sierras; strong action will only protect 27 percent. If we do nothing to reduce our greenhouse gas emissions, only 11 percent of the Sierra Nevada snowpack will be left by the end of the century. You clearly see it. That is Armageddon for California. That is Armageddon for the fifth largest economy on Earth.

Now, we have already begun to see a decline in the Sierra Nevada snowpack due to warmer winter storms that bring more rain than snow and also cause a premature melting of the snowpack.

If just a third of the snowpack is lost, it would mean losing enough water to serve 8 million households. So you can see how big this is. That is why this bill is so important—the first bill that actually does something about it.

Let me talk for just a second about our wine industry. It is recognized throughout the world. It is a $45 billion industry in sales, jobs, tourism, and tax revenue.

Grown throughout the State, wine grapes are sensitive to temperature and moisture. It is predicted that by the end of the century, grapes will ripen up to 2 months earlier and will be of poorer quality. The result is a decline for California's premier wine industry.

Let me talk about dairy. We are the largest dairy-producing State in the Union, much to the chagrin of my distinguished colleague from Wisconsin. Studies indicate that due to increased temperatures, our milk production could be reduced anywhere from 5 to 20 percent. This would not only have a drastic impact on California's agriculture industry, but it would also affect other States that rely on California to provide milk and other dairy products.

Beaches and coastlines—we are known for them. When most people think of California, they think about our beaches. The rising sea level, due to global warming, is slowly swallowing these beaches and eroding the coastline. Over the last century, the sea level has risen 3 to 8 inches. Scientists predict it will continue to rise an additional 13 to 19 inches by the end of this century. This will force municipalities to replenish land on beaches stretching from Santa Barbara to San Diego. The EPA says this could cost from $174 million to $3.5 billion.

Global warming is California's No. 1 environmental problem.

Now, let me talk for a moment about what cities are doing. Cities are not waiting for us. Cities are moving. Members of the United States Conference of Mayors unanimously passed a resolution earlier this month that requires their member cities to attempt to meet or exceed emissions standards set by Kyoto. They have agreed to try to meet or beat the Kyoto Protocol targets in various communities around the Nation. They have agreed to urge their State governments and the Federal Government to enact policies to reduce greenhouse gas emissions, and they have agreed to urge us to pass the McCain-Lieberman bill.

So far, 167 cities have signed up to enforce the Kyoto requirements.

Nearly 40 States, to date, have developed their own climate plans. Four-fifths of the United States is moving on its own because we are so slow to act.

An emission trading system is emerging in the Northeast that will require large power plants from Maine to Delaware to reduce their carbon emissions.

Eighteen States and the District of Columbia have enacted standards to require that electricity be generated with renewable fuels rather than fossil fuels. These States include California,

Arizona, Colorado, Connecticut, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, and Wisconsin.

The point is, our States are moving. Why are we so bloody slow? California has enacted legislation that will reduce greenhouse gas emissions from vehicle tailpipes. It is expected that the Northeastern States and Canada will also follow California's lead.

Yet, without concerted Federal action, the United States will not be able to achieve real, significant greenhouse gas reductions. If Members of the U.S. Senate agree with the science, if they agree with virtually all of the literature to date, if they look out and study the weather and they see the changes, if they see the fluctuation in weather patterns, the aberrant behavior of weather, they will come to the conclusion that global warming is real. It is real, and we now have the first bill to do something positive about it, and that is the Lieberman-McCain legislation.

I believe all of California supports it. I am proud to support it. I urge its passage to this distinguished body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend and colleague from California for a very powerful statement. In a personal sense, and I know I speak for Senator MCCAIN, we are grateful for her support. We are honored to have it. But what a statement. I hope every Member of the Senate gets a chance to read the text of the Feinstein statement. In very practical terms, it describes the impact of inaction on our largest State—California—on water supply, not to mention the dairy industry and, perhaps of more national significance, the California wine industry. But this is real-life stuff. Shame on us if we don't take real action to stem the problem.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS ON GUANTANAMO BAY

Mr. DURBIN. Mr. President, more than most people, a Senator lives by his words. Words are the coin of the realm in our profession. Occasionally, words will fail us. Occasionally, we will fail words.

On June 14, I took the floor of the Senate to speak about genuine, heartfelt concerns about the treatment of prisoners and detainees at Guantanamo and other places. I raised legitimate concerns that others have raised, including Secretary of State Colin Powell, about the policies of this administration and whether they truly do serve our needs to make America safer and more secure; whether, in fact, some of the policies might, in fact, endanger our troops or in some way disparage the image of America around the world.

During the course of that presentation, I read an e-mail from the Federal Bureau of Investigation that was discovered to exist last August and has now been produced as part of a Freedom of Information Act. After reading the horrible details in that memo, which characterized the treatment of prisoners at Guantanamo, I then, on my own—my own words—made some characterizations about that memo. I made reference to the Nazis, to the Soviets, and other repressive regimes.

Mr. President, I have come to understand that was a very poor choice of words. Last Friday, I tried to make this very clear, that I understood that those analogies to the Nazis and Soviets and others were poorly chosen. I issued a release which I thought made my intentions and my innermost feelings as clear as I possibly could. Let me read to you what I said in that release last Friday:

> I have learned from my statement that historical parallels can be misused and misunderstood. I sincerely regret if what I said caused anyone to misunderstand my true feelings: Our soldiers around the world and their families deserve our respect, admiration and total support.

It is very clear that even though I thought I had said something that clarified the situation, to many people it was still unclear. I am sorry if anything I said caused any offense or pain to those who have such bitter memories of the Holocaust, the greatest moral tragedy of our time. Nothing should ever be said to demean or diminish that moral tragedy.

I am also sorry if anything I said in any way cast a negative light on our fine men and women in the military. I went to Iraq a few months ago with Senator HARRY REID and a delegation, a bipartisan delegation; the Presiding Officer was part of it. When you look in the eyes of the soldiers, you see your son or your daughter. They are the best. I never, ever intended any disrespect for them. Some may believe that my remarks crossed the line. To them, I extend my heartfelt apologies.

There is usually a quote from Abraham Lincoln that you can turn to in moments such as this. Maybe this is the right one. Lincoln said: If the end brings me out right, what is said against me won't amount to anything. If the end brings me out wrong, 10,000 angels swearing I was right wouldn't make any difference.

In the end, I don't want anything in my public career to detract from my love for this country, my respect for those who serve it, and this great Senate.

I offer my apologies to those who are offended by my words. I promise you that I will continue to speak out on the issues that I believe are important to the people of Illinois and to the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to say what is unnecessary, and that is that the Senator from Illinois just made a heartfelt statement, one of apology. All of us, I believe, who have had the opportunity to serve in public life from time to time have said things that we deeply regret. I know that I have. I can't speak for the other Members of this body. I would like to say to the Senator from Illinois, he did the right thing, a courageous thing, and I believe we can put this issue behind us. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want very briefly to thank my friend and colleague, Senator DURBIN, for the statement he has just made. I know it has been a very difficult period of time for him. Which one of us has not erred? Which one of us, particularly in public life, has not said something that didn't come out exactly as we intended it to and certainly had an impact we never could have imagined?

When I first heard about what Senator DURBIN said last week, and I heard some people at home in Connecticut who were agitated by it, I said: I know DICK DURBIN. I know he would never really compare the suffering of people in the Nazi concentration camps or the Soviet gulag or under Pol Pot to what is happening in Guantanamo, as much as he is concerned and has criticized some of what we have learned, including in the FBI report he cited. It is just not him. I know his character. I know his person.

Look, we have seen it today. It takes a big person to stand up and apologize on the floor of the Senate. He has done it. I just appeal to everyone now to move on. Let this be the end of this. Anyone who will continue to try to fester this some more is doing a disservice to the Senate and to our country. Senator DURBIN has made clear his regrets for what he said and the way it was misunderstood. He is a good man. He is an extraordinary Senator. He is a good friend. I thank him for the courage he showed in coming up and saying what is hard for us in public life, but we are no different than anybody else: I am sorry. I made a mistake.

To err is human, but it is also important to say that to forgive is not only divine, it ought to be human as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Does the Senator from New Mexico have the floor?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I believe that I could now argue against the pending amendment, but I choose at this point, if we could, because I made some arrangements that I don't think are inconsistent with the minority leader—not

agreements but arrangements—if we could let Senator INHOFE, who is now in opposition to the amendment, proceed, he would like to speak for 10 minutes.

Mr. REID. Mr. President, the Senator from New Mexico has the floor. I would like to speak for a couple minutes before that.

Mr. DOMENICI. And then could we go to Senator INHOFE for 10 minutes?

Mr. REID. I think maybe 5 more minutes, and then we will get to him.

Mr. DOMENICI. OK. This is an interesting moment. I don't want to object.

Mr. REID. We will be very quick.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I ask unanimous consent that following my remarks, the Senator from California be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have stated on a number of occasions publicly my great affection for my friend from Illinois. We came together to Congress. He has been a very close personal friend. I have such great admiration for him. He has been a great whip during the 5 months that I have been the leader. As we know, he has been a strong supporter of the troops. He has worked for the Guard and Reserve especially, more than anyone I know in the Senate. I know how hard it was for him to come and speak as he has today.

I have said things in the past that I wish I hadn't said. In the last 6 or 7 months, they have been noted more than in the past. So I certainly appreciate the strength and the courage of my friend from Illinois.

I also want to say a word about my friend who is not on the floor now, JOHN MCCAIN. He and I came to this body also with Senator DURBIN. He and I have been very close in seniority. He is one ahead of me because the State of Arizona is larger than the State of Nevada. That is what happened when we came to the Senate. For someone with his military background to say what he just said about Senator DURBIN is very typical for JOHN MCCAIN. Not only do I express my appreciation for the statement of my friend from Illinois but also for the statement of the Senator from Arizona. It was a very typical JOHN MCCAIN statement, and it shows that he is a person who speaks from the heart.

If I may impose on my friend from Oklahoma, the other Senator from Illinois is here. Senator FEINSTEIN has 2 minutes. May I give him 2 minutes?

Mr. INHOFE. No objection.

Mr. REID. I ask unanimous consent that following Senator FEINSTEIN, Senator OBAMA be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Democratic leader and Senator INHOFE for this courtesy.

I don't think there is a Member of this body who hasn't gone to an event, made a speech, answered a question, advocated a cause, who hasn't said: Oh, I wish I had done it differently. I don't think there are any of us who haven't awoken the next morning and said: Gee, I really meant it, and I am sure it is going to be taken out of context, or they are going to think I meant this or that. I don't think there are any of us who haven't sometimes written letters to correct what we have said.

We know DICK DURBIN. We know he is patriotic. We know he cares about the men and women serving. And we know that he would do nothing to ever mean anything to the contrary.

I was very much taken by his remarks. More importantly, I was taken by the emotion behind the remarks. We have been having in the Judiciary Committee a legitimate debate on Guantanamo. Hearings have been held. Debate is taking place. That is healthy. That is what this system is all about. Senator DURBIN has played a role in that debate. I hope, too, that this will mark the end of it.

I thank, too, the Senator from Arizona for what he said. No one has a more distinguished military record than he. I also hope that everyone who has heard Senator DURBIN tonight recognizes his sincerity and his depth of concern. Let this be the end of it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I thank Senator INHOFE, Senator REID, and Senator DOMENICI for allowing me this time.

I know DICK DURBIN. I serve with him in Illinois. We have traveled together through the byways and highways of our great State. I have rarely met someone with greater dedication to ordinary Americans, a stronger belief in the greatness of this Nation, or a more longstanding commitment to public service as an expression of that patriotism than DICK DURBIN.

This recent episode obviously has pained him a great deal because although I am new in the Senate, one of the things I am discovering is that we have a tendency, perhaps because we don't share as much time on the floor as we should, perhaps because our politics seem to be ginned up by interest groups and blogs and the Internet, we have a tendency to demonize and jump on and make mockery of each other across the aisle. That is particularly pronounced when we make mistakes. Each and every one of us is going to make a mistake once in a while. We are going to say something unartful; we are going to say something that doesn't appropriately describe our intentions. And what we hope is that our track record of service, the scope of how we have operated and interacted with people, will override whatever particular mistake we make.

Senator DURBIN has established himself as one of the people in this Chamber who cares deeply about our veterans and our troops. He hasn't just talked the talk, he has walked the walk. I have been distressed to see my partner from Illinois placed in the situation in which he has been placed. I am grateful he had the courage to stand up and acknowledge that he should have said what he said somewhat differently. But I am also grateful that people, such as the distinguished Senator from Arizona and others, recognize this for what it was—a simple misstatement—and that now we can move on to talk about the substance of the issues that are of legitimate concern to this body, including making certain that when we operate institutions such as those at Guantanamo, we hold the United States to that high standard that all of us expect.

I yield the floor.

AMENDMENT NO. 826

The PRESIDING OFFICER (Mr. BURR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I thank the leader for allowing me to get in about 10 minutes to respond to some of the things said about the McCain-Lieberman legislation. First of all, I know how sincere both Senators MCCAIN and LIEBERMAN are. They deeply believe in their cause.

However, as chairman of the Environment and Public Works Committee, I feel compelled to refute some of the things that have been said. So what I have done—and I think I can do this in a very short period of time—is look at some of the statements made and respond to them. Now, tomorrow, we will have enough time to get into a lot of details. I have charts I wish to show. I will give a full-blown presentation. For tonight, I will let my colleagues know there are a lot of things we should be looking at and not just assuming that everything that has been said is true. I know they believe it, but some of these things are not true.

First of all, the discussion on hurricanes—that hurricanes are going to be impacted in a way that will be detrimental and we are all going to blow away. Let's keep in mind that the same people who are talking about global warming and all of the catastrophic things are the same ones who were talking about gobal cooling about 25 years ago, saying that another ice age is coming, that we are all going to die. On hurricanes, according to Dr. Christopher Lansey, one of the foremost experts today on hurricanes, he said that hurricanes are going to continue to hit the United States on the Atlantic and gulf coast, and the damage will probably be more extensive than in the past, but this is due to natural climate cycles, which cause hurricanes to be stronger and more frequent and rising property prices on the coast, not because of any affect of CO_2 emissions on weather. He goes on to say that it is determined that the total number of Atlantic hurricanes making landfall in the United States decreased from the normalized trend of U.S. hurricanes. The damage reveals a decreasing rate. In other words, they are decreasing. Finally, contrary to the belief—this is Dr. Christopher Lansey—reducing CO_2 emissions will not lessen the impact of hurricanes.

We can say anything we want on the floor of the Senate. These are scientists. He says the best way to reduce the toll hurricanes will take on coastal communities is through adaptation and preparation. I believe that is true.

Second, they brought up the Arctic. I think when you look at some of the reports on the Arctic—I will quote from the report that was given before the Commerce Committee, Senator MCCAIN's Committee, at that time. He said:

> Arctic climate varies dramatically from one region to another and, over time, in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic. In contrast to global and hemispheric temperatures, the maritime Arctic temperature was higher in the 1930s through the early 1940s than it was in the 1990s.

That contradicts everything that has been said about the Arctic. I will elaborate on this tomorrow.

It has been stated by one of the proponents of the McCain-Lieberman bill that there are modest costs involved. I will look at the impact. This is the CRA International analysis—not of S. 139 as it was before but as it has been pared down and supposedly will have less economic impact. They said that enacting McCain-Lieberman will cost the economy $507 billion in year 2020. Enacting McCain-Lieberman would mean a loss of 840,000 U.S. jobs in 2010. It will result in 1.306 million jobs in 2020. That is not just a domino effect. Enacting McCain-Lieberman would cost the average U.S. household up to $810 in 2020. The figure used before was $2,700 for the average family of four.

The NAS, a letter about the NAS, let's take a look at that. The National Academy of Sciences—and I will quote out of their report—said:

> There is considerable uncertainty and current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols.

Further quoting:

> A casual linkage between the buildup of greenhouse gases and the observed climate change in the 20th century cannot be unequivocally established; thirdly, the IPCC—

That is the report of the International Panel on Climate Change of the United Nations.

> Summary for policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

Again, that is the National Academy of Sciences.

The Senator from California brought up the hockey stick theory. I believe that deserves more time than we will have tonight. I plan on talking about this tomorrow because when Michael Mann came up with the whole hockey stick theory, he talked about projecting the temperatures over the period of time, until the 20th century came along, and then they went up and off the charts. What he neglected to say, I say to my friend from Connecticut, is that there was another blade to this hockey stick, and that was the blade there during the medieval warming period. It is pretty well established now that the temperatures during the medieval warming period were actually higher than they were during this century—the current blade he talks about. That is significant. We will have a chance to elaborate on that.

Finally, in the timeframe I have, I will say that when it is referred to that the Senator from Oklahoma will come up with some ''obscure'' scientist who might disagree, you are right, he will, because there are a lot of them out there who are pretty well educated. The Oregon Petition was made up of 17,800 scientists. I will quote from their report. They said:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing, or will in the foreseeable future cause, catastrophic heating of the earth's atmosphere and disruption of the earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the earth.

I think we are going to have an opportunity—at least I will—to talk about many of the other scientists. At least we have to come to the conclusion that there are uncertainties out there. I think the people who try to say the science is settled believe that if they keep saying the same thing over and over again, people will believe it. Quite frankly, there is a very friendly media to the alarmists, those who want to believe there is a real serious problem that, No. 1, the climate is changing; and, No. 2, the changes are due to anthropogenic gases or manmade gases, when, in fact, the science is not settled.

I believe this is very important for people to realize. People might ask the question, If the science is not settled and if there is that much of an economic problem with this, then what could be motivating people to be so concerned about our signing on to the Kyoto treaty? Margot Wallstrom is the EU Environment Commissioner. She said that Kyoto is about the economy, about leveling the playing field for big business worldwide. Another hero to some, Jacques Chirac, had a lot to say when he weighed in. Talking about it has nothing to do with climate change, he said that Kyoto represents the first component of an authentic global governance.

There are people who are motivated by wanting to effect economic damage to our country. Tomorrow, we will have opportunity to cover in much more detail the fact that there is another side to this story.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The senior Senator from Ohio.

Mr. DEWINE. What is the pending business?

The PRESIDING OFFICER. The current business is amendment No. 826 offered by the Senators from Arizona and Connecticut.

Mr. DEWINE. I yield to my colleague from New Mexico.

Mr. DOMENICI. Mr. President, I have already told the minority what I was going to do if I can get an understanding. Senators DEWINE and KOHL want to offer an amendment. I ask them if they could complete their amendment—allowing the Senator from New Mexico 1 minute—in 6 minutes between the two.

Mr. DEWINE. We can certainly do whatever the Senator would like us to do.

Mr. DOMENICI. I am not trying to tell you; I am asking if you can do that.

Mr. DEWINE. Yes.

Mr. DOMENICI. That will be voice voted, however it turns out. Then we are going to proceed, without objection, to Senator VOINOVICH, who has an amendment which has been circulated for a while. He desires to debate that amendment and have a rollcall vote, correct?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. If anybody wants to speak in opposition, I will ask that they have 1 minute and that you have 6 minutes on your side. Is that satisfactory?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask that it be in order to ask for the yeas and nays now for the Voinovich amendment when it is appropriately before the Senate.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. We can proceed with the rest of the consent agreement, and then we are back on the Senator's amendment. If I failed to ask that the McCain-Lieberman be temporarily set aside while this is occurring, I so request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, let me understand the unanimous consent agreement. The pending amendment would be set aside.

The PRESIDING OFFICER. Senator DEWINE and Senator KOHL will be recognized for 6 minutes.

Mr. MCCAIN. And Senator VOINOVICH will be recognized, and we will have a vote following that; is that correct?

The PRESIDING OFFICER. That is correct. And one addition; the Senator from New Mexico wants 1 minute to speak.

Mr. MCCAIN. Now I understand.

Mr. DOMENICI. I thank the Senator. I am sorry I did not make it clear enough. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Ohio is recognized for 6 minutes.

AMENDMENT NO. 788

Mr. DEWINE. Mr. President, I send to the desk amendment No. 788.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. KOHL, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Mr. COBURN, Mr. LEVIN, Ms. SNOWE, Mrs. BOXER, and Mr. DAYTON, proposes an amendment numbered 788.

Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2005'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

Mr. DEWINE. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DEWINE. Mr. President, today I join my colleague, Senator KOHL, and 16 cosponsors to offer the No Oil Producing and Exporting Cartels Act of 2005 to the Energy bill. This amendment would give the Department of Justice and the Federal Trade Commission legal authority to bring an antitrust case against the Organization of Petroleum Exporting Countries.

We need this amendment because, simply put, gas and oil prices are too high, and it is time that we do something about it. Every consumer in America knows that gasoline prices are simply too high.

What is the cause? There are a number of causes, but certainly one of them, the primary cause, is the increase in imported crude oil prices. Who sets these prices? OPEC does. The unacceptably high price of imported crude oil is a direct result of price fixing by the OPEC nations to keep the price of oil unnaturally high.

What this amendment does is to give the executive branch permission or authority—it does not compel them to do it—it gives them authority to file under our antitrust laws against OPEC. If this was any other business, if this was any business in this country or any other international business, they could be filed against. What this amendment simply does is it makes it very clear that they come under our antitrust laws.

It is the right thing to do. I ask my colleagues to adopt the amendment.

Mr. President, I yield to my colleague, Senator KOHL.

Mr. KOHL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes 50 seconds.

Mr. KOHL. Mr. President, I rise to offer, with Senator DEWINE, an amendment which will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. Indeed, it is time for the U.S. Government to fight back on the price of oil and hold OPEC accountable when it acts illegally. This amendment, identical to our NOPEC bill, which passed the Judiciary Committee unanimously three times over the past 5 years, most recently this past April, will enable our Government to hold OPEC member nations to account under U.S. antitrust law for illegal conduct in limiting supply and fixing prices in violation of the most basic prices of free competition.

Let me tell you what our amendment does and what it does not do. What it does is it simply authorizes our Government to take legal action against OPEC member nations to participate in a conspiracy to limit the supply or fix the price of oil. But this amendment will not require the Government to bring legal action against OPEC member nations. This decision will remain entirely in the discretion of the executive branch. Private suits are not authorized. All our amendment will do is give our law enforcement agencies a tool to employ against the OPEC oil cartel. The decision whether to use this tool will be entirely up to the administration. They can use this tool as often as they see fit, however they see fit to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations that warrant it.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit or fix price. There can be no free market without this foundation, and we should not permit any nation to flout this fundamental principle.

There is nothing remarkable about applying U.S. antitrust law overseas. Our Government has not hesitated to do so when faced with the clear evidence of anticompetitive conduct that harms American consumers. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price-fixing scheme. But OPEC members have used the shield of sovereign immunity to escape accountability for their price fixing. The Foreign Sovereign Immunities Act, however, already recognizes that the commercial activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit as OPEC nations do.

The suffering of consumers across our country in the last year demonstrates yet again that this legislation is necessary. Our amendment will have, at a minimum, a deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. It will force OPEC member nations to face substantial and real antitrust sanctions should they persist in their illegal conduct.

Before yielding the floor, I want to express my gratitude to my good friend and colleague, Senator DEWINE, for all his efforts over the past 5 years on this important measure. I also wish to thank the many cosponsors who have joined us on this amendment, including the chairman and the ranking member of the Judiciary Committee.

I thank the Chair. I yield the floor.

Mr. LEAHY. I am proud to cosponsor this amendment, as I have been glad to cosponsor the ''No Oil Producing and Exporting Cartels Act,'' which we have been working to pass since 2001. I commend our lead sponsors Senators DeWine and Kohl.

I wish that we could have considered and passed this bill, S. 555, on its own. This bill passed out of the Judiciary Committee with overwhelming support earlier this year. I have repeatedly called for its consideration by the Senate over the last several months.

In the face of crude oil prices over $55 a barrel and gas prices at historic and sustained high levels, and in the face of determined inaction by the White

House, we must seize whatever opportunity presents itself.

It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will prevent the U.S. from being at the mercy of the OPEC cartel by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities.

In March of 2004, more than a year ago, I wrote Senator HATCH to request a hearing about the skyrocketing cost of gasoline. In that letter, I raised concerns that this increase was largely due to market manipulation by OPEC, and I cited the high average price for a gallon of gasoline, which at the time was around $1.74. Many of us would today consider that price a bargain, having been forced to pay over $2.00, and even more this year. At that hearing, witnesses told us what we had suspected to be true: The price of crude oil, determined by OPEC's artificial production quotas, is the factor that most explains the price Americans pay at the pump.

The artificial pricing scheme enforced by OPEC affects all of us. This week, Vermonters were paying $2.10 for a gallon of regular gasoline, just three cents below the national average. These prices affect everyone. Higher fuel prices can add thousands of dollars in yearly costs to a 100-head dairy operation in the Northeast. And as our summer months approach, many families are going to find that OPEC has put an expensive crimp in their plans. Some are likely to stay home—others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

Rising interest rates are also adding to the burden felt by working Americans. Pension insecurity is another catastrophe for some and a looming specter for too many others. Millions of Americans who trusted that the pensions they were promised by their employers would be there for them when they retired are being shocked by rulings in bankruptcy cases that let their employers off the hook and turn their pension security into a hollow promise.

Congress needs to do more. The administration needs to do more. Authorizing action against illegal oil price fixing and taking that action without delay is one thing we can do without additional obstruction or delay.

Last month, as some Republicans were pushing this body to the brink of the so-called nuclear option, Americans were thinking not about the handful of controversial judicial nominees on which the Senate was fixated, but about the pinch they feel at the pump every time they fill up their cars. A survey by the Pew Research Center for the People & the Press showed that Americans were following news about gasoline prices more closely than any other story, including the ongoing conflict in Iraq. It is long passed the time for walking hand-in-hand with Saudi princes and exchanging kisses with those who are responsible for the artificially high prices that are gouging American working families at the pump.

The President's solution to high gasoline prices this summer is to open the Arctic National Wildlife Refuge, pristine wilderness area, to oil drilling. The only catch is drilling in ANWR will not provide any new oil for at least 7 to 12 years. ANWR drilling will do absolutely nothing to help my constituents who have sticker shock at the gas pump or will be facing record-high home heating prices in a few months.

This amendment will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now, rather than waiting for another decade.

Again, I am pleased to support this amendment and urge my colleagues to maintain it in the final version of the bill. After the years of Judiciary consideration, including a hearing on this topic, after twice reporting the measure to the Senate, it is time for Senators to finally say ''no'' to OPEC.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There is 20 seconds.

Mr. DEWINE. Mr. President, this is what our bill says: When you want to do business with America, you must abide by our antitrust laws and rules of the free market. When OPEC one day abides by the rules of the free market, we will all see lower oil and gas prices. That is what this amendment is about.

I yield the floor. I thank Senator DOMENICI.

The PRESIDING OFFICER. All time has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously I am letting this amendment proceed, but, frankly, I do not think the amendment should be on this bill. I do not think it could ever become law. The United States has never done this. These are sovereign nations, and for us to decide here on the Senate floor that we are going to establish some new forum for jurisdiction and litigation against the OPEC cartel is nothing short of incredible.

Nonetheless, I do not question the goodwill and the authenticity of the two Senators in their approach. They do not insist on a rollcall vote, and I will not insist on one. We will, therefore, have a voice vote. I hope those who are listening to this and see what we do understand that the Senate does things different ways at different times.

After the amendment is adopted by voice vote, I will tell the Senate and those interested what is going to happen to the amendment.

I yield the floor and suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 788.

The amendment (No. 788) was agreed to.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, we are going to proceed to the Voinovich amendment. I thank Senator DEWINE for accommodating us tonight and for his good intention. I wish we could do something and accomplish what he wanted to do today. I want everybody to know because we had a voice vote and accepted this amendment, we will go to conference with the House. It should be clearly understood that the House does not have anything like this. I want everybody to know that this amendment is going to have to be bundled up with this bill. Those are the rules. But it might get lost between the floor and the time we get over to the Senate, and we may not be able to find it when we get over there, just so everybody understands what the fate of this amendment is. But it has been adopted.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Ohio.

AMENDMENT NO. 799

Mr. VOINOVICH. Mr. President, I wish to make a brief statement before we vote on the Voinovich, Carper, Feinstein, Jeffords, Hutchison, Stevens, Clinton, Obama, Lautenberg, DeWine, Levin, and Alexander amendment. It is based on the Diesel Emissions Reduction Act of 2005, S. 1265. That bill is cosponsored by the Environment and Public Works Committee chairman, JIM INHOFE, Ranking Member JEFFORDS, Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN.

The bill was developed in close consultation with a strong and diverse group of environmental, industrial, and public officials. The groups range from the Environmental Defense, to the Union of Concerned Scientists, to the Associated General Contractors of America, to the Engine Manufacturers Association, to the Chamber of Commerce, to the National Conference of State Legislators.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. It is focused on improving air quality and protecting public health. It establishes voluntary national and State level grant and loan programs to promote the reduction of diesel emissions. It authorizes $1 billion over 5 years, $200 million annually.

Onroad and nonroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide, and diesel retrofits have proven to be one of the most cost-effective emission reduction strategies. The

bill has a 13-to-1 cost-benefit ratio. Spectacular.

This would help bring counties into attainment with new air quality standards by encouraging the retrofitting and replacements of diesel engines.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support and is needed desperately. I urge my colleagues to vote for this amendment.

Mr. President, I would like to now yield the remainder of my time to my longstanding good friend, Senator CARPER, and say it is wonderful to be on the floor of the Senate cosponsoring with him an amendment that has such broad support.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator for the leadership he has shown on this particular issue to unite environmental groups and business groups, people from the Republican chairman of our Environment and Public Works Committee, to the junior Senator from New York on our side. It is a remarkable coalition that has been put together in a very short period of time.

With respect to diesel engines, there is good news and bad news. The good news is that diesel engines last a long time. The bad news is that old diesel engines that are still on our highways and roads last a long time. In fact, there are about 11 million of them. While next year our new EPA requirements for lean-burn, clean-burn diesel engines—so-called tier 2 standards—kick in and requirements for lower sulfur content diesel fuel kick in, we have 11 million older diesel vehicles, some of which will be around until 2030 belching out nitrogen oxide.

Half the nitrogen oxide we emit comes from these 11 million diesel engines—school buses, regular buses, boats, locomotives, trucks. That is where half of our nitrogen oxide emissions come from. It causes fog, and the particulates that come out of our diesel engines lead to all kinds of lung diseases in people young and old. That is the bad news.

There is some more good news. The good news is we can do something about it. Senator VOINOVICH and others said the thing to do is create a partnership with the Federal Government, State government, EPA, and some of the private sector folks to put in place retrofit devices on these older diesel engines to reduce emissions of nitrogen oxide and particulate, in some cases, by as much as 85 percent.

It is cost effective. The effect will be immediate. We do not have to wait until 2030 until these vehicles are off the road to start cleaning up our engines.

The last thing I will say is good environmental policy can also be good business policy. Companies such as Corning, Cummings, Caterpillar are making these devices and installing these devices, and they will do a whole lot more in the days to come. They will make money, a profit, from doing this. They will create products that can be exported, not jobs but products that can be exported to other parts of the world.

We will have cleaner air and, frankly, a stronger economy. That is a great win-win situation for all of us. I am delighted Senator VOINOVICH proposed this. I am delighted to join him as a principal sponsor on our side and anxious to get this vote recorded.

My hope is that maybe we can actually pass this unanimously. That would be a wonderful thing for our country and a good thing for this bill. I thank my friend from Ohio for yielding this time and providing such terrific leadership.

Mr. LEVIN. Mr. President, I am pleased to join my colleague from Ohio as a cosponsor of this important amendment to improve air quality and public health by reducing emissions from diesel engines.

I believe that this amendment will take important strides not only toward the stated goal of reducing emissions but also in making advanced clean diesel technology more viable in the United States. Diesel engines now can increase fuel economy by as much as 25 to 40 percent. If we can do that—and do it without harmful tailpipe emissions—we could make significant progress toward improving overall fuel economy and reducing our oil consumption.

This bipartisan amendment would establish national and State grant and loan programs to promote reduction of diesel emissions. The amendment authorizes $200 million annually for 5 years to fund programs that will help us to replace older diesel technology with newer, cleaner diesel technology. The grant program, which will be administered by the Environmental Protection Agency, has the potential to result in significant reductions in diesel particulate matter and help communities in meeting national ambient air quality standards.

Under this amendment, 70 percent of the funds available would be to provide grants and low-cost revolving loans on a competitive basis for retrofit of buses, heavy duty trucks, locomotives, or non-road engines to help achieve significant emissions reductions particularly from fleets operating in poor air quality areas. The remaining 30 percent of the funds would go for grant and loan programs administered by states.

The important steps that will be taken by these programs offer great promise for reducing diesel emissions and making clean diesel a commercially viable advanced vehicle technology in the U.S. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependence. We have not been able to do so here in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

I am pleased to join my colleagues today in supporting this amendment.

Mr. INHOFE. Mr. President, I rise in support of the Voinovich amendment on diesel emissions reductions. I am an original cosponsor of the legislation which is the same as this amendment. I agree with the intent of this amendment, I believe it is helpful to provide a voluntary national and state-level grant and loan program to promote the reduction of diesel emissions. However, I am concerned that this proposal is being rushed through the process without the benefit of consideration by the committee of jurisdiction, the Environment and Public Works Committee, which I chair.

I would prefer, prior to Senate action, that the Environment and Public Works Committee conduct legislative hearings on the issue, and ensure that the program design meets its goals in a cost-effective manner. I am concerned about the $1 billion cost of the program and I believe the goals might be accomplished with a smaller sum. I also believe that if this amendment is adopted, it needs to be reconciled with section 723 of this bill. I hope these issues will be given consideration as this legislation is reconciled with the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I did not hear. Pardon me. What is the question?

Mr. CARPER. I have no question.

Mr. DOMENICI. Are we finished? Is the Senator finished with his time?

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I understand that there is no further time. I am supposed to sit down. We are not supposed to ask for a motion, say we move to proceed, we just sit down, and then the Chair does it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring the vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—92

Akaka	DeWine	McConnell
Alexander	Dodd	Mikulski
Allard	Dole	Murkowski
Allen	Domenici	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Isakson	Smith
Chambliss	Kennedy	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Leahy	Sununu
Collins	Levin	Talent
Cornyn	Lieberman	Thomas
Corzine	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	

NAYS—1

Enzi

NOT VOTING—7

Conrad	Johnson	Thune
Dorgan	Kerry	
Jeffords	Lautenberg	

The amendment (No. 799) was agreed to.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are not going to have any additional votes tonight. That is the first announcement I would like to make. But I also would like to suggest that, while the principal amendment, in terms of time tomorrow, is the McCain-Lieberman amendment on global climate change, there are now a number of amendments that are percolating up on the Democratic side predominantly. We are unable yet to come up with a list, but we are trying.

It seems the distinguished Senator from New York, standing right in front of me, might have one we could go with rather quickly in the morning and perhaps the Senator from California, but I have to consult both with Senator BINGAMAN, obviously, and others.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I am here to speak on the importance of a national energy policy and to express my staunch opposition to the inclusion of an amendment offered by my colleagues from Arizona and Connecticut that creates a mandatory carbon cap and trade program.

Before doing so, however, I want to take a moment to thank the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, for his hard work on the bill. Senator DOMENICI has worked exceedingly hard to craft truly bipartisan consensus legislation. I commend him for that work. I commend everyone that has worked on this bill under his direction. It is extremely important we have an energy policy.

I remember 1973 when OPEC shut off the supply. We had gas lines for what little natural gas there was. At that time, the seat I now hold was held by Senator Cliff Hansen from Wyoming. He expressed the need for an energy policy. Ever since that time we have been talking about the need for an energy policy. Now is the time we can have an energy policy. Let's finish the job.

From the time I was first elected to be the mayor of Gillette, WY, during the energy boom years of the 1980s, I have advocated the need for a comprehensive national energy policy. I come to the Senate today as a strong advocate for such a policy and to share my support for the version of the bill pending before the Senate. We have debated the merits of a comprehensive Energy bill for years. We have come close to passing an Energy bill on a number of occasions. At the end of the day, however, the Congress has not made those discussions a reality and our inaction has caused the energy situation in our Nation to worsen.

Oil prices have reached nearly $60 a barrel, more than double what they were in 2000. Unfortunately, as our demand for gasoline has increased, our Nation's refining capacity has not. This has led to record-high gasoline prices, and while high natural gas prices have helped my State, they continue to have damaging effects on consumers across the Nation.

Without a comprehensive national energy strategy, there is no end in sight for the problems we see. The high energy prices that are hurting small business will continue to make increased investment in those businesses difficult. The high energy prices that limit the ability of families to go on vacations will continue to make those trips more and more rare. The high energy prices that make it difficult for lower income people to pay their bills each month will continue to price them out of proper heating in the winter and proper cooling in the summer.

Never before has there been a time when it is more appropriate for Congress to act. Before the Senate, we have a comprehensive Energy bill that is a step in the right direction. This bill balances the need for increased domestic production while maintaining a commitment to environmental protection and energy conservation. It will help reduce our dependence on foreign sources of oil and will enhance our energy security.

This bill provides a blueprint for future energy production. At the same time, it addresses our energy needs of today. In its current form, the bill recognizes that the production of energy and the protection of environment are not mutually exclusive. It recognizes we can grow our economy and conserve energy.

Specifically, I am pleased this bill includes a number of important provisions that support and promote clean coal development. Coal is an extremely important resource in Wyoming and throughout our Nation. We have as many Btu's in coal in Wyoming as the Middle East has in oil. Wyoming has the largest coal reserves in our Nation. In fact, the county in which I served as a mayor has more coal than most foreign countries. Thus, any comprehensive energy solution that seeks to lessen our dependence on foreign energy sources must make coal a central part of the discussion.

Recognizing this, H.R. 6 authorizes $200 million per year for fiscal years 2006 through 2014 to be spent on clean coal technologies. It also incorporates a number of necessary changes to the Mineral Leasing Act to promote the development of our Federal coal resources.

The bill also repeals the Public Utility Holding Company Act of 1935, also known as PUHCA. PUHCA was enacted to eliminate unfair practices and other abuses by electricity and gas holding companies by requiring Federal control and regulation of interstate public utility holding companies. In 1935, that made sense. But today, with the oversight by the Federal Energy Regulatory Commission, by State public utility commissions, by the Department of Justice, and by the Federal Trade Commission, what was once a useful and necessary tool now unnecessarily stands as a barrier to increased investment in transmission capacity.

I am pleased that the tax title of the bill includes a provision to address our Nation's need for increased refinery capacity. I am pleased that it promotes increased investment in renewable technologies, such as wind power and hydrogen. There is no question that we need to pass the energy bill we are debating because it will truly benefit our nation.

While I support this bill as it is currently written, the amendment that is currently pending would have a disastrous effect on our economy and would ignore principles that the Senate laid out in previous debates dealing with the issue of climate change. Passage of an amendment like the one before us, that would implement a mandatory carbon cap-and-trade program, would jeopardize my support of the overall bill. I want to take a moment to share my staunch opposition to that amendment.

Climate change is a topic that we have debated for years. This topic should be familiar to us. Nonetheless, it is important to share a historical

perspective about where the Senate stands on climate change and to make clear that the proposal we are discussing, which implements a mandatory carbon cap-and-trade program, flies in the face of the Senate's stated position on global climate change.

I took advantage of the opportunity to go to Kyoto for the global climate change conference that was held there. At that conference, the Kyoto Protocol was drafted. One of the things I noticed when I got to the conference was that the United States was the only country there that thought it was an environmental conference. The rest of the world approached it as an economic conference, one where they had an opportunity to slow down the U.S. economy and allow for growth in their nations.

On the other hand, we approached it as an environmental conference. In doing so, we laid out some strict guidelines for our delegation to work within as they tried to reach an agreement. Unfortunately, on the last night some of those were compromised. The United States made some agreements that would be impossible for us to ever meet.

Before the debate first began in Kyoto about the need to control carbon emissions—that was in 1997—the Senate made a clear and direct statement of principle on that subject. When it came to negotiations on climate, we stated that any agreement that did not treat all nations, both developed and developing, equally was unacceptable. We also made it clear that we would not support an agreement that would cause serious harm to our economy. By a vote of 95 to 0, on July 25, 1997, the Senate approved the Byrd-Hagel resolution that explicitly stated the Senate's position.

The Byrd-Hagel resolution addressed the concerns of those who believe that a global climate change policy would ''result in serious harm to the United States economy, including significant job loss, trade disadvantages, and increased energy and consumer costs.''

It also addressed concerns that any effort to reduce global emissions would be imposed only on developed nations, ignoring developing nations where emissions would continue to rise without any effective controls. Let me repeat that again. We would oppose any efforts to reduce global emissions that would be imposed only on developed nations, ignoring the developing world where emissions would continue to rise without any effective controls.

Now, the Senate agreed to take this position in the 105th Congress. Since that time, nothing has changed. The science behind global climate change remains uncertain. The modeling that many used to ''prove'' that climate change exists remains fatally flawed. Yet we continue to have the same debate year after year.

We ignore the fact that the Bush administration has taken steps to reduce our carbon emissions. We ignore the fact that as a nation we are doing better than nearly every European signatory of the Kyoto Protocol when comparing greenhouse gas intensity reductions.

We also ignore the fact that climate change is a global problem. Unless we engage the developing world, whatever reductions we have in the United States will not improve the situation on a global scale.

We are just a couple of years from having China exceed the emissions that we have in the United States. They will do so without any of the environmental safeguards that we have already put in place.

When I was at the Kyoto conference, I had an opportunity to meet with the Chinese delegation. I had a couple things that I was interested in: One, why they thought, as a developing nation, they should not have to do anything to address climate change; and, just as importantly, at what point they thought they would no longer be a developing nation so they could participate in this.

They let me know they expected to always be a developing nation and to never have a part in the Kyoto Protocol. It is pretty easy to sign something that you do not have to do anything on, especially when it will force one of your main economic competitors to comply and reduce their production.

Then, I even asked: Is there any time at some future, unspecified date that you would be willing to participate? They said no. That is as loose as you can make it: some future, unspecified date. And they are not interested in participating.

Not only is the rest of the developing world not participating. The biggest polluter—in a couple of years—is not going to be a part of any of the action to reduce carbon emissions in the world.

Now, instead of working to improve the science and to improve technologies that will inevitably reduce the amount of carbon released into the atmosphere, a number of my colleagues focus on the need for a mandatory carbon cap-and-trade system. They focus on implementing what can only be described as another energy tax. Such a tax will cause the United States to lose jobs and will shift production to other parts of the world where the environmental standards are not as strict. Instead of having the effect of lowering the amount of carbon that seeps into our atmosphere, the effect will be the opposite as those developing nations allow for production without any environmental controls.

Yet, without sound science, without sound economics, and without the developing world, some Senators continue to insist that we must implement a cap-and-trade system in the United States.

As stated by the Cooler Heads Coalition:

> The risks of global warming are speculative; the risks of global warming policy are all too real.

The proposal offered by my colleagues from Arizona and Connecticut ignores the principles expressed in the Byrd-Hagel resolution. Passage of their mandatory cap-and-trade proposal will dramatically harm our economy at home without incorporating the developing world. It would lead to a drastic increase in transportation costs and home electricity costs. It would be costly for small business owners, and it would cause manufacturers to pay even more than they already do for natural gas.

Overall, according to the Independent Energy Information Administration, the Nation's energy costs would increase between $64 billion and $92 billion in 2010, between $152 billion and $214 billion by 2020, and between $220 billion and $274 billion in 2025.

My constituents simply cannot afford to have us enact such legislation. If we, as a Senate, really want to stand for improving global conditions, then we need to stand behind the principles of the Byrd-Hagel Resolution, as we did earlier this afternoon when we voted in favor of an amendment offered by the Senator from Nebraska. His legislation took a technology-based approach at home and encouraged the spread of the technology to the developing world. It made sound environmental and economic sense, and I voted in favor of that proposal.

While I oppose the pending amendment on policy alone, I think it is important for my colleagues to recognize the overall impact of including the current amendment in the Energy bill. Passage of this proposal has the potential to derail this important legislation. The Senate and House versions of the Energy bill are very different, and even without a climate change amendment, the conference with the House will be difficult. The addition of a mandatory carbon cap and trade program could be the poison pill that brings this Energy bill to a halt.

Why are we going to risk derailing a comprehensive Energy bill to implement a system that will harm our economy and will have little effect on the amount of carbon emissions released into the atmosphere? Why are we moving forward with something when the science behind the proposals remains unproven and the models used to prove that science remain flawed?

We must consider all of these issues as we cast our vote on this amendment. I will be opposing it, and I will urge other Members to do the same.

It is important to note, that although I oppose any attempt to include a mandatory carbon cap-and-trade program in the Energy bill, I strongly support the overall Energy bill. Comprehensive energy policy will undoubtedly benefit our Nation, and I look forward to working with my colleagues to finally make this legislation a reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 839

Mr. REID. Mr. President, on behalf of Senator LAUTENBERG, I call up amendment No. 839 and ask that once it is reported by the clerk, it be set aside.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LAUTENBERG, proposes an amendment numbered 839.

The amendment is as follows:

(Purpose: To require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison)

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. —01. SHORT TITLE.

This title may be cited as the ''Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act'' or the ''Save Climate SCIENCE Act''.

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science that was rigorously peer-reviewed and that cost taxpayers millions of dollars, were altered to misrepresent or omit information contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

SEC. —03. PUBLICATION REQUIREMENT.

(a) IN GENERAL.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) FORMAT AND EASE OF COMPARISON.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

SEC. —04. ENFORCEMENT.

The failure, by the head of an executive agency, to comply with the requirements of section —02 shall be considered a failure to file a report required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. —05. ANNUAL REPORT BY COMPTROLLER GENERAL.

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section —02 by executive agencies that includes information on the status of any enforcement actions brought under section 104 of the Ethics in Government Act of 1978 (5 U.S.C. App.) for violations of section —02 of this Act during the 12-month period covered by the report.

SEC. —06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by inserting after clause (ii) the following:

''(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking ''regulation, or gross'' and inserting ''regulation; gross''; and

(B) by adding at the end the following: ''or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by inserting ''or'' at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''safety.'' in subparagraph (B) and inserting ''safety; or''; and

(C) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.''.

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Energy bill tomorrow morning, Senator FEINSTEIN be recognized in order to offer an amendment relating to LNG; provided further that there be 60 minutes equally divided for debate, with no second-degree amendments in order prior to the vote in relation to the Feinstein amendment.

I further ask that following the debate on the Feinstein amendment, Senator BYRD be recognized in order to offer an amendment related to rural gas prices; provided further, that when the Senate resumes debate on the McCain-Lieberman climate change amendment, there be 3 additional hours for debate, with Senator MCCAIN or his designee in control of 90 minutes, Senator DOMENICI in control of 30 minutes, and Senator INHOFE in control of the remaining 60 minutes; further, that following that debate, the Senate proceed to a vote in relation to the McCain amendment and there be no second-degree amendments in order to the amendment prior to the vote. I understand this has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOMENICI. Mr. President, we had another good day debating the amendments on this Energy bill, and we disposed of a number of them. We are going to return tomorrow with a lineup in the morning, and we are going to talk about that in a minute. We are going to have amendments relating to the LNG, liquefied natural gas, the world gas prices, to SUVs and the continuation of the climate change debate. Having said that, I remind everyone this is our second week of considering this bill. I am very pleased and thankful for the cooperation we have had on both sides of the aisle. Our leader has said on a number of occasions that we need to finish this bill this week. Therefore, on behalf of the majority leader, I now send a cloture motion to the desk to the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 6, a bill to ensure jobs for our future with secure, affordable, and reliable energy.

Bill Frist, Pete Domenici, Lamar Alexander, Kay Bailey Hutchison, Jim DeMint, Michael Enzi, Ted Stevens, Larry Craig, Craig Thomas, Mike Crapo, Conrad Burns, David Vitter,

Richard Burr, Kit Bond, Wayne Allard, Jim Inhofe, Lisa Murkowski, George Voinovich.

Mr. DOMENICI. I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. For the information of all Senators, this vote will occur on Thursday. In the meantime, I expect another full day to tomorrow with votes throughout the day. The cloture vote Thursday will enable us to bring this debate to a close and have a final vote on passage of the Energy bill this week.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE DIABETES

Ms. LANDRIEU. Mr. President, I thought I would take a moment to acknowledge that here with us today around the Capitol are hundreds of young advocates for a cure for juvenile diabetes. There are three young women who came to my office a few moments ago: Dominique Legaux, Liz Kramm, and Laura Rutledge. I would like to take this opportunity to submit their letters for the RECORD. All of these letters call on us to focus on the challenges before so many of our young people with juvenile diabetes and call on us to explore the possibility of stem cell research on their behalf.

I thank the chairman. I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SCHEDULER CENICOLA, thank you for talking the time to schedule a meeting between myself and Senator Landrieu. I know that you must be very busy, but your time will not be wasted scheduling this meeting. The continued research for juvenile diabetes is very important to me and I wish to convey this message to Senator Landrieu on June 21.

Many thanks,

DOMINIQUE LEGANX.

DEAR MS. AMY CENICOLA, my name is Liz Kramm and I am a children's delegate for JDRF's 2005 Children's Congress. Thanks so much for helping me set up a meeting with Senator Landrieu on the 21st of June.

Many thanks,

LIZ KRAMM.

DEAR MS. CENICOLA, my name is Laura Rutlege, I am eleven years old, and I am a 2005 Juvenile Diabetes Research Foundation Children's Congress delegate. I was diagnosed with Type One Diabetes when I was 17 months old. I suffer daily and deal with a lot of self-control and discipline. Thank you for helping me meet with Senator Landrieu on June 21!

Many thanks,

LAURA RUTLEDGE.

Ms. STABENOW. Mr. President, will my colleague yield for a question?

Ms. LANDRIEU. For one moment, yes.

Ms. STABENOW. Mr. President, I was going to ask a question relating to stem cell research. I had a wonderful group of young people from Michigan in my office as well. I commend the Senator from Louisiana for bringing up this issue. We have families here talking literally about saving lives and about hope for their children.

I am hopeful, as I am sure the Senator from Louisiana is, that we will, by July, have the opportunity to bring before this body the very important issue of stem cell research and have a vote by this body.

I thank my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Michigan. I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

EXPLANATION OF ABSENCE

• Mr. DORGAN. Mr. President, I will be necessarily absent from the business of the Senate for a portion of today in order to attend the high school graduation ceremonies for my son. I will also necessarily be absent from the Senate beginning tomorrow afternoon and continuing into late afternoon Thursday, in order to join my colleagues from North Dakota and Minnesota to attend the hearings of the base-closing commission that are being held in Grand Forks, ND. I have notified the leadership of these expected absences.•

DEMOCRACY AND HUMAN RIGHTS EDUCATION IN MIDDLE EAST

Mr. CHAFEE. Mr President, I recently spoke on the floor about the Ninth Annual World Congress on Civic Education in Amman, Jordan sponsored by the Center for Civic Education. The purpose of that conference was to share information about successful education programs under the Civitas: An International Civic Education Exchange Program, an authorized program of the No Child Left Behind Act and one which is helping to strengthen democratization efforts throughout the world.

A recent news editorial in The Jordan Times supporting the goals of the conference and the outstanding work the Center for Civic Education and their international colleagues are doing in this strategic part of the world was welcome support. I ask unanimous consent that the editorial from The Jordan Times on Sunday, June 5, 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jordan Times, Jun. 5, 2005]

CIVIC RESPONSIBILITY

Parents, teachers and official policy makers should be keeping a keen eye on an important congress taking place in Amman this week—the World Congress on Civic Education. But more importantly, they, and all citizens should be made aware of the work of the Jordanian Centre for Civic Education Studies (JCCES) and the Arab Civic Education Network (Arab Civitas)

In a nutshell, these organisations are teaching our children about being good citizens. They are teaching them about not only their rights as citizens. but also their responsibilities. They are teaching elementary school students to respect the basics of democracy by engaging them, through stories, on the concepts of responsibility, privacy, authority and justice.

To many, democracy, and all that it entails, is taken for granted. It never should be.

That Jordan brought back an elected Parliament in 1989 was a milestone in the process of the country's democratisation. And while that process has been confronted with obstacles that have contributed to its regression, one arena that can save and enhance it is educatlon.

It was therefore encouraging to hear Minister of Education Khalid Touqan address the opening plenary of the congress on behalf of Her Majesty Queen Rania and say that ''efforts are still being exerted to make democracy part of our daily life, in families, schools, public life and mass media.''

When the ministry accepted to introduce civic education as a separate subject in the Kingdom's schools, the first big step was taken. Today, the Project Citizen programme, being undertaken in schools as well as universities through the JCCES and Arab Civitas, is preparing generations of civic-minded citizens by educating them and involving them in problem-solving issues affecting their community and society, such as pollution, basic utilities, elections, the jobless rate and taxes. The programme helps instill a sense of community responsibility while educating the students on their rights.

It is precisely this sort of awareness that will help motivate citizens to vote for candidates who will fulfil their needs, not tribal members who will perpetuate the culture of ''waste.'' It is precisely this sort of programme that will help guarantee His Majesty King Abdullah's plan to bring local government back to the people and this time have it work.

This is why the JCCES and Arab Civitas projects and programmes must be supported and even extended to the larger community.

TRIBUTE TO SENATOR JIM EXON

Mr. LEVIN. Mr. President, it's an honor to pay tribute to a great man, a distinguished Senator, and a dear friend who passed away on June 10, Senator Jim Exon of Nebraska.

Last week, I joined several of my colleagues in attending his funeral in Lincoln, NE. It was inspiring to be with the people who knew him best and loved him most. Jim was a giant in Nebraska politics not because of the power he wielded but because of the respect and affection he had earned.

Jim Exon was a decent man, without pretension or prejudice. He spoke plainly. He called it like he saw it. He did what he thought was right, regardless of the pressure that might have been put on him. Jim laughed the same wonderful, booming laugh with Presidents as he did with the people back home. He was a large man, and he had a heart to match.

That is why he was beloved in Nebraska and never lost an election, serving two terms as Governor and then three terms as Senator. That is why he was popular even as the father of the Democratic Party in an overwhelmingly Republican State. And that is why his friendship and kindness meant the world to me.

Jim and I were both members of the class of 1978, and we—and our wives—quickly became close friends. We served together on the Armed Services Committee; in fact, we sat next to each other for 18 years. We had honest, substantive debates about our defense policy, and I will always cherish the memories of that time. His only interest was the security and prosperity of our country and his beloved Nebraska.

Jim worked for a strong national defense. He supported responsible budget policies. And he was ahead of his time in warning against terrorism and arguing for a Department of Homeland Security. For so many of us, he was a source of wise counsel and trusted advice. With Jim, you could always be certain he was telling you what he thought was right, and he usually was right.

We will miss him terribly, but we are fortunate to have had him for so long. My thoughts and prayers, and those of my wife Barbara, are with his loving wife Pat and his entire family.

HONORING OUR ARMED FORCES

TYLER L. CREAMEAN, DUSTIN C. FISHER, AND PHILLIP N. SAYLES

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the lives of three very special Arkansans; Army Specialists Phillip N. Sayles, Tyler L. Creamean, and Dustin C. Fisher. They will be remembered by their family and friends as loving souls who lived their lives with energy and passion; they will be remembered by their Nation as dedicated soldiers who bravely answered their Nation's call to service and gave their lives in the defense of our freedom.

Those who knew Phillip Sayles often spoke of his quiet demeanor and the way he showed determination whenever there was a task at hand, focusing on getting the job done and never complaining. He called the central Arkansas town of Jacksonville home, and attended nearby North Pulaski High School. In school, he was active in the ROTC program, where his leadership skills and discipline quickly distinguished him with the qualities of a soldier. Spc. Sayles transferred to Cabot High School for his senior year and, upon his graduation in 1997, enlisted in the U.S. Army.

Despite being born in Texas, Tyler Creamean also spent most of his childhood in Jacksonville. Known for his energy and his light-hearted nature, he had a personality that allowed him to make friends with nearly everyone he encountered. He was also known for playing pranks and causing mischief but did not have a mean bone in his body. Instead, he had a gift for lightening dark moods and bringing a quick smile to the faces of those around him when they needed it most. Spc. Creamean attended Jacksonville High School but left after his sophomore year to join the Youth ChalleNGe Program, a 22-week program sponsored by the Arkansas National Guard to help young adults develop as leaders, earn their G.E.D. and acquire the skills necessary to succeed in life. It was an opportunity for Spc. Creamean to learn more about himself and what he wanted in life, and he did just that. He went on to earn the program's spirit award and shortly after his graduation, he joined the Army in April of 2003.

Spc. Sayles and Spc. Creamean were both a part of the Army's 25th Infantry Division and spent time at Fort Lewis in Washington prior to their service in Operation Iraqi Freedom. While in Iraq, Spc. Creamean served with the 73rd Engineer Company and conducted more than 600 patrols, sweeping roads for explosive devices and clearing the way so that fellow soldiers as well as Iraqi civilians could pass through safely. In late February, he returned home on leave and on February 24, his 21st birthday, he married the love of his life, his girlfriend KaMisha. KaMisha, also a soldier, was stationed at Fort Still, OK, and had begun preparations for her deployment to Iraq. As a result, Spc. Creamean now set his sights on reenlistment, so that his new wife would not have to serve in Iraq without him nearby.

Dustin Fisher was born in the Northwest Arkansas town of Fort Smith. He spent his childhood as many children do; hanging out with his friends, playing sports, and making life difficult for his sister. He was a fun-loving person who had a gift for story-telling and was always quick with a sarcastic remark to lighten a conversation. If looking for him, he could often be found cruising around town in his pink pickup truck, a gift from his father that he used to draw attention and meet girls.

Upon his graduation from Van Buren High School in 2001, Spc. Fisher tried a year of college but found it was not for him. It became apparent that he wanted to make something of himself, so he followed his father and brother into military service. Shortly after joining the U.S. Army, he was sent down to Fort Stewart, GA. At Fort Stewart, he not only seemed to find his niche in life, but he also met his soul mate, a young woman named Alicia. Her presence made him truly happy and two were married just days before his deployment to Iraq in late January.

While serving in Operation Iraqi Freedom, Spc. Fisher's mission often entailed escorting dignitaries across the war-torn country. Although it placed him in ever-present danger, he downplayed its significance to comfort his family and friends. Although he had originally thought of re-enlisting, he now considered returning home to be with Alicia and potentially become a firefighter. He had last been home for Christmas, and was looking forward to returning for a 2-week leave in late June.

Despite the many differences between these three Arkansans, each was a true soldier in every way. Not only did they share a love for their country, but they embodied a selfless courage in the name of freedom that continually put them in harm's way. One week in late May would ensure their fates would forever be intertwined. Early on May 22, while routinely sweeping a stretch of the main highway south of Mosul, Spc. Creamean's military vehicle hit a roadside bomb that killed him and a fellow soldier. On May 24, while escorting a high-ranking Iraqi official, Spc. Fisher was one of three soldiers killed when a car bomb exploded near their convoy. On May 28, Spc. Sayles was checking for weapons in three cars that had been pulled over by American troops in Mosul. An improvised explosive device was detonated nearby, killing him and wounding 21 others; including 13 American troops and 8 Iraqi civilians.

Words cannot adequately express the sorrow felt in the hearts of the families and loved ones of Phillip Sayles, Tyler Creamean, and Dustin Fisher, but I pray they can find solace in the courageous way they lived their lives. Although they may no longer be with us, their spirit will forever live on in the examples they set and the many lives they touched. My thoughts and prayers go out to their families, their friends, and to all those who knew and loved them.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, I rise today to talk about S. 147 the Native Hawaiian Government Reorganization Act of 2005. My colleague, the junior Senator from Arizona, for whom I have great respect, has inserted several documents written by outside sources into the CONGRESSIONAL RECORD over the past months, criticizing my legislation as a racebased measure. I vehemently disagree with his characterization of my bill as race-based.

We will be debating S. 147 on the floor of the Senate in a few weeks and, at that time, we will have a full opportunity to talk about the legislation, which extends the Federal policy of selfgovernance and self-determination to Native Hawaiians, Hawaii's indigenous peoples, thereby establishing parity in Federal policy toward American Indians, Alaska Natives and Native Hawaiians.

S. 147 is widely supported in Hawaii. Governor Linda Lingle has testified twice in 4 years in support of this bill. The Hawaii State Legislature has passed resolutions in support of Federal recognition for Native Hawaiians in 2000, 2001, and 2005. Resolutions in support have also been passed by the

Alaska Federation of Natives and National Congress of American Indians. Finally, a substantial number of my constituents, Native Hawaiians and non-Native Hawaiians support this bill.

In 1993, P.L. 103–150, the Apology Resolution, was enacted into law. The Act provides an apology to Native Hawaiians for the participation of U.S. agents in the overthrow of the Kingdom of Hawaii in 1893 and sets up a process of reconciliation between Native Hawaiians and the United States. My colleague from Arizona has submitted multiple articles criticizing the Apology Resolution and purporting to justify one of the most painful experiences in Hawaii's history, the overthrow of the Kingdom of Hawaii in 1893.

I have worked on this bill for the past 6 years with the rest of my colleagues in Hawaii's Congressional delegation. This bill is a step in the right direction for all people of Hawaii because it provides a structured process that will allow us to finally resolve many of the longstanding issues resulting from the overthrow. It is disturbing that opponents to the bill rely so heavily on mischaracterizations of the legislation to advocate their position.

I stand by Hawaii's history as enacted in P.L. 103–150. The facts as cited are well-documented by historians. It greatly saddens me that the opponents to my bill feel the need to rewrite Hawaii's history, as painful as it is for those of us who have lived it, in order to advocate their position on S. 147. It is one thing to oppose my bill. It is quite another, however, to trivialize the history of Hawaii.

THIRTY-THIRD ANNIVERSARY OF TITLE IX

Ms. CANTWELL. Mr. President, I rise today to mark the 33rd anniversary of the enactment of title IX, a law that has opened doors to educational opportunities for countless women and girls across America.

Prior to passing title IX, roughly 295,000 girls participated in high school sports, and only about 25,000 played sports at the college level. When President Nixon signed the educational amendments of 1972 into law 33 years ago, skeptics claimed the law would do little to change women's participation in sports.

They could not have been more wrong. Recent data show that nearly 2.6 million high school girls and over 135,000 women in college participate in organized sports, constituting more than 40 percent of all high school athletes.

In Washington State, women at public colleges and universities represented less than one-third of most schools' athletes less than 15 years ago. Today, women represent 48 percent of athletes at public institutions of higher education in our State. As the numbers of girls participating in sports has increased, there has been a decrease in the number of girls who drop out of school, smoke, drink alcohol or have unwanted pregnancies. What's more, adolescent girls that participate in organized sports enjoy improved physical and mental health throughout their lives.

Today, 1 in every 2.5 girls participates in athletics, which is an 800-percent increase in participation rates since the enactment of title IX. Yet attempts to weaken title IX persist. Last March, the Department of Education issued a policy guidance that would weaken Title IX. The new clarification would allow institutions to avoid offering sports opportunities to women if a sufficient number of the student body failed to respond to an e-mail survey expressing interest in the program. This allows universities to use what may be highly questionable, potentially inaccurate e-mail survey results to prove that the interests and abilities of the underrepresented sex have been accommodated, as title IX requires.

I am deeply concerned that this policy guidance represents the current administration's repeated attempts to diminish the enforcement of this very important law and believe that e-mail surveys will likely underestimate the need to expand athletic opportunities for women. The growth of opportunity for women and girls should not hang on the outcome of such informal means of data collection.

Our Nation has taken great strides toward equity, and title IX has played a significant role in that success. Millions of girls have access to opportunities that their mothers never knew. However, there is still much to be done before we can say that males and females are treated equability in education. Further progress hinges on our continued commitment to the principles of title IX and proper enforcement of the law.

GENERAL BERNARD ADOLPH SCHRIEVER

Mr. SALAZAR. Mr. President, it is with deep sorrow that I come to speak on the floor of the Senate today. The father of the United States Air Force space and missile program, General Bernard Adolph Schriever, died today of natural causes. He is survived by his wife, his three children, and his two step-children. I offer them my deepest condolences and prayers as they go through this difficult time.

General Schriever was a great American. Born in Bremen, Germany in 1910, Schriever's family moved to America 7 years later, where he became a naturalized citizen in 1923. Schriever would give 33 years of distinguished military service to his new home.

During his exceptional career in the Air Force, General Schriever led America's charge into space. When President Dwight Eisenhower assigned the Nation's highest priority to the development of an Inter-Continental Ballistic Missile, the Air Force assigned Schriever to manage the program. He demanded sweeping authority to accomplish the job, authority that Schriever's commander gladly granted him.

The success of the ballistic missile and space programs managed by Schriever was phenomenal. The progression of the Thor Intermediate Range Ballistic Missile, from program approval to the Initial Operational Capability, took only 3½ years. The Atlas's development time was little more than 5 years, and the Titan's less than 6. Moreover, even as the first Titan lifted off from Cape Canaveral, Schriever's group was already developing the more advanced Titan II.

The Minuteman, from start to finish, took only 4 years and 8 months to deploy. The first ten were on combat alert in their underground silos in October of 1962. Schriever's organization could rightfully take credit for winning the Cold War's race for missile supremacy, helping to ensure America's safety and security in perilous times.

Schriever had assembled an organization with the highest educational level of any U.S. military organization either before or since that time. More than a third of his hand-picked officers had Ph.D.s and Master's degrees. Schriever believed that America had to develop its mind power if the country was to survive in the space age, a belief we would be well served to listen to today.

General Schriever's legacy lives on in the men and women of Schriever Air Force Base in Colorado Springs. The more than 3,400 military and civilian employees continue to provide our Nation with an aerospace capability second to none. The base flies nearly all of the Department of Defense's satellites.

Colorado is proud of the men and women who serve at Schriever Air Force Base, and we are proud of the legacy left to us by General Bernard Adolph Schriever.

ADDITIONAL STATEMENTS

CHAMBER OF COMMERCE MILESTONES

• Mr. ALLEN. I am pleased today to recognize the Prince William County-Greater Manassas Chamber of Commerce which celebrates its 70th anniversary this year. For seven decades, the Chamber has supported the community, educational and business interests of Prince William County and the cities of Manassas and Manassas Park.

In 1935, a small group of citizens gathered together in the Town of Manassas with an idea to form the Chamber of Commerce. These leaders founded an organization that has prevailed through times of prosperity and depression, and that continues to grow and prosper. Today, the Chamber has almost 1000 members, and it holds an accreditation from the United States Chamber of Commerce. Only 15 percent

of Chambers of Commerce throughout the country have earned this distinction.

The Prince William County-Greater Manassas Chamber of Commerce continues to perform outstanding work in representing and promoting its citizens and the entire Commonwealth of Virginia. I congratulate its members on seventy successful years, and thank them for the work they are doing to make Virginia a better place to live, work and raise a family.●

TRIBUTE TO ROCK SPRINGS CHURCH

● Mr. CHAMBLISS. Mr. President, today I would like to pay tribute to a very special group of people in my home State who will soon celebrate an important 1-year anniversary.

Deep in the heart of Georgia, right in the middle of my former House district, a small Congregational Methodist Church has been ministering to the people in their community for more than 150 years. This small town church is making a big difference in many lives across my State. Since 1852, this group of Christians has faithfully gathered each Sunday in the halls of a humble church building to worship God and seek His guidance for their lives.

It is clear that God has heard and answered their prayers. One year ago, under the leadership of my good friend of Dr. Benny Tate, Rock Springs Church in Milner opened the doors to their new sanctuary—a room that seats more than double that of the previous sanctuary. The new sanctuary has equipped this thriving church with the tools they need to minister to even more folks than ever in the long life of this church.

I am personally encouraged by the dedication of this congregation to do whatever it takes to see that they could provide a place of worship for the growing number of people attending Sunday services.

As the son of a minister, I spent my youth traveling across the southeast, as my dad served in the Episcopal Church. I know first hand the challenges of church leadership and the joys of seeing God answer prayers.

Dr. Tate, known by his friends as Pastor Benny, has demonstrated remarkable vision and direction as the head pastor of Rock Springs Church. My wife Julianne and I have had the opportunity to attend Rock Springs Church as Pastor Benny's guests on ''Friend Day'' and the parishioners there always make us feel welcome.

I am proud to recognize my friends at Rock Springs Church in celebration of this momentous occasion and encourage each new member to reflect on the offerings and sacrifice on the part of those faithful few who helped make this new sanctuary a reality.●

LIBRARY OF THE YEAR

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 ''Library of the Year'' by Thompson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, Executive Director of the Fayetteville Public Library, and her outstanding staff for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment!

I would also like to mention that the library has more than 160 regular volunteers who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.●

150TH ANNIVERSARY OF THE SOO LOCKS

● Ms. STABENOW. Mr. President, this year marks the 150th anniversary of one of our Nation's most visionary engineering feats—the construction of the world famous Soo Locks at Sault Ste. Marie, MI. The Soo Locks shaped the course of our Nation's history and have become a key part of Michigan's cultural heritage. There will be a grand celebration on Engineers Day, June 24, to kick off a summer of special events in commemoration of this significant anniversary.

The St. Mary's River is the connection between Lake Superior and the other Great Lakes. The challenge with this natural link is the 21-foot drop in elevation between Lake Superior and the lower lakes which creates the St. Mary's Rapids. Early traders were forced to unload their cargo, haul it around the rapids by land, and then reload it into other boats. And if it wasn't for the vision of three men, Alpheus Felch, Pierre Barbeau, and James P. Pendill, we might still be using the same shipping methods today.

The story of the Soo Locks really begins in 1850 when two Senators from Michigan, Lewis Cass and Alpheus Felch, realized the need for a large-scale lock system at the Soo in order to transport iron ore from Michigan Hills to the mills in Pennsylvania and Ohio. As a former governor of Michigan, Senator Felch took charge of the project. He met with Mayor Pierre Barbeau and the two convinced the people of the Soo to vote to build the locks. Now that they had the public's support, they needed the materials for construction. The lumber for this ambitious project was provided by James Pendill, who owned the land that would be later gifted to the American public as Hiawatha National Forest. Construction began in 1853 and a system of two 350-foot locks was designated. The State locks opened in 1855.

It soon became clear that the State lock and canal were of national importance for commerce. In 1881, the locks were transferred to the United States Army Corps of Engineers. The Corps operates and maintains the locks to this day. The lock system gives safe passage to a variety of ships and creates the major artery for shipping and trade in the Great Lakes.

I hope that my colleagues will join me in honoring and celebrating the Sesquicentennial of the Soo Locks and the vision of the people of Michigan.●

TRIBUTE TO McCROSSAN BOYS RANCH

● Mr. THUNE. Mr. President, today I rise to congratulate the McCrossan Boys Ranch of South Dakota. McCrossan Boys Ranch is a nonprofit organization that provides mentoring services to troubled boys and helps guide them into becoming responsible and balanced adults.

Some of the valuable services they provide are education and GED classes, help with chemical dependency, individual and group therapy, psychiatric care and moral development.

They will be celebrating their 50th anniversary on June 29 and I would like to recognize the valuable service they have provided to the many boys and families they have helped over the years.●

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by public law 108–375, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Ms. KILPATRICK of Michigan.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2745. An act to reform the United Nations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2667. A communication from the Administrator, General Service Administration, transmitting, a report relative to lease prospectuses supporting the Administration's fiscal year 2006 program; to the Committee on Environment and Public Works.

EC–2668. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2003 Drinking Water Infrastructure Needs Survey and Assessment: Third Report to Congress''; to the Committee on Environment and Public Works.

EC–2669. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's monthly status report on its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2670. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards in the Hampton Roads VOC Emissions Control Area'' (FRL# 7925–6) received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2671. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Awards of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2005 Appropriations Act'' received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2672. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules, Fee Recovery for FY 2005'' (RIN3150–AH61) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2673. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Broadening Scope of Access Authorization and Facility Security Clearance Regulations'' (RIN3150–AH52) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2674. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision'' (RIN3150–AH64) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2675. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning an amendment to Parts 120, 123, 124, 126, and 127 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2677. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2678. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled ''Assessment of the Cattle, Hog, and Poultry Industries''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2679. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2680. A communication from the Management Analyst, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Parts 1700 and 1709, Assistance to High Energy Cost Rural Communities'' (RIN0572–AB91) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2681. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designated Marketing Associations for Peanuts'' (RIN0560–AH20) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2682. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, Decreased Assessment Rate'' (Docket No. FV05–958–1 IFR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2683. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, Relaxation of Handling Regulations'' (Docket No. FV05–945–1 FR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2684. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Suspension of Handling and Reporting Requirements, Extension of the Suspension of Outgoing Inspection and Volume Control Regulations, and Extension of the Suspension of the Prune Import Regulation'' (Docket No. FV05–993–2 IFR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2685. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus; to the Committee on Finance.

EC–2686. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam; to the Committee on Finance.

EC–2687. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Finality of Foreign Adoptions'' (Rev. Proc. 2005–31) received on June 16, 2005; to the Committee on Finance.

EC–2688. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—April 2005'' (Rev. Rul. 2005–37) received on June 16, 2005; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications inter-operability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ''Alice R. Brunsich Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 1276. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1277. A bill to amend title XVIII of the Social Security Act to require hospitals and critical access hospitals, as a condition of participation under the medicare program, to meet certain requirements in order to advertise that the hospital has the capability of addressing emergency and acute coronary syndromes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE,

Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. BROWNBACK, Mr. DEMINT, Mr. INHOFE, Mr. CORNYN, Mr. SANTORUM, Mr. SESSIONS, Mr. BUNNING, Mr. ENSIGN, Mr. ALLEN, and Mr. VITTER):

S. 1279. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 1282. A bill to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes; considered and passed.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1283. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 37, supra.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 354

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 354, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 392

At the request of Mr. LEVIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 401

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 455

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 455, a bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes.

S. 467

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 580

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 611

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 642

At the request of Mr. FRIST, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Vermont

(Mr. LEAHY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 852

At the request of Mr. SPECTER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. STEVENS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 911

At the request of Mr. CONRAD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1086

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1088

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1152

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1208

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1208, a bill to provide for local control for the siting of windmills.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. BOXER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. VITTER), the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

S. CON. RES. 37

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as ''National Mammography Day''.

AMENDMENT NO. 799

At the request of Mr. VOINOVICH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 799 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation designed to finally address one of the most long-standing and difficult problems facing our Nation's first responders—the lack of communications interoperability.

I want to thank Chairman COLLINS of the Homeland Security and Governmental Affairs Committee, Senator LEVIN and Senator AKAKA for joining me in this effort.

I don't want to be confused with the evil road captain in ''Cool Hand Luke,'' but there is only one way to say this: ''What we have here is a failure to communicate!''

By now, we all know that the inability of first responders to talk to one another when responding to emergencies costs lives during terrorist attacks or natural disasters. According to the 9/11 Commission, the lack of interoperability contributed to the deaths of more than 100 fire fighters in New York on 9/11.

However, this failure to communicate also creates problems during every day emergency operations, endangering both first responders and the public while also wasting precious resources. For example, when law enforcement officers cannot communicate effectively about a suspect fleeing across jurisdictions, criminals can escape.

It is past time we fixed this problem.

Achieving interoperability is the top priority for State homeland security advisors. It is essential for first responders to achieve the national preparedness goals that the Department of Homeland Security has established for the Nation.

However, for most States obtaining the equipment and technology to fulfill this goal remains a challenge. And a major hurdle continues to be lack of sufficient funding. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6.8 billion over five years. DHS has also estimated the cost of modernizing equipment for 2.5 million public safety first responders across the country at $40 billion.

I am convinced that we can achieve interoperability for much less—but only if strong national leadership drives cooperation and adoption of smart new technology solutions.

Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. The result is that first responders typically operate on different radio systems, at different frequencies, unable to communicate with one another.

Strong national leadership is necessary to ensure that different jurisdictions come together to work out the often complex issues that prevent interoperability in the first place.

The legislation we are introducing today will provide this much needed Federal leadership and provide dedicated grants, enhance technical assistance to State and local first responders, promote greater regional cooperation, and foster the research and development necessary to make achieving interoperability a realistic national goal.

The ''Improve Interoperable Communications for First Responders Act of 2005'' or the ICOM Act for short, gets us there in three distinct ways.

First, the ICOM Act will provide the Office of Interoperability and Compatibility (OIC) within DHS the resources and authorities necessary to systematically overcome the barriers to achieving interoperability.

ICOM requires OIC to conduct extensive, nationwide outreach and facilitate the creation of task forces in each State to develop interoperable solutions. It requires coordinated and extensive technical assistance through the Office of Domestic Preparedness' Interoperable Communications Technical Assistance Program. OIC will also be charged with developing a national strategy and national architecture so that we systematically move towards a truly national system of public safety communications.

This Act authorizes OIC to fund and conduct pilot programs to evaluate and validate new technology concepts needed to encourage more efficient use of spectrum and other resources and deploy less costly public safety communications systems.

Second, the ICOM Act will identify and answer the policy and technology questions necessary to achieve interoperability by requiring the Secretary to establish a comprehensive, competitive research and development program.

This research agenda will focus on: understanding the strengths and weaknesses of today's diverse public safety communications systems; examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner; evaluating and validating new technology concepts; and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

The legislation authorizes some $126 million for each of fiscal years 2006 through 2009 for the operations of the Office for Interoperability and Compatibility so DHS can finally provide the national leadership necessary to achieve interoperability in the most cost effective manner; for research and development; and to provide enhanced technical assistance to state and local officials around the country.

Third, the ICOM Act will provide consistent, dedicated funding by authorizing $3.3 billion over five years for initiatives to achieve short-term or long-term solutions to interoperability. It authorizes grants directly to States or regional consortium within each State to be used specifically for key aspects of the communications life-cycle, including: State-wide or regional communications planning; system design and engineering; procurement and installation of equipment; training and exercises; or other activities determined by the Secretary to be integral to the achievement of this essential capability.

The bill adopts the same formula for distributing funds in S. 21, the Homeland Security Grants Enhancement Act as reported by the Homeland Security and Government Affairs Committee. Each State will receive a minimum baseline amount of 0.55 percent of the total funds appropriated under the bill. States that are larger/and or more densely populated receive a higher baseline amount, based on a formula that combines population and population density.

The remaining funds—over 60 percent of the total—will be distributed based on additional threat and risk-based factors. This will ensure that the majority of funds are distributed to those areas at highest risk, while we systematically ensure that this very basic communications capability is built in every state across our country.

The Secretary will be required to establish a panel of technical experts, first responders, and other State and local officials, to review and make recommendations on grant applications.

This legislation also promotes regional cooperation, consistent with the National Preparedness Goal, which identifies the essential capabilities States and localities need to fight the war on terrorism, rewarding those jurisdictions that join together in robust regional bodies to apply for funds.

Most importantly, this dedicated funding program for interoperability will ensure that jurisdictions can receive and rely on a consistent stream of funding for vital interoperability projects, without also being forced to neglect all of the other essential capabilities DHS has said they need to develop.

This legislation is crucial for the safety of our citizens and the men and women who go to work everyday pledged to protect them. It will ensure that, for the first time, achieving communications interoperability is an achievable national goal, a genuine national priority.

To win the war on terrorism and protect the American people, we cannot have a failure to communicate.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1274

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improve Interoperable Communications for First Responders Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A major barrier to sharing information among police, firefighters, and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency.

(2) Communications interoperability has been identified by the Department of Homeland Security as 1 of the most essential capabilities necessary for first responders to achieve the national preparedness goal the Department of Homeland Security has established for the Nation.

(3) The lack of interoperability costs lives during terrorist attacks or natural disasters, but also during everyday emergency operations.

(4) Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments

(5) Achieving the level of communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(7) However, much more remains to be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(8) Over 70 percent of public safety communications equipment is still analog, rather than digital. In fact, much of the communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(9) Stronger and more effective national, statewide, and regional leadership are required to improve interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(10) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(11) Achieving interoperability requires the sustained commitment of substantial resources. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6,800,000,000 over 5 years towards achieving interoperability. The Department of Homeland Security has estimated the cost of modernizing first-responder equipment for the 2,500,000 public safety first responders across the country at $40,000,000,000.

(12) Communications interoperability can be accomplished at a much lower cost if strong national leadership drives cooperation and adoption of smart, new technology solutions.

SEC. 3. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

(a) IN GENERAL.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended to read as follows:

''(2) OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.—

''(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Interoperability and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

''(B) DIRECTOR.—There shall be a Director of the Office for Interoperability and Compatibility, who shall be appointed by the Secretary of Homeland Security.

''(C) RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

''(i) assist the Secretary of Homeland Security in developing and implementing the program described in paragraph (1);

''(ii) carry out the Department of Homeland Security's responsibilities and authorities relating to the SAFECOM Program;

''(iii) carry out section 510 of the Homeland Security Act of 2002; and

''(iv) conduct extensive, nationwide outreach and foster the development of interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

''(I) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

''(II) developing a national architecture, which defines the components of an interoperable system and how they fit together;

''(III) establishing and maintaining a task force that represents the broad customer base of State, local, and tribal public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

''(IV) working with the Office of Domestic Preparedness Interoperable Communication Communications Technical Assistance Program to—

''(aa) provide technical assistance to State, local, and tribal officials; and

''(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal governments and public safety agencies and from the Federal Government, to effectively address interoperability and other information-sharing needs;

''(V) promoting a greater understanding of the importance of interoperability and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

''(VI) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving interoperability;

''(VII) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability;

''(VIII) funding and conducting pilot programs, as necessary, in order to—

''(aa) evaluate and validate new technology concepts in real-world environments to achieve public safety communications interoperability;

''(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

''(cc) test and deploy public safety communications systems that are less prone to failure, support new non-voice services, consume less spectrum, and cost less; and

''(IX) performing other functions necessary to achieve communications interoperability.

''(D) SUFFICIENCY OF RESOURCES.—The Secretary of Homeland Security shall provide the Office for Interoperability and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Interoperability and Compatibility, the Office for Domestic Preparedness, and other offices of the Department of Homeland Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)(iv).''.

(b) DEFINITION.—Section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)) is amended to read as follows:

''(1) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.''.

(c) Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 314. INTEROPERABILITY ASSESSMENT AND REPORT.

''(a) BASELINE ASSESSMENT.—The Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

''(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the Department's progress in implementing and achieving the goals of the Improve Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessment conducted under subsection (a).''.

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:

"SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote communications interoperability among first responders, including by—

''(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and

''(2) considering establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on enhancing information and communications systems for first responders.

''(b) PURPOSES.—The purposes of the program established under subsection (a) include—

''(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use;

''(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;

''(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

''(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies for interoperability; and

''(5) advancing the creation of a national strategy to promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(3)), there are authorized to be appropriated for the operations of the Office for Interoperability and Compatibility, to provide technical assistance through the office for Domestic Preparedness, to fund and conduct research under section 315 of the Homeland Security Act of 2002, and for other appropriate entities within the Department of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194) and sections 314 and 315 of the Homeland Security Act of 2002, as added by this Act—

(1) $127,232,000 for fiscal year 2006;

(2) $126,549,000 for fiscal year 2007;

(3) $125,845,000 for fiscal year 2008;

(4) $125,121,000 for fiscal year 2009; and

(5) such sums as are necessary for each fiscal year thereafter.

SEC. 5. DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

"SEC. 1801. INTEROPERABILITY GRANTS.

''(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national and, where appropriate, international interoperability.

''(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions to interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

''(1) statewide or regional communications planning;

''(2) system design and engineering;

''(3) procurement and installation of equipment;

''(4) training and exercises; and

''(5) other activities determined by the Secretary to be integral to the achievement of communications interoperability.

''(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with Office of Interoperability and Compatibility, the Directorate of Science and Technology, and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability consistent with the national strategy.

''(d) APPLICATION.—

''(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

''(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

''(B) describe how—

''(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, are consistent with the national strategy and architecture; and

''(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

''(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(e) STATE REVIEW AND SUBMISSION.—

''(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Secretary.

''(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Secretary.

''(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(A) notify the Secretary in writing of that fact; and

''(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

''(f) AWARD OF GRANTS.—

''(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Secretary shall consider—

''(A) the nature of the threat to the State or eligible region;

''(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from an attack on critical infrastructure in nearby jurisdictions;

''(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences;

''(D) the extent to which grants will be utilized to implement interoperability solutions—

''(i) consistent with the national strategy and compatible with the national architecture; and

''(ii) more efficient and cost effective than current approaches;

''(E) the number of jurisdictions within regions participating in the development of interoperable communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

''(F) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

''(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

''(H) whether the State or eligible region is on or near an international border;

''(I) the extent to which geographic barriers pose unusual obstacles to achieving communications interoperability; and

''(J) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk site or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

''(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

''(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in communications interoperability as well as emergency response providers and other relevant State and local officials.

''(3) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

''(4) ALLOCATION.—

''(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall ensure that each State receives, for each fiscal year, the greater of—

''(i) 0.55 percent of the amounts appropriated for grants under this section; or

''(ii) the eligible State's sliding scale baseline allocation of 28.62 percent of the amounts appropriated for grants under this section.

''(B) OTHER ENTITIES.—Notwithstanding subparagraph (A), the Secretary shall ensure that for each fiscal year—

''(i) the District of Columbia receives 0.55 percent of the amounts appropriated for grants under this section;

''(ii) the Commonwealth of Puerto Rico receives 0.35 percent of the amounts appropriated for grants under this section;

''(iii) American Samoa, the Commonwealth of the Northern Mariana islands, Guam, and the Virgin Islands each receive 0.055 percent of the amounts appropriated for grants under this section; and

''(C) POSSESSIONS.—Except as provided in subparagraph (B), no possession of the United States shall receive a baseline distribution under subparagraph (A).

''(g) DEFINITIONS.—As used in this section, the following definitions apply:

''(1) ELIGIBLE REGION.—The term 'eligible region' means—

''(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

''(i) have joined together to enhance communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

''(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

''(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8.

''(2) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

''(3) OFFICE.—The term 'office' refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

''(4) SLIDING SCALE BASELINE ALLOCATION.—The term 'sliding scale baseline allocation' means 0.0001 multiplied by the sum of—

''(A) the value of a State's population relative to that of the most populous of the 50 States of the United States, where the population of such States has been normalized to a maximum value of 100; and

''(B) ¼ of the value of a State's population density relative to that of the most densely populated of the 50 States of the United States, where the population density of such States has been normalized to a maximum value of 100

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section—

''(1) $400,000,000 for fiscal year 2006;

''(2) $500,000,000 for fiscal year 2007;

''(3) $600,000,000 for fiscal year 2008;

''(4) $800,000,000 for fiscal year 2009;

''(5) $1,000,000,000 for fiscal year 2010; and

''(6) such sums as are necessary each fiscal year thereafter.''.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

''Sec. 314. Interoperability assessment and report.

''Sec. 315. Interoperability research and development.''.

(2) adding at the end the following:

''TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

''Sec. 1801. Interoperability grants.''.

Ms. COLLINS. Mr. President, I am very pleased to join my good friend, the Senator from Connecticut, Senator LIEBERMAN, in introducing the Improve Interoperable Communications for First Responders Act of 2005. This legislation will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN for his efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

According to the 9/11 Commission Report, interoperability—the ability for emergency responders to communicate with one another during an incident—was a serious problem on 9/11. On that fateful day, the NYPD Emergency Service Unit did manage to successfully convey evacuation instructions to personnel in the North Tower after the South Tower's collapse. This was accomplished by a combination of ''1. the strength of the radios, 2. the relatively small numbers of individuals using them, and 3. use of the correct channel by all.'' On the other hand, the 9/11 Commission Report pointed out that ''the same three factors worked against successful communication among FDNY personnel. First, the radios' effectiveness was drastically reduced in the high-rise environment. Second, tactical channel 1 was simply overwhelmed by the numbers of units attempting to communicate on it at 10:00 a.m. Third, some firefighters were on the wrong channel or simply lacked radios altogether.''

In addition, a Government Accountability Office report on interoperable communications released in June 2004 notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government when they are responding to a major emergency. From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

The GAO recommends that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security should establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

The National Governors Association recently released a survey of State and territorial homeland security advisors to determine their top 10 priorities and challenges facing states in the future. The number one priority was achieving interoperability in communications.

One of the most persistent messages that I hear from Maine's first responders is strong concern about the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has the largest port by tonnage in New England, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine's firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and accidents are local matters in which they have great expertise and experience. Their work on the front lines in the war against terrorism is, however, a joint responsibility. Maine's first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. The grant program guarantees every state a share of interoperability funding and makes additional funding available for states with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

A recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion.

Our legislation authorizes a total of $3.3 billion over a 5 year period for grants dedicated to achieving communications interoperability. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to identify and answer the policy and technology questions necessary to achieve interoperability. It directs the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes conducting research through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency, (HSARPA) and establishing a Center of Excellence focused on enhancing information and

communications systems for first responders.

The Intelligence Reform and Terrorism Prevention Act of 2002, P.L. 108–458, which Senator LIEBERMAN and I authored, directs the Office for Interoperability and Compatibility (OIC) in DHS to provide overall federal leadership to achieve interoperability. Our legislative initiative builds on this current policy by providing the OIC the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy and national architecture, and conduct pilot programs to evaluate and validate new technology concepts.

We must all work together to achieve interoperability for all our first responders. Coordination and cooperation among all stakeholders will be imperative if the brave men and women who risk their lives on a daily basis are to be fully prepared.

I urge my colleagues to join us in supporting this legislation to build a better and stronger homeland security partnership with our first responders.

Mr. LEVIN. Mr. President, I join my colleagues in introducing the Improve Interoperable Communications For First Responders, or ''ICOM,'' Act of 2005. We have all heard the stories of how the first responders could not communicate on 9/11 and this lack of communication cost lives. The same situation is happening all over this country and we need to improve interoperable communications before more lives are lost. Attaining this objective will require substantial resources and a strong commitment by Congress and the Administration. This legislation takes an important first step in this effort.

We have seen how bad the problem is in Michigan. For example, on the morning of Sunday, October 26, 2003, Michigan first responders held an exercise to test the emergency communications response capabilities at Michigan's international border with Canada. As we all know, during any emergency, effective communications is an absolute requirement. However, during the exercise, in order to communicate between fire agencies, the fire commanding officer needed 3 portable radios literally hanging around his neck and hooked to his waist band to attempt scene coordination. The Incident Commander was shuffling radios up and down to his ear and mouth in an attempt to figure out ''who'' was requesting or providing information. Further, the fire commanding officer had no communication with any law enforcement or Emergency Medical Service agencies. To communicate with those agencies, 5 additional radios would be required. This is totally unacceptable.

First and foremost, the ICOM Act will provide dedicated funding for initiatives to achieve short- and long-term solutions to interoperability to States or regional consortia within each State for State-wide or regional communications planning, system design and engineering, procurement and installation of equipment, training and exercises, or other activities determined by the Secretary of Homeland Security to be integral to the achievement of communications interoperability.

This legislation will also provide the recently authorized Office for Interoperability and Compatibility the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy, facilitate the creation of regional task forces in each State, fund and conduct pilot programs to evaluate and validate new technology concepts, encourage more efficient use of resources, and test and deploy more reliable and less costly public safety communications systems. Finally, the ICOM Act also requires the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes promoting research through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency, and considering establishing a Center of Excellence. The research agenda will focus on understanding the strengths and weaknesses of today's diverse public safety communications systems, examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner, evaluating and validating new technology concepts, and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

I recently authored an amendment that passed the Homeland Security and Governmental Affairs Committee that would assist our first responders by creating demonstration projects at our northern and southern borders. The ICOM Act will complement that legislation by providing funding, support, research and development to improve interoperable communications on a national level.

Mr. AKAKA. Mr. President, I rise today to join my colleagues, Senators LIEBERMAN, COLLINS, and LEVIN, in introducing the Improve Interoperable Communications for First Responders Act of 2005 (the ICOM Act), which will strengthen the interoperability of first responder communications across the country.

Since September 11, Federal, State, and local authorities have grappled with the challenge of achieving interoperable communications for emergency response personnel. This should not be a difficult task since the necessary technology exists. But as with many public policy challenges, achieving interoperability comes down to organization and funding.

The 9–11 Commission found that the inability of first responders to communicate at the three September 11 crash sites demonstrated ''that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains a important problem.'' In my home State of Hawaii, for example, first responders are unable to communicate by radio over 25 percent of the Island of Hawaii because of inadequate infrastructure and diverse geography. The Commission recommended that federal funding of local interoperability programs be given a high priority.

The Department of Homeland Security (DHS) estimated it would cost $40 billion to modernize communications equipment for the Nation's 2.5 million public safety first responders. In 2003, an independent task force sponsored by the Council on Foreign Relations recommended investing $6.8 billion over five years to ensure dependable, interoperable first responder communications, a need which they describe as ''so central to any kind of terrorist attack response.''

However, funding alone will not solve this urgent problem. The Government Accountability Office (GAO) has found that DHS leadership is critical to utilizing effectively interoperability technologies. In an April 2005 report, ''Technology Assessment: Protecting Structures and Improving Communications during Wildland Fires,'' GAO stated that even if two neighboring jurisdictions have the funding to purchase an interconnection device, such as an audio switch, organizational challenges remain. GAO stated, ''To effectively employ the device, they must also jointly decide how to share its cost, ownership, and management; agree on the operating procedures for when and how to deploy it; and train individuals to configure, maintain, and use it.'' Achieving such planning and coordination will require federal leadership.

According to GAO, the federal government has increased interoperability planning and coordination efforts in recent years. However the Wireless Public Safety Interoperable Communications Program (SAFECOM), which is run out of the Office for Interoperability and Compatibility (OIC) in DHS, has made limited progress in achieving communications interoperability among entities at all levels of government.

The ICOM Act will increase federal coordination and provide dedicated funding for interoperability. Our bill will increase the resources and authority of the OIC, which was established by the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the OIC will be tasked with creating a national strategy and national architecture, facilitating the creation of regional task forces, and conducting pilot programs to evaluate new technology concepts. The OIC will be responsible not only for short-term solutions, but also for simultaneously pursuing a long-term interoperability

strategy, something that has been lacking from Federal efforts to date.

The ICOM Act will also create an interoperability grant program and authorize $3.3 billion over five years for the program. Recognizing that achieving interoperability is crucial to every State's emergency response capabilities, the bill gives each State a baseline amount of .55 percent of the funding.

The ICOM Act also requires the Secretary to look to at the unique geographic barriers in each State which may impede interoperability when awarding grants. This is key to States like Hawaii that may require additional transmitter towers and other types of equipment to overcome the obstacles that come with being a mountainous or island State.

Last year, I joined Senators LIEBERMAN and COLLINS in introducing S. 2701, the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004. Many of the provisions in S. 2701 were incorporated into the Intelligence Reform and Terrorism Prevention Act. However, there still continue to be problems in terms of leadership and funding in federal interoperability policy. I ask my colleagues to not wait another year to begin to fill this hole. I urge support of this important piece of legislation.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the 'Alice R. Brusich Post Office Building'; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, I send to the desk legislation to designate the U.S. Post Office located at 7172 North Tongass Highway in Ward Cove, AK after Alice R. Brusich.

Alice Brusich started her career with the Postal Service in 1954 as an Assistant Postmaster. Through her hard work and efforts, she became Postmaster in 1956.

During her service with the Postal Service, Alice was also one of the founders of the Tongass Community Club. She was also one of the founding members and top officer of the Alaska Chapter 51 National Association of Postmasters in the United States.

Alice was also in charge of the Ketchikan Post Office in the 70's. In 1985, Alice retired after 31 years of service. She remains an active supporter of the Postal service and is dedicated to improving the services at the Ward Cove Post Office. Alice has always been a strong advocate of improving and maintaining the Postal Service in Alaska, and it is only appropriate that we honor her service by dedicating the Ward Cove Post Office after her.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Today I am introducing the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. It is nearly identical to the Permanent Partners Immigration Act that I introduced in the last Congress, and which Congressman NADLER—who is introducing this bill in the House today—has sponsored for the last four Congresses. I am pleased to have Senators CHAFEE, KENNEDY, CORZINE, JEFFORDS, BOXER, FEINGOLD, MURRAY, DAYTON, and LAUTENBERG as cosponsors.

Under current law, committed partners of Americans are unable to use the family immigration system, which accounts for about 75 percent of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live legally and permanently with them.

This bill rectifies that problem while retaining strong prohibitions against fraud. To qualify as a permanent partner, petitioners must prove that they are at least 18 and are in a committed, intimate relationship with another adult in which both parties intend a lifelong commitment, and are financially interdependent with one's partner. They must also prove that they are not married to, or in a permanent partnership with, anyone other than that person, and are unable to contract with that person a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the alien partner.

There are Vermonters who are involved in permanent partnerships with foreign nationals and who have felt abandoned by our laws in this area. This bill would allow them—and other gay and lesbian Americans throughout our Nation who have come to feel that our immigration laws are discriminatory—to be a fuller part of our society.

The idea that immigration benefits should be extended to same-sex couples has become increasingly prevalent around the world. Indeed, sixteen nations—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom—recognize same-sex couples for immigration purposes.

Our immigration laws treat gays and lesbians in committed relationships as second-class citizens, and that needs to change. It is the right thing to do for the people involved, it is the sensible step to take in the interest of having a fair and consistent policy, and I hope that the Senate will act.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act'' or the ''Permanent Partners Immigration Act''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. DEFINITIONS.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(51) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment;

''(B) is financially interdependent with the individual described in subparagraph (A);

''(C) is not married to or in a permanent partnership with anyone other than the individual described in subparagraph (A);

''(D) is unable to contract, with the individual described in subparagraph (A), a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of the individual described in subparagraph (A).

''(52) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by inserting ''permanent partners,'' after ''spouses,'';

(2) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(3) by striking ''remarries.'' and inserting ''remarries or enters into a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph header, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the header to subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the header to subparagraph (C), in the heading by inserting ''WITHOUT PERMANENT PARTNERS'' after ''DAUGHTERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b) (8 U.S.C. 1152(b)) is amended—

(1) by striking ''except that (1)'' and inserting the following: '', except that—

''(1)'';

(2) by striking ''(2) if an alien'' and inserting the following:

''(2) if an alien'';

(3) by striking ''his spouse'' and inserting ''the spouse or permanent partner of the alien''

(4) by inserting ''or permanent partners'' after ''husband and wife'';

(5) by striking ''the spouse he'' and inserting ''the spouse or permanent partner who the alien'';

(6) by striking ''such spouse'' and inserting ''such spouse or permanent partner'';

(7) by striking ''(3) an alien'' and inserting the following:

''(3) an alien''; and

(8) by striking ''(4) an alien'' and inserting the following:

''(4) an alien''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS AND CITIZENS.—Section 203(a) (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (2), by striking ''(2)'' and all that follows through ''permanent residence,'' and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, AND UNMARRIED SONS AND DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

''(A) the spouses, permanent partners, or children of an alien lawfully admitted for permanent residence; or

''(B) the unmarried sons without permanent partners or unmarried daughters without permanent partners of an alien lawfully admitted for permanent residence,''; and.

(2) in paragraph (3), by striking ''(3)'' and all that follows through ''citizens'' and inserting the following:

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS OF CITIZENS WITH PERMANENT PARTNERS.—Qualified immigrants who are the married sons, married daughters, or sons or daughters with permanent partners, of citizens''.

(b) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting ''or permanent partner'' after ''spouse'';

(2) in subparagraph (A)(iii)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears; and

(3) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place such term appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph header, by inserting ''OR PERMANENT PARTNER'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'' each place such term appears;

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,'' each place such term appears; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

(b) WAIVERS OF INADMISSIBILITY ON HUMANITARIAN AND FAMILY UNITY GROUNDS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,'' each place such term appears.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended—

(1) by inserting ''permanent partner,'' after ''spouse,''; and

(2) by inserting '', permanent partner,'' after ''resident spouse''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The section header for section 216 (8 U.S.C. 1186a) is amended by striking ''**and sons**'' and inserting ''**, permanent partners, sons,**''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse''; and

(B) by inserting ''permanent partner,'' after ''spouse,'' each place it appears.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection header, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting ''or permanent partnership'' after ''marriage''; and

(B) by amending clause (ii) to read as follows—

''(ii) has been judicially annulled or terminated, or has ceased to satisfy the criteria for being considered a permanent partnership under this Act, other than through the death of a spouse or permanent partner; or''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(2) in paragraphs (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the header, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by adding at the end the following: ''or is a permanent partnership recognized under this Act;''; and

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by striking '', and'' and inserting ''or permanent partner; and'' after ''spouse''; and

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place such term appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) SECTION HEADING.—

(1) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended in the heading by inserting ''**PERMANENT PARTNERS,**'' after ''**SPOUSES,**''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

(b) IN GENERAL.—Section 216A(a) (8 U.S.C. 1186b(a)) is amended by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

(e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

(a) IN GENERAL.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place such term appears;

(B) in subparagraph (E), by inserting ''permanent partner,'' after ''spouse,'' each place such term appears;

(C) in subparagraph (H)(i)(I), by inserting ''or permanent partner'' after ''spouse''; and

(D) by adding at the end the following:

''(I) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, not later than 2 years after such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provisions of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership which in the opinion of the Secretary of Homeland Security was made for the purpose of procuring the alien's admission as an immigrant.'';

(2) in paragraph (2)(E)(i), by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(3) in paragraph (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240(e)(1) (8 U.S.C. 1229a(e)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (2)—

(A) in the header, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and in accordance with section 101(a)(51) and the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant and no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner. In accordance with regulations, there shall be only 1 level of administrative appellate review for each alien seeking relief under this paragraph.''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 275(c) (8 U.S.C. 1325(c)) is amended by inserting ''or permanent partnership'' after ''marriage''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended, in the matter following paragraph (2), by inserting ''or permanent partner'' after ''spouse''.

SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

Section 324(a) (8 U.S.C. 1435(a)) is amended, in the matter following ''after September 22, 1922,'', by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (114 Stat. 2763A09325) is amended—

(1) in the section header, by inserting ''**, PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in subsections (b) and (c)—

(A) in the subsection headers, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2005.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 32,000 calls for assistance, and saved 5,500 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized 376,000 pounds of illegal narcotics, preventing them from reaching our streets and playgrounds. They also stopped over 11,000 illegal migrants from reaching our shores. In addition they conducted 4,500 boardings to protect our vital fisheries stocks and they responded to 23,904 pollution incidents.

In today's post–9/11 world, the men and women of the Coast Guard have been working harder than ever securing the nation's coastline, waterways, and ports. This rapid escalation of the Coast Guard's homeland security mission catalogue continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 19,000 vessels, escorted over 7,200 vessels, and maintained more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources it needs to carry out its many critically important missions that it provides to this Nation. Unfortunately, the Coast Guard's rapid operational escalation has come on the backs of its 42,000 men and women who faithfully serve our country. Additionally, it has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs, primarily through the full support of its recapitalization project known as Deepwater.

The bill I introduce today would authorize funding at $8.2 billion for Fiscal Year 2006 and $8.8 billion for Fiscal Year 2007. This represents an 8 percent annual budget increase over the levels contained in last year's authorization bill. This authorization will continue

to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and coastal security.

This bill also includes numerous measures that would allow the Coast Guard to enforce provisions of the Maritime Transportation Security Act, an essential element in securing the Nation's ports and waterways. Additionally, it would address maritime safety issues by allowing the Coast Guard to continue training both the commercial fishing industry and the recreational boating public in issues regarding safety at sea. Joint training for foreign Nations is also addressed, which allows for nation-building and the development of bilateral agreements that allow the Coast Guard to effectively combat the trafficking of illegal narcotics into our Nation, keeping them off the streets and out of our schools.

In response to the final report of the United States Commission on Ocean Policy, this bill includes provisions that would allow the Coast Guard to work with other Federal, State, and local agencies in developing plans to assist vessels in distress, thus eliminating the potential for loss of life and environmental damage. It also directs the Coast Guard to develop steps that will allow it to better detect and interdict vessels, both American and foreign flagged, that are violating fishing regulations.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world's 42 similar naval fleets with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately, they are reaching the end of their serviceable life just when the Coast Guard needs them the most.

The Coast Guard continues to progress with its major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the procurement strategy the Coast Guard is utilizing. This bill would authorize full funding for this critical long-term recapitalization program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1280

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act of 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.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.
Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.
Sec. 203. Icebreakers.
Sec. 204. Cooperative agreements.
Sec. 205. Pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.
Sec. 206. Reports from mortgagees of vessels.
Sec. 207. International training and technical assistance.
Sec. 208. Reference to Trust Territory of the Pacific Islands.
Sec. 209. Bio-diesel feasibility study.
Sec. 210. Certification of vessel nationality in drug smuggling cases.
Sec. 211. Jones Act waivers.
Sec. 212. Deepwater oversight.
Sec. 213. Deepwater report.
Sec. 214. LORAN-C.
Sec. 215. Long-range vessel tracking system.
Sec. 216. Marine vessel and cold water safety education.
Sec. 217. Suction anchors.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

Sec. 301. Place of refuge.
Sec. 302. Implementation of international agreements.
Sec. 303. Voluntary measures for reducing pollution from recreational boats.
Sec. 304. Integration of vessel monitoring system data.
Sec. 305. Foreign fishing incursions.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

Sec. 401. Reserve officer distribution.
Sec. 402. Coast Guard band director.
Sec. 403. Reserve recall authority.
Sec. 404. Expansion of equipment used by auxiliary to support Coast Guard missions.
Sec. 405. Authority for one-step turnkey design-build contracting.
Sec. 406. Officer promotions.
Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.
Sec. 408. Boating safety director.
Sec. 409. Hangar at Coast Guard air station at Barbers Point.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 501. Government organization.
Sec. 502. War and national defense.
Sec. 503. Financial management.
Sec. 504. Public contracts.
Sec. 505. Public printing and documents.
Sec. 506. Shipping.
Sec. 507. Transportation.
Sec. 508. Mortgage insurance.
Sec. 509. Arctic research.
Sec. 510. Conservation.
Sec. 511. Conforming amendment.
Sec. 512. Anchorage grounds.
Sec. 513. Bridges.
Sec. 514. Lighthouses.
Sec. 515. Oil pollution.
Sec. 516. Medical care.
Sec. 517. Conforming amendment to Social Security Act.
Sec. 518. Shipping.
Sec. 519. Nontank vessels.
Sec. 520. Drug interdiction report.
Sec. 521. Acts of terrorism report.

TITLE VI—EFFECTIVE DATES

Sec. 601. Effective Dates.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,852,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,840,160, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,920,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $18,792,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $128,520,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

''(d) As used in this section, the term 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Any''; and

(2) by adding at the end the following:

''(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

''(1) for violations occurring during fiscal year 2006, $50,000;

''(2) for violations occurring during fiscal year 2007, $75,000; and

''(3) for violations occurring after fiscal year 2007, $100,000.

''(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

''(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.''.

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of these assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term ''dockside crew survivability examination'' means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel's safety and survival equipment; and

(ii) the crew's familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

(2) COAST GUARD REPRESENTATIVE.—The term ''Coast Guard representative'' means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing industry vessels.

(3) UNINSPECTED FISHING VESSEL.—The term ''uninspected fishing vessel'' means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(2) for a period of 5 calendar years following the date of the enactment of this Act;

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the

industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking ''owners, masters, and charterers'' and inserting ''owners, masters, charterers, and mortgagees''.

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 149. Assistance to Foreign Governments and Maritime Authorities;

(2) by inserting ''(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—'' before ''The President''; and

(3) by adding at the end the following:

''(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

''149. Assistance to Foreign Governments and Maritime Authorities''.

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking ''37, 43, 51, and 123'' and inserting ''43, 51, 61, and 123'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting ''The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.''.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO-04-380, ''Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight''; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section, the term ''place of refuge'' means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) by inserting ''Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve.'' after ''5,000.'' in subsection (a); and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

''(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.''.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting ''The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.'';

(2) by striking ''a member so designated'' in the second sentence of subsection (b) and inserting ''an individual so designated'';

(3) by striking ''of a member'' in subsection (c) and inserting ''of an individual'';

(4) by striking ''of lieutenant (junior grade) or lieutenant.'' in subsection (c) and inserting ''determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.'';

(5) by striking ''A member'' in subsection (d) and inserting ''An individual''; and

(6) by striking ''When a member's designation is revoked,''in subsection (e) and inserting ''When an individual's designation is revoked,''.

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking ''during'' in subsection (a) and inserting ''during, or to aid in prevention of an imminent,'';

(2) by striking ''or catastrophe,'' in subsection (a) and inserting ''catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46, United States Code,'';

(3) by striking ''thirty days in any four month period'' in subsection (a) and inserting ''60 days in any 4-month period'';

(4) by striking ''sixty days in any two-year period'' in subsection (a) and inserting ''120 days in any 2-year period''; and

(5) by adding at the end the following:

''(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.''.

SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) MOTORIZED VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting ''(a)'' before ''Members''; and

(2) adding at the end the following:

''(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.''.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking ''or radio station'' each place it appears and inserting ''radio station, or motorized vehicle utilized under section 826(b)''.

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 677. Turn-key selection procedures

''(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

''(b) DEFINITIONS.—In this section—

''(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

''(2) CONSTRUCTION.—The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

''(3) FACILITY.—The term 'facility' means a building, structure, or other improvement to real property.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

''677. Turn-key selection procedures''.

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

''(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.''.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking ''The term 'law specialist' '' in paragraph (11) and inserting ''The term 'judge advocate', in the Coast Guard,'';

(2) by striking ''advocate; or'' in paragraph (13) and inserting ''advocate.''; and

(3) by striking subparagraph (C) of paragraph (13).

(b) Section 727 of title 14, United States Code, is amended by striking ''law specialist'' and inserting ''judge advocate''.

(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking ''law specialist'' and inserting ''judge advocate''.

SEC. 408. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

''§ 337. Director, Office of Boating Safety

''The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

''337. Director, Office of Boating Safety''.

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting ''The Department of Homeland Security.'' after ''The Department of Veterans Affairs.'' in section 101'';

(2) by inserting ''the Secretary of Homeland Security,'' in section 2902(b) after ''Secretary of the Interior,''; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers' and Sailors' Civil Relief Act of 1940 (Pub. L. 76-861, 56 Stat. 1178, 50 U.S.C. App. 501 et seq.) is amended—

(1) by striking ''Secretary of Transportation'' each place it appears in section 515 and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Secretary of Transportation'' in section 530(d) and inserting ''Secretary of Homeland Security''.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking ''of Transportation'' in section 3321(c) and inserting ''of Homeland Security.'';

(2) by striking ''of Transportation'' in section 3325(b) and inserting ''of Homeland Security'';

(3) by striking ''of Transportation'' each place it appears in section 3527(b)(1) and inserting ''of Homeland Security''; and

(4) by striking ''of Transportation'' in section 3711(f) and inserting ''of Homeland Security''.

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 44, United States Code, are amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking ''a Coast Guard or'' in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting ''Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard.''; and

(3) by striking ''of Transportation'' in section 13106(c) and inserting ''of Homeland Security''.

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

''(K) the Department of Homeland Security; and''.

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary of the Department in which the Coast Guard is operating''.

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70-803 (33 U.S.C. 747b) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(b) Section 2 of Public Law 65-174 (33 U.S.C. 748) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(c) Sections 1 and 2 of Public Law 75-515 (33 U.S.C. 745a, 748a) are amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—

(1) by inserting ''Homeland Security,'' in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after ''the Interior,'';

(2) by striking ''of Transportation.'' in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting ''of Homeland Security.'';

(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:

''(3) MEMBERSHIP.—

''(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

''(B) A representative of the Department of Transportation shall serve as Chairman.''; and

(4) by striking ''other'' in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before ''such agencies''.

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking ''of Transportation,'' and inserting ''of Homeland Security,''.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking ''Satisfactory inspection shall be certified in writing by the Secretary of Transportation'' and inserting ''Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.''.

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

''(26) 'nontank vessel' means a self-propelled vessel—

''(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

''(B) other than a tank vessel;

''(C) that carries oil of any kind as fuel for main propulsion; and

''(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

''(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.''.

(b) CONFORMING AMENDMENT.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note) is repealed.

SEC. 521. ACTS OF TERRORISM REPORT.

Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is amended—

(1) by striking ''Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report'' and inserting ''The Secretary of Homeland Security shall report annually''; and

(2) by inserting ''Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.'' after ''ports.''.

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) EXCEPTION.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.

Ms. CANTWELL. Mr. President, I am pleased to join Chairwoman SNOWE to introduce the Coast Guard Authorization Act of 2005.

Those of us from coastal States are especially aware of the important role of the U.S. Coast Guard in maritime security, marine safety, and search and rescue of mariners. In addition, the Coast Guard is instrumental in protecting our ocean resources through fisheries enforcement and response to oil spills.

We ask a lot of the Coast Guard, and I am grateful to the men and women of the U.S. Coast Guard for their dedication and hard work. In this bill, I believe we have provided the Coast Guard with direction and authorizations that will help them better serve the public and meet the growing demands of the future.

The bill includes authorizations for Fiscal Year 2006 and 2007 appropriations that are approximately 8 percent higher than for each preceding year. The bill also authorizes a number of important new programs including recommendations of the United States Commission on Ocean Policy, makes a number of changes sought by the Coast Guard for personnel and property management, and makes necessary technical corrections resulting from the Coast Guard's move from the Department of Transportation to the Department of Homeland Security.

I am especially pleased that the committee legislation authorizes $47,500,000 for the Coast Guard's continued operation and maintenance of the Nation's only Polar Ice Breaker fleet. The administration's budget for fiscal year 2006 proposed transferring the funding for operation and maintenance of these vessels to the National Science Foundation, while leaving operational responsibility with the Coast Guard. No other Coast Guard asset is funded in this manner. Subjecting the icebreaker program to the budgeting decisions of another federal agency would definitely lead to an uncertain future for the Coast Guard's three icebreakers, ultimately undermining the ability of the Coast Guard to maintain these assets, and threatening the ability of the United States to maintain a presence in the polar regions over the long term. Section 203 of this legislation specifically calls on the Coast Guard to take all necessary measures to maintain its current fleet of polar icebreakers, rather than transferring this responsibility to the NSF.

This bill includes important funding for additional Coast Guard capital improvement priorities including $10,000,000 for the completion of the vessel traffic system upgrade for Puget Sound, one of two regions nationwide that has not yet benefited from this important upgrade in maritime traffic management and safety. This upgraded vessel traffic system will improve vessel traffic efficiency and safety throughout Washington's coastal waters. This funding also includes $3 million for completion of a Coast Guard administrative building on Pier 36 in Seattle that was badly damaged in the Olympia earthquake in 2001. This building is the Command Center for the Coast Guard's Puget Sound search and rescue and homeland security activities and these funds will greatly improve the Coast Guard's capabilities in this area.

I am also pleased that the bill directs the Coast Guard to report to the Commerce Committee on opportunities for, the feasibility of, co-locating Coast Guard assets and personnel at facilities of other armed services branches, and entering into cooperative agreements for carrying out various Coast Guard missions. One such facility where co-location may prove beneficial to both the Coast Guard and the Navy is Naval Station Everett, which will be included in the Coast Guard's evaluation.

In addition, the bill promotes the use of alternative fuels by requiring the Coast Guard to evaluate the feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, with a focus on ports such as the Port of Seattle with very high vessel traffic density. Bio-diesel and other alternative vehicle fuels are already used by the Army at Fort Lewis, King County Metro Transit, and several school districts and cities in Washington State.

We have included in the bill a provision that would extend a requirement for non-tank vessels of over 400 gross tons, operating in waters out to 12 miles from the U.S., to prepare emergency response plans for oil spills. As we have learned with unfortunate oil spills in the past, such as the recent Daleo Passage Spill, every second matters. Requiring large vessels operating in coastal waters to have an emergency response plan will help prevent oil spill disasters and, in the event of a spill, mitigate their effects through preparedness.

Finally, the bill makes several important changes to the Coast Guard's management of personnel. One of these changes modifies current Coast Guard rules regarding recalling reservists for acts of terrorism and for longer periods of time. This provision ensures that the clock for the length of the recall begins to run on the first day that a reservist reports to active duty, including for training. Another provision ensures that the director of the Boating Safety Office remains a uniformed officer at the level of captain, in response to concerns from the boating safety community that the Coast Guard was eliminating this billet.

Effective Coast Guard operations are important for the State of Washington and for the Nation. I am pleased to join Senators SNOWE, STEVENS, and INOUYE in introducing this legislation and I look forward to working with my colleagues on the Commerce Committee and with the Coast Guard to move this legislation quickly through the Committee and the Senate.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, my friend and colleague, the senior Senator from Florida, and I are today introducing a far-reaching bill to reauthorize the National Aeronautics and Space Administration for 5 years, from fiscal year 2006 through fiscal year 2010.

This legislation is already the product of close bipartisan cooperation among Republicans and Democrats, which should be a surprise to no one, for space exploration is something that is important to all Americans, and promises and provides benefits to all of us, to all of humanity.

This bill represents an important opportunity for the Congress to play its fundamental role, in conjunction with the executive branch, in establishing the policies and principles that will guide our Nation's exploration and utilization of space.

The President has outlined an ambitious new Vision for Exploration that enables us to see where we can be 30 and 40 years ahead, with a renewed US presence on the Moon and crews and habitats on Mars, and perhaps even beyond. I support and endorse that vision and believe it describes a course America must take into the future.

This legislation expresses the sense of the Congress that such a broad, visionary goal is important and necessary to help stimulate our efforts today to develop the capabilities and the skills to reach that goal, and to reap tremendous benefits and rewards for all of us here on Earth as we do.

The bill authorizes funding for NASA for the next 5 fiscal years, from fiscal year 2006 to fiscal year 2010. The authorized levels are close to those requested in the President's budget request for 2006 and increase at a level to keep pace with estimates of inflation over the subsequent years.

Where the legislation differs from the President's request or from the plans that have been developed at NASA to begin the vision for exploration, we believe the adjustments made in this legislation will improve NASA's capability to carry out those plans and to sustain the high level of public and congressional support necessary for the long-term success of the vision for exploration.

Those differences revolve around two major areas of concern: (1) the need to ensure a sustained, continuous ability for the United States to launch crews and cargo into orbit; and (2) the need to maintain our existing commitments to both our international partners and our scientific partners in the International Space Station.

In other areas of space policy and programs, we have included language which expands on the administration proposals. We provide for the establishment, by the President, of a proposed National Policy for Aeronautics and Aeronautical Research, to provide a framework for making intelligent and far-reaching decisions about this crucial aspect of our Nation's ability to remain competitive in the global market of aeronautics. We must know what capabilities must be retained in our present aeronautics research infrastructure and what may be better served by changes that would remove the competition within NASA for limited resources in a constrained budgetary environment. Difficult choices must be made, but the first step in making informed decisions is to have a comprehensive policy framework to guide those decisions.

We endorse and expand, by repeated references in several portions of the bill, the desire to open the door for greater commercial participation in the exploration and utilization of space and space-based assets, from the development of basic launch capabilities, to crew-capable launch vehicles, to resupply and even research management of the International Space Station, and missions to the Moon and Mars, to Earth observation and remote sensing capabilities.

Commercial capabilities have experienced a dramatic upsurge in the recent past which makes this an especially important and promising aspect of this legislation. Just one year ago, on June 21, 2004, SpaceShipOne, built by the private firm of Scaled Composites, flew into the lower reaches of outer space, making pilot Mike Melvill the first civilian to fly a commercially-built spaceship out of the atmosphere and the first private pilot to earn astronaut wings.

As I said earlier, we believe the provisions of this legislation will make it easier for NASA to pursue the vision for exploration. Let me, in conclusion, expand briefly on that statement by referring to two specific areas of interest: the development of a crew exploration vehicle, and the assembly and operation of the International Space Station.

NASA has begun several efforts in the past decade, to develop a replacement vehicle for human space flight, with a view to eventually retiring the space shuttle. Each of them has failed, after considerable expense, to find the technological breakthrough that was necessary for their success. They were focused on new technologies, new systems that were largely untested, and unproven. We are now out of time, and can no longer afford the luxury of attempting to develop a dramatically new and different human space flight capability.

This legislation directs NASA, wherever practical, to use existing technology and industrial capacity, derived from our 24 years of experience with the space shuttle, in developing alternative means for launching crews and cargo into space. This approach promises not only to result in less cost to NASA and less risk of failure in development, but it will enable this nation to avoid an unacceptable—and potentially dangerous—situation where we do not have a capability to launch humans in space, especially at a time when the number of nations who have that capability is increasing, as the entry of China into that long-exclusive ''club'' has demonstrated.

NASA has said it cannot afford to continue to provide for all the research that has been planned for years to be accomplished aboard the International Space Station. It has begun the process of narrowing the scope of the use of the space station to those experiments that can contribute directly to the needs of the vision for exploration, and the support of human missions to the Moon, Mars, and beyond. This legislation states strongly that such a restriction on the range of research disciplines aboard the ISS is not in the best interests of the Nation, or of our partners.

The bill directs NASA to retain and support those ''non-vision'' science disciplines, and authorizes an additional $100 million, initially, for NASA to do that. But more importantly, the bill designates the U.S. portion of the ISS as a national laboratory facility, and directs NASA to provide a plan, by March of next year, which will enable a national laboratory, within NASA, to assume research management responsibility for that on-orbit national laboratory facility.

The potential gain for NASA is that the national laboratory will be empowered to bring other, non-NASA, resources to bear in operating the ISS, thus freeing NASA of much of that operational responsibility, while at the same time allowing it to support the specific research it needs for the vision for exploration.

The legislation provides other authorities, as requested by the administration, to facilitate NASA operations and management, and addresses other issues, such as continued monitoring of safety-related issues. While it adds some reporting requirements for NASA, it also eliminates a number of statutory reporting requirements that are no longer necessary.

This legislation to reauthorize NASA is necessary and vital to the future success of our Nation's effort in the exploration of space, and I take great satisfaction in offering it today for the Senate's consideration. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1281

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Fiscal year 2006.
Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. National policy for aeronautics research and development.
Sec. 138. Identification of unique NASA core aeronautics research.
Sec. 139. Lessons learned and best practices.
Sec. 140. Safety management.
Sec. 141. Creation of a budget structure that aids effective oversight and management.
Sec. 142. Earth observing system.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representational fund.
Sec. 161. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 20d. National laboratory status for International Space Station.

Sec. 204. Commercial support of International Space Station operations and utilization.
Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

Sec. 301. United States human-rated launch capacity assessment.
Sec. 302. Space Shuttle transition.
Sec. 303. Commercial launch vehicles.
Sec. 304. Secondary payload capability.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

Sec. 401. Commercialization plan.
Sec. 402. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 403. Commercial goods and services.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

Sec. 501. Extension of indemnification authority.
Sec. 502. Intellectual property provisions.
Sec. 503. Retrocession of jurisdiction.
Sec. 504. Recovery and disposition authority.
Sec. 505. Requirement for independent cost analysis.
Sec. 506. Electronic access to business opportunities.
Sec. 507. Reports elimination.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation's goals for the use and development of space. Basic research and development is an important component of NASA's program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent habitation of the Moon will—

(A) inspire the Nation;

(B) spur commerce, imagination, and excitement around the world; and

(C) open the possibility of further exploration of Mars.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter's capabilities for transporting crew and heavy cargo while utilizing the current program's resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA's aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the international space station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term ''shuttle-derived vehicle'' means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA's Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term ''in-situ resource utilization'' means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006 $16,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000, (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

(3) For the Office of Inspector General, $32,400,000.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000, for the following programs (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

SUBTITLE B—GENERAL PROVISIONS

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA's science portfolio are developed and maintained in a balanced and healthy manner;

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon's surface;

(3) upon successful completion of the planned return-to-flight schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA's other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications to enhance Federal, State, local, regional, and tribal agencies that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs; and

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the Earth.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—

(1) the findings and actions taken on NASA's assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;

(2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in section 131; and

(3) efforts to enhance near-Earth object detection and observation.

(b) EXTERNAL REVIEW FINDINGS.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews of the Administration's science mission priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) IN GENERAL.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator is further authorized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA's annual budget submission, submit to the Congress the detailed mission, schedule, and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA's annual budget submission, submit to the Congress a plan for NASA's lunar robotic precursor and technology programs, including current and planned technology investments and scientific research that support the lunar program; and

(4) conduct an intensive in-situ resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, and other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSITION, CAPABILITIES, AND DEVELOPMENT.

(a) POST-ORBITER TRANSITION.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) AUTOMATED RENDEZVOUS AND DOCKING.—The Administrator is directed to pursue aggressively automated rendezvous and docking capabilities that can support ISS and other mission requirements and include these activities, progress reports, and plans in the implementation plan.

(c) CONGRESSIONAL SUBMISSION.—Within 120 days after the date of enactment of this Act the Administrator shall submit a copy of the implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 137. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The President, through the Director of the Office of Science and Technology Policy, shall develop, in consultation with NASA and other relevant Federal agencies, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020.

(b) CONTENT.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

(c) NATIONAL ASSESSMENT OF AERONAUTICS INFRASTRUCTURE AND CAPABILITIES.—In developing the national aeronautics policy, the President, through the Director of the Office of Science and Technology Policy, shall conduct a national study of government-owned aeronautics research infrastructure to assess—

(1) uniqueness, mission dependency, and industry need; and

(2) the development or initiation of a consolidated national aviation research, development, and support organization.

(d) SCHEDULE.—No later than 1 year after the date of enactment of this Act, the President's Science Advisor and the Administrator shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

SEC. 138. IDENTIFICATION OF UNIQUE NASA CORE AERONAUTICS RESEARCH.

Within 180 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science that assesses the aeronautics research program for its current and potential application to new aeronautic and space vehicles and the unique aeronautical research and associated capabilities that must be retained and supported by NASA to further space exploration and support United States economic competitiveness.

SEC 139. LESSONS LEARNED AND BEST PRACTICES

(a) IN GENERAL.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects within 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to assure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 140. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There'';

(2) by striking ''to it'' and inserting ''to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting ''with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also'';

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's safety management culture.

''(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Administrator should—

''(1) ensure that NASA employees can raise safety concerns without fear of reprisal;

''(2) continue to follow the recommendations of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

''(3) continue to inform the Congress from time to time of NASA's progress in meeting those recommendations.''.

SEC. 141. CREATION OF A BUDGET STRUCTURE THAT AIDS EFFECTIVE OVERSIGHT AND MANAGEMENT.

In developing NASA's budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science;

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on

Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the need to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the National Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing systems;

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) EARTH OBSERVING SYSTEM DEFINED.—In this section, the term ''earth observing system'' means the series of satellites, a science component, and a data system for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official reception and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may convey, by sale, lease, exchange, or otherwise, including through leaseback arrangements, real and related personal property under the custody and control of the Administration, or interests therein, and retain the net proceeds of such dispositions in an account within NASA's working capital fund to be used for NASA's real property capital needs. All net proceeds realized under this section shall be obligated or expended only as authorized by appropriations Acts. To aid in the use of this authority, NASA shall develop a facilities investment plan that takes into account uniqueness, mission dependency, and other studies required by this Act.

(b) APPLICATION OF OTHER LAW.—Sales transactions under this section are subject to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation.

(d) DEFINITIONS.—In this section:

(a) NET PROCEEDS.—The term ''net proceeds'' means the rental and other sums received less the costs of the disposition.

(2) REAL PROPERTY CAPITAL NEEDS.—The term ''real property capital needs'' means any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and follow-on crew and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Within 180 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science NASA's plan to meet the requirements of subsections (a) and (b).

(d) COST LIMITATION FOR THE ISS.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science;

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity;

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 203 of this Act; and

(4) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPABILITIES.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) TRANSITION TO PUBLIC–PRIVATE RESEARCH OPERATIONS.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private–public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of an ISS national laboratory within the organizational structure of NASA.

(b) NATIONAL LABORATORY FUNCTIONS.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facilities;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce resource requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and commitments; and

(7) detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(d) U.S. SEGMENT DEFINED.—In this section the term ''United States Segment of the ISS'' means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo and other needs to the maximum extent possible, in accordance with Federal procurement law.

SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) REPORTS.—No later than March 31 of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation's aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) IN GENERAL.—In order to ensure continuous human access to space, the Administrator may not retire the Space Shuttle orbiter until a replacement human-rated spacecraft system has demonstrated that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted after the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science mission and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and services.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration.

"(2) USE OF PRIZE AUTHORITY.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or other areas that the Administrator determines to be providing impetus to NASA's overall exploration and science architecture and plans, such as private efforts to detect near Earth objects and, where practicable, utilize the prize winner's technologies in fulfilling NASA's missions. The Administrator shall widely advertise any competitions conducted under the program and must include advertising to research universities.

"(3) COORDINATION.—The program shall be implemented in compliance with section 138 of the National Aeronautics and Space Administration Authorization Act of 2005.

"(b) PROGRAM REQUIREMENTS.—

"(1) COMPETITIVE PROCESS.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

"(2) ADVERTISING.—The Administrator shall widely advertise any competitions conducted under the program.

"(c) REGISTRATION; ASSUMPTION OF RISK.—

"(1) REGISTRATION.—Each potential recipient of a prize in a competition under the program under this section shall register for the competition.

"(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

"(3) RELATED ENTITY DEFINED.—In this subsection, the term 'related entity' includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

"(d) LIMITATIONS.—

"(1) TOTAL AMOUNT.—The total amount of cash prizes available for award in competitions under the program under this section in any fiscal year may not exceed $50,000,000.

"(2) APPROVAL REQUIRED FOR LARGE PRIZES.—No competition under the program may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

"(e) RELATIONSHIP TO OTHER AUTHORITY.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

"(f) AVAILABILITY OF FUNDS.—Funds appropriated for the program authorized by this section shall remain available until expended.".

SEC. 403. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial use and development of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended by striking "December 31, 2002" and

inserting ''December 31, 2007'', and by striking ''September 30, 2005'' and inserting ''December 31, 2009''.

SEC. 502. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457 et seq.), is amended by inserting after subsection (f) the following:

''(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

''(1) IN GENERAL.—Under agreements entered into pursuant to paragraph (5) or (6) of section 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

''(A) grant or agree to grant in advance to a participating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by an Administration employee under the agreement; or

''(B) subject to section 209 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

''(2) EXCLUSIVITY.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party.

''(3) CONDITIONS.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

''(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552 (b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

''(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

''(i) to require the participating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

''(ii) if the participating party fails to grant such a license, to grant the license itself.

''(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

''(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

''(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

''(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)(B)).

''(4) APPEAL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) is subject to administrative appeal and judicial review under section 203(b) of title 35, United States Code.''.

SEC. 503. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

''SEC. 317. RETROCESSION OF JURISDICTION.

''Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.''.

SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

''SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that—

''(A) is intended to transport 1 or more persons;

''(B) designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 505. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''$150,000,000'' in subsection (a) and inserting ''$250,000,000'';

(3) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(4) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

(5) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a program or project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results to the customers.''.

SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

''SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

''(a) IN GENERAL.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

''(b) APPLICABILITY.—The program implemented under subsection (a) shall apply to non-commercial acquisitions—

''(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

''(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

''(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(c) NOTICE.—

''(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

''(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

''(e) WAIT PERIOD.—

''(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is made accessible in accordance with subsection (c) of this section, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically accessible.

''(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the deadline for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).

''(f) IMPLEMENTATION.—

''(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to—

''(A) the applicable wait period between publication of notice of a proposed contract action and release of the solicitation; and

''(B) the deadline for submission of bids or proposals for procurements conducted in accordance with the terms of this pilot program.

''(2) This section shall not apply to the extent the President determines it is inconsistent with any international agreement to which the United States is a party.

''(g) STUDY.—Within 18 months after the effective date of the program, NASA, in coordination with the Small Business Administration, the General Services Administration, and the Office of Management and Budget, shall evaluate the impact of the pilot program and submit to Congress a report that—

''(1) sets forth in detail the results of the test, including the impact on competition and small business participation; and

''(2) addresses whether the pilot program should be made permanent, continued as a test program, or allowed to expire.

''(h) REGULATIONS.—The Administrator shall publish proposed revisions to the NASA Federal Acquisition Regulation Supplement necessary to implement this section in the Federal Register not later than 120 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005. The Administrator shall—

''(1) make the proposed regulations available for public comment for a period of not less than 60 days; and

''(2) publish final regulations in the Federal Register not later than 240 days after the date of enactment of that Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—The pilot program authorized by this section shall take effect on the date specified in the final regulations promulgated pursuant to subsection (h)(2).

''(2) LIMITATION.—The date so specified shall be no less than 30 days after the date on which the final regulation is published.

''(j) EXPIRATION OF AUTHORITY.—The authority to conduct the pilot program under subsection (a) and to award contracts under such program shall expire 2 years after the effective date established in the final regulations published in the Federal Register under subsection (h)(2).''.

SEC. 507. REPORTS ELIMINATION.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note).

(2) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000.

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e).

(2) Section 315(a) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

Mr. NELSON of Florida. Mr. President, I am pleased to join Senator HUTCHISON today in sponsoring a NASA Authorization Act that provides policy guidance for keeping NASA on track to achieve their objectives; and to ensure that there is a good balance between the different activities that NASA performs.

As chair and ranking member of the Commerce Committee's Subcommittee on Science and Space, Senator HUTCHISON and I believe that through this bill, Congress can provide constructive support to the good work being done by Administrator Michael Griffin, as they begin to implement the President's vision and prepare NASA for the challenges of the future.

This is a 5-year bill, authorizing NASA from 2006 through 2010. It authorizes NASA appropriations in excess of the President's Budget Request.

For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes $16.556 billion for fiscal year 2006, which is a 3.0 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more funding than the President's budget projection.

Like many of our colleagues, we believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President's vision, it also requires using what we learn and develop on the Moon as a stepping-stone to future exploration of Mars.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space shuttle flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been good partners in construction of the international space station, and the Soyuz spacecraft has been a reliable vehicle for our astronauts. But with all of the uncertainties in our relationship with Russia, we simply cannot allow ourselves the vulnerability of being totally dependent on the Soyuz. We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation, that there not be a hiatus between the retirement of the space shuttle orbiters and the availability of the next generation U.S. human-rated spacecraft.

We recognize that NASA has some concerns regarding our position on a hiatus, and we are aware of Dr. Griffin's efforts to reduce the potential for a gap. We will work with NASA as this legislation moves forward to ensure that a compromise is reached that is mutually satisfying. This provision does not unduly tie the Administrator's hands, while still guaranteeing us assured access to space.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the 2 space shuttle return to flight missions have been completed.

Americans are inspired by the images that Hubble produces. The new instruments to be added during the SM–4 Hubble servicing mission will produce higher quality images; enable us to see further into space; and give scientists a better understanding of our Universe's past, and perhaps of our future. The replacement gyroscopes and batteries that are planned for the mission will extend Hubble's life by 5 or more years.

This NASA authorization bill calls for utilization of the international space station for basic science as well as exploration science. It is important that we reap the benefits of our multi-billion dollar investment in the space station. The promise of some basic science research requires a microgravity or a space environment for us to better understand the problem that we are trying to solve. This bill ensures that NASA will maintain a focus on the importance of basic science.

This bill directs NASA to improve its safety culture. According to the Columbia Accident Investigation Board, CAIB, report, the safety culture at NASA was as much a cause of the Columbia tragedy as the physical cause. Low and mid-level personnel felt that you could not elevate safety concerns without reprisals, or being ignored. NASA has already taken significant steps to address these problems, but we need to assure that the safety culture improves as quickly as possible and that it continues to improve.

This legislation proposes that the Aerospace Safety Advisory Panel monitor and measure NASA's improvements to their safety culture, including employees' fear of reprisals for voicing concerns about safety.

It also contains policy regarding NASA's need to consider and implement lessons learned, in order to avoid another preventable tragedy like the Challenger and Columbia disasters.

This authorization bill addresses NASA aeronautics and America's preeminence in aviation. The Europeans have stated their intent to dominate the airplane market by 2020. This bill

directs the President, through the Director of the Office of Science and Technology Policy, OSTP, to work with NASA and other Federal agencies to develop a national policy for aeronautics. It also directs NASA to evaluate its core aeronautics research.

Many people do not realize that NASA does research for improving airplanes. NASA conducts research that makes airplanes safer, quieter, more fuel efficient, and less polluting. This important function of NASA needs to be continued and further developed.

Senator HUTCHISON and I expect to mark this bill up in the Commerce Committee later this week, and hope to have time to consider it on the floor before the August recess. I will urge all of my colleagues to support this important legislation. NASA has a new direction, and they have outstanding new leadership in Dr. Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important science activities at NASA; and assuring that America has continuous human access to space.

By doing so, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as explorers.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1283. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Lifespan Respite Care Act of 2005 today with my colleague Senator JOHN WARNER. I'd like to express my sincere thanks to Senator WARNER for his leadership on this legislation which would make much needed quality respite care available and accessible to families and family caregivers in need.

Caregiving needs do not discriminate: they demand the time and resources of millions of American families from all socioeconomic, ethnic, and educational backgrounds.

Caregivers today provide an enormous portion of our health and long-term care for older adults and individuals with disabilities. Although much of family caregiving is unpaid, it is not without cost. In fact, it is estimated that if services provided by family caregivers were provided instead by paid professionals, they would cost over $200 billion annually. In addition, food, medicines and other caregiving necessities place added strain on already tight family budgets.

Because of their responsibilities at home, it is much more difficult for caregivers to find or maintain jobs. Many caregiving families are struggling to stay afloat. We simply cannot afford to continue to ignore their struggles.

In addition to the financial costs of family caregiving, this labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well being at risk while assisting loved ones. Meeting these difficult demands can lead to depression, physical illness, anxiety, and emotional strain.

One way to reduce the burden of caregiving is through respite care.

As you know, respite care is a service that temporarily relieves a family member of his or her caregiving duties.

Respite care provides some much needed relief from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregiver, making it possible for the individual in need of care to remain in the home.

Unfortunately, across our country quality respite care remains hard to find, and too many caregivers do not even know how to find information about available services. Where community respite care services do exist, there are often long waiting lists. There are more caregivers in need of respite care than there are available respite care resources.

And many caregiving families are hesitant to take advantage of these scant resources. Parents and spouses and other family caregivers are understandably hesitant to leave their loved ones with untrained staff.

In an effort to recognize and support the heroic efforts of our family caregivers, my husband signed the National Family Caregiver Support Program into law as an amendments to the reauthorization of the Older Americans Act in 2000.

Prior to the establishment of this program, there was no comprehensive Federal program that supported family caregivers.

Although the National Family Caregiver Support Program took a step in the right direction, further efforts are now necessary to meet the increasing needs of family caregivers.

That is why I am reintroducing the Lifespan Respite Care Act today with Senator JOHN WARNER. This legislation would improve efficiency and reduce duplication in respite service development and delivery. And it would make quality respite care available and accessible to families and family caregivers, regardless of their Medicaid status, disability, or age. It would assure that quality respite care is available for all caregivers who provide this labor of love to individuals across the lifespan.

My legislation picks up where the National Family Caregiver Support Program leaves off, by recognizing respite as a priority for caregivers and elevating respite as a policy priority at the Federal and State levels.

This bill would provide grants to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

There is much to do at the local, State, and Federal levels to address the growing needs of family caregivers. It is time that we make caregiving a national priority and provide the support that our family caregivers so desperately need.

I would like to thank my Senate colleagues for their support of this legislation which passed the Senate last Congress. I look forward to working with you all to improve the lives of our family caregivers, and those for whom they care.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am honored to introduce today a bill—cosponsored by Senator FEINSTEIN—to designate a trail in the Headwaters Forest Reserve in California after John L. Burton, one of California's great public servants. The entire California Democratic delegation in the House, led by Representative GEORGE MILLER, introduced the same bill last week.

John served honorably in the United States House of Representatives in the early 1980s and in the California State Assembly, before being elected to the California State Senate. There, in 1998, his colleagues elected him as the California Senate's President Pro Tem. John devoted his career to the service of all Californians, and for that, we honor him with this legislation.

Designating this particular trail is a fitting tribute because a few years ago, John was instrumental in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999. Numerous plant species and wildlife, including the Marbled Murrelet, dwell in this Reserve. The Reserve also protects rivers and streams that provide habitat essential for threatened salmon.

For his service to the people of California and his essential role in protecting a priceless parcel of California land, I am proud to introduce the John

L. Burton Trail Act. Through this small action, we recognize and honor a great man and his great work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 817. Mr. HAGEL (for himself, Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, supra.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 819. Mr. TALENT (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 820. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. INHOFE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 822. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 826. Mr. MCCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, supra.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 833. Mr. KOHL (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. LEVIN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 834. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 837. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 838. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 840. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 37, between the matter following line 12 and 13, insert the following:

SEC. 109. MANHATTAN PROJECT FOR ENERGY INDEPENDENCE.

(a) FINDINGS.—Congress finds that—

(1) the welfare and security of the United States require that adequate provision be made for activities relating to the development of energy-efficient technologies; and

(2) those activities should be the responsibility of, and should be directed by, an independent establishment exercising control over activities relating to the development and promotion of energy-efficient technologies sponsored by the United States.

(b) PURPOSE.—The purpose of this section is to establish the Energy Efficiency Development Administration to develop technologies to increase energy efficiency and to reduce the demand for energy.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Energy Efficiency Development Administration established by subsection (d)(1).

(2) ADMINISTRATOR.—The term ''Administrator'' means the head of the Administration appointed under subsection (d)(3)(A).

(3) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Policy Advisory Committee established by subsection (f)(1)(A).

(4) ENERGY-EFFICIENT TECHNOLOGY ACTIVITY.—

(A) IN GENERAL.—The term ''energy-efficient technology activity'' means an activity that improves the energy efficiency of any sector of the economy, including the transportation, building design, electrical generation, appliance, and power transmission sectors.

(B) INCLUSION.—The term ''energy-efficient technology activity'' includes an activity that produces energy from a sustainable biomass, wind, small-scale hydroelectric, solar, geothermal, or other renewable source.

(d) ENERGY EFFICIENCY DEVELOPMENT ADMINISTRATION.—

(1) ESTABLISHMENT.—There is established as an independent establishment in the executive branch the Energy Efficiency Development Administration.

(2) MISSION.—The mission of the Administration shall be to reduce United States imports of oil by—

(A) 5 percent by 2008;

(B) 20 percent by 2011; and

(C) 50 percent by 2015.

(3) ADMINISTRATOR; DEPUTY ADMINISTRATOR.—

(A) ADMINISTRATOR.—

(i) APPOINTMENT.—The Administration shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) PAY.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Administrator, Energy Efficiency Development Administration.''.

(iii) DUTIES.—The Administrator shall—

(I) exercise all powers and perform all duties of the Administration; and

(II) have authority over all personnel and activities of the Administration.

(iv) LIMITATION ON RULEMAKING AUTHORITY.—The Administrator shall not modify any energy-efficiency standards or related standards in effect on the date of enactment of this Act that would result in the reduction of energy efficiency in any product.

(B) DEPUTY ADMINISTRATOR.—

(i) APPOINTMENT.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) PAY.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Administrator, Energy Efficiency Development Administration.''.

(iii) DUTIES.—The Deputy Administrator shall—

(I) supervise the project development and engineering activities of the Administration;

(II) exercise such other powers and perform such duties as the Administrator may prescribe; and

(III) act for, and exercise the powers of, the Administrator during the absence or disability of the Administrator.

(4) TRANSFER OF FUNCTIONS.—

(A) DEFINITION OF FUNCTION.—In this paragraph, the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(B) TRANSFER OF FUNCTIONS.—

(i) IN GENERAL.—There are transferred to the Administrator—

(I) all functions previously exercised by the Assistant Secretary of Energy for Efficiency and Renewable Energy; and

(II) any authority to promulgate regulations relating to fuel efficiency previously exercised by the Secretary of Transportation.

(ii) INCLUSIONS.—Functions transferred under clause (i) include all real and personal property, personnel funds, and records of the Office of Energy Efficiency and Renewable Energy of the Department of Energy.

(iii) DETERMINATION OF FUNCTIONS.—The Director of the Office of Management and Budget shall determine the functions that are transferred under clause (i).

(C) PRESIDENTIAL TRANSFERS.—

(i) IN GENERAL.—The President, until the date that is 4 years after the date of enactment of this Act, may transfer to the Administrator—

(I) any function of any other department or agency of the United States, or of any officer or organizational entity of any department or agency, that relates primarily to the duties of the Administrator under this section; and

(II) any records, property, personnel, and funds that are necessary to carry out that function.

(ii) REPORTS.—The President shall submit to Congress a report that describes the nature and effect of any transfer made under clause (i).

(D) ABOLISHMENT OF OFFICE.—The Office of Energy Efficiency and Renewable Energy of the Department of Energy is abolished.

(5) DUTIES.—

(A) IN GENERAL.—The Administrator shall—

(i) plan, direct, and conduct energy-efficient technology activities; and

(ii) provide for the widest appropriate dissemination of information concerning the activities of the Administration and the results of those activities.

(B) OBJECTIVES.—The energy-efficient technology activities of the United States carried out from the Administrator or carried out with financial assistance by the Administrator shall be conducted so as to contribute significantly to 1 or more of the following objectives:

(i) Expansion of knowledge about energy-efficient technologies and the use of those technologies.

(ii) Improvement of existing energy-efficient technologies or development of new energy-efficient technologies.

(iii) Identification of mechanisms to introduce energy-efficient technologies into the marketplace.

(iv) Conduct of studies of—

(I) the potential benefits gained, such as environmental protection, increasing energy independence, and reducing costs to consumers; and

(II) the problems involved in the development and use of energy-efficient technologies.

(v) The most effective use of the scientific resources of the United States, with close cooperation among all interested agencies of the United States so as to avoid duplication of effort, facilities, and equipment.

(e) POWERS.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, submit to Congress a personnel plan for the Administration that—

(A) specifies the initial number and qualifications of employees needed for the Administration;

(B) describes the functions and General Service classification and pay rates of the initial employees; and

(C) specifies how the Administrator will adhere to or deviate from the civil service system;

(2) appoint and fix the compensation of such officers and employees as are necessary to carry out the functions of the Administration;

(3) establish the entrance grade for scientific personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel in the General Schedule (within the meaning of section 5104 of title 5, United States Code) and fix the compensation of the personnel accordingly, as the Administrator considers necessary to recruit specially qualified scientific, environmental, and industry-related expertise;

(4) acquire, construct, improve, repair, operate, and maintain such laboratories, research and testing sites and facilities, and such other real and personal property or interests in real and personal property, as the Administrator determines to be necessary for the performance of the functions of the Administration;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary in the performance of the duties of the Administrator with any—

(A) agency or instrumentality of the United States;

(B) State, Territory, or possession;

(C) political subdivision of any State, Territory, or possession; or

(D) person, firm, association, corporation, or educational institution;

(6)(A) with the consent of Federal and other agencies, with or without reimbursement, use the services, equipment, personnel, and facilities of those agencies; and

(B) cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities; and

(7) establish within the Administration such offices and procedures as the Administrator considers appropriate to provide for the greatest possible coordination of the activities of the Administration with related scientific and other activities of other public and private agencies and organizations.

(f) ORGANIZATIONAL STRUCTURE.—

(1) POLICY ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established in the Administration a Policy Advisory Committee.

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Advisory Committee shall be composed of 12 members, of whom—

(I) 4 members shall be representatives of the energy efficiency and environmental protection community;

(II) 4 members shall be representatives of—

(aa) industries involved in the generation, transmission, or distribution of energy products; or

(bb) the transportation industry; and

(III) 4 members shall be representatives of the scientific and university research community.

(ii) APPOINTMENT.—The Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate shall each appoint 1 member described in subclauses (I), (II), and (III) of clause (i).

(C) DUTIES.—The Advisory Committee shall—

(i) act as a steering committee for the Administration; and

(ii) formulate a long-term strategy for—

(I) achieving the mission of the Administration under subsection (d)(2); and

(II) identifying energy-efficient technologies and initiatives that—

(aa) have the potential to increase energy efficiency over the long term; and

(bb) should be further explored by the Administration.

(D) STAFF.—The Advisory Committee may appoint not more than 24 employees to assist in carrying out the duties of the Advisory Committee, of whom—

(i) 8 shall report to the members appointed under subparagraph (B)(i)(I);

(ii) 8 shall report to the members appointed under subparagraph (B)(i)(II); and

(iii) 8 shall report to the members appointed under subparagraph (B)(i)(III).

(E) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) OFFICE OF ADMINISTRATION.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Administration shall be an Assistant Deputy Administrator for Administration, to be appointed by the Administrator.

(C) PUBLIC INFORMATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration a Public Information Division.

(ii) DUTIES.—The Public Information Division shall serve as a liaison between the Administration, the public, and other entities.

(D) ENERGY EFFICIENCY ECONOMICS DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Energy Efficiency Economics Division.

(ii) STAFF.—The Energy Efficiency Economics Division shall be composed of economists and individuals with expertise in energy markets, consumer behavior, and the economic impacts of energy policy

(iii) DUTIES.—The Energy Efficiency Economics Division shall study the effects of existing and proposed energy-efficient technologies on the economy of the United States, with an emphasis on assessing—

(I) the impacts of those technologies on consumers; and

(II) the contributions of those technologies on the economic development of the United States.

(E) INCENTIVES DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Incentives Division.

(ii) DUTIES.—The Incentives Division shall—

(I) conduct a study of economic incentives that would assist the Administration in—

(aa) developing energy-efficient technologies; and

(bb) introducing those technologies into the marketplace; and

(II) submit to Congress a report on the results of the study conducted under subclause (I).

(F) EDUCATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Education Division.

(ii) DUTIES.—The Education Division shall provide—

(I) to the public, information concerning—

(aa) how to conserve energy, including—

(AA) what type of products are energy-efficient; and

(BB) where such products may be purchased; and

(bb) the importance of conserving energy; and

(II) provide to building owners, engineers, contractors, and other businesspersons training in energy-efficient technologies.

(G) LEGISLATIVE COUNSEL DIVISION.—There is established in the Office of Administration a Legislative Counsel Division to provide legal assistance to the Administrator.

(3) OFFICE OF POLICY, RESEARCH, AND DEVELOPMENT.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Policy, Research, and Development to establish the organizational structure of the Administration relating to the project development and engineering activities of the Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Policy, Research, and Development shall be an Assistant Deputy Administrator for Policy, Research, and Development, to be appointed by the Administrator.

(C) POWERS.—In establishing the organizational structure under subparagraph (A), the Office of Policy, Research, and Development may—

(i) incorporate a flat organizational structure comprised of project-based teams;

(ii) focus on accelerating the development of energy-efficient technologies during the period from fundamental research to implementation;

(iii) coordinate with the private sector; and

(iv) adopt organizational models used by other Federal agencies conducting advanced research.

(4) OFFICE OF VENTURE CAPITAL.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Venture Capital.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Venture Capital shall be an Assistant Deputy Administrator for Venture Capital, to be appointed by the Administrator.

(C) DUTIES.—The Office of Venture Capital shall—

(i) accept applications from companies requesting financial assistance for energy-efficient technology proposals;

(ii) accept recommendations and input from the Deputy Administrator and the Policy Advisory Committee on applications submitted under clause (i); and

(iii) from among the applications submitted under clause (i), award financial assistance to applicants to carry out the proposals that are most likely to improve energy efficiency.

(g) INITIAL TECHNOLOGY SOLICITATIONS.—

(1) IN GENERAL.—The Administrator may, based on the criteria described in paragraph (2), initiate the development of technologies for—

(A) fuel-efficient tires;

(B) construction of a hydrogen infrastructure;

(C) high-temperature superconducting cable;

(D) improved switches, resistors, capacitors, software and smart meters for electrical transmission systems;

(E) combined heat and power;

(F) micro turbines;

(G) fuel cells;

(H) energy-efficient lighting;

(I) energy efficiency training for building contractors;

(J) retrofitting or rehabilitation of existing structures to incorporate energy-efficient technologies; and

(K) efficient micro-channel heat exchangers.

(2) CRITERIA.—In determining which technologies to develop under paragraph (1), the Administrator shall consider—

(A) the current status of development of the technology;

(B) the potential for widespread use of the technology in commercial markets;

(C) the time and costs of efforts needed to bring the technology to full implementation; and

(D) the potential of the technology to contribute to the goals of the Administration.

(3) REPORT.—As soon as practicable after the date of enactment of this Act, but not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) assesses the potential for the technologies described in paragraph (1) to contribute to the goals of the Administration; and

(B) describes the plans of the Administration to develop the technologies under paragraph (1).

(h) REPORTS.—

(1) BY THE ADMINISTRATOR.—Semiannually and at such other times as the Administrator considers appropriate, the Administrator shall submit to the President a report that describes the activities and accomplishments of the Administration.

(2) BY THE PRESIDENT.—In January of each year, the President shall submit to Congress a report that includes—

(A) a description of the activities and accomplishments of all agencies of the United States in the field of energy efficiency during the preceding calendar year;

(B) an evaluation of the activities and accomplishments of the Administrator in attaining the objectives of this section; and

(C) such recommendations for additional legislation as the Administrator or the President considers appropriate for the attainment of the objectives described in this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $5,000,000,000 for fiscal year 2006;

(2) $6,000,000,000 for fiscal year 2007;

(3) $7,500,000,000 for each of fiscal years 2008 and 2009;

(4) $9,000,000,000 for each of fiscal years 2010 and 2010; and

(5) $10,000,000,000 for each of fiscal years 2011 through 2016.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 3 and all that follows through page 401, line 25.

SA 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 142. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: ''The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(2) The program shall include the following:

''(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

''(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

''(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

''(3) The minimum fuel economy standards for tires shall—

''(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) not adversely affect tire safety;

''(D) not adversely affect the average tire life of replacement tires;

''(E) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

''(F) not adversely affect efforts to manage scrap tires.

''(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

''(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

''(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(7) Nothing in this chapter shall apply to—

''(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

''(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking ''When'' and inserting ''Except as provided in section 30123(d) of this title, when''.

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 755, after line 25, add the following:

SEC. 1329. CONSOLIDATION OF GASOLINE INDUSTRY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of the gasoline at retail.

(b) CONTENTS.—The study conducted under subsection (a) shall include an analysis of the impact of the consolidation on—

(1) the retail price of gasoline;

(2) small business ownership;

(3) other corollary effects on the market economy of fuel distribution;

(4) local communities; and

(5) other market impacts of the consolidation.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress the study conducted under subsection (a).

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 296, after line 25, add the following:

SEC. 347. FINGER LAKES NATIONAL FOREST WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XV (as agreed to) add the following:

Subtitle G—High Gas Price Relief

PART I—RELIEF FOR RURAL COMMUTERS

SEC. 1581. EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL COMMUTERS.

(a) IN GENERAL.—Section 132(f)(1) (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

''(D) In the case of an eligible rural commuter, the cost of fuel for a highway vehicle of the taxpayer the primary purpose of which is to travel between the taxpayer's residence and place of employment.''.

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) $50 per month in the case of the benefit described in subparagraph (D).''.

(c) ELIGIBLE RURAL COMMUTER.—Section 132(f)(5) (relating to definitions) is amended by adding at the end the following new subparagraph:

''(F) ELIGIBLE RURAL COMMUTER.—The term 'eligible rural commuter' means any employee—

''(i) who resides in a rural area (as defined by the Bureau of the Census),

''(ii) who works in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area, and

''(iii) who is not be eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2006.

PART II—ECONOMIC SUBSTANCE DOCTRINE

SEC. 1582. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1583. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement'

means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1584. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''AND NONECONOMIC SUBSTANCE TRANSACTIONS'' in the heading thereof after ''TRANSACTIONS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 768, after line 20, add the following:

TITLE XV—ENERGY AND CLIMATE CHANGE

SECTION 1501. SHORT TITLE

This title may be cited as the ''Energy and Climate Change Act of 2005''.

Subtitle A—National Strategy

SEC. 1511. DEFINITIONS.

In this subtitle:

(1) CLIMATE-FRIENDLY ENERGY TECHNOLOGY.—The term ''climate-friendly energy technology'' means any energy supply, transmission, or end-use technology that, over the life of the technology and compared to similar technology in commercial use—

(A) results in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

(B) may—

(i) substantially lower emissions of other pollutants; or

(ii) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) DIRECTOR.—The term ''Director'' means the Director of Climate Change Policy appointed under section 1513(a).

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perflurorocarbons; and

(F) sulfur hexafluoride.

(4) INTERAGENCY TASK FORCE.—The term ''Interagency Task Force'' means the Interagency Task Force on Climate Change Policy established under section 1514(a).

(5) STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.—The term ''stabilization of greenhouse gas concentrations'' means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(6) STRATEGY.—The term ''Strategy'' means the national climate change strategy developed or updated under section 1512.

SEC. 1512. NATIONAL CLIMATE CHANGE STRATEGY.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The President, acting through the Interagency Task Force and the Director and in consultation with Congress, shall develop a National Climate Change Strategy.

(2) ACTIONS.—The Strategy shall describe appropriate actions by the United States that, in conjunction with actions by other nations—

(A) will lead to the long-term stabilization of greenhouse gas concentrations;

(B) are consistent with the relevant treaty obligations of the United States; and

(C) are carried out in a manner that supports the long-term economic growth of the United States.

(3) TIMING.—The Strategy shall reflect the fact that the stabilization of greenhouse gas concentrations will take from many decades to more than a century to accomplish, but that significant actions by current and prospective major emitters of greenhouse gases must begin in the near term.

(b) ELEMENTS.—The Strategy shall be comprised of—

(1) interim greenhouse gas emission goals and specific near-term and medium-term programs and actions to meet the goals, developed on the basis of a broad range of emission scenarios (including scenarios evaluated by the Intergovernmental Panel on Climate Change) and taking into account the need for actions by other nations;

(2) expanded climate-related technology research, development, demonstration, and commercial application activities, including—

(A) a national commitment to double research and development on climate-friendly energy technologies by public and private sectors in the United States; and

(B) domestic and international demonstration and deployment programs that employ bold, breakthrough technologies (including climate-friendly energy technologies) that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(3) climate adaptation research that—

(A) assesses the sensitivity, adaptive capacity, and vulnerability of natural and human systems to natural climate variability, climate change, and the potential impacts of the variability and climate change; and

(B) identifies potential strategies and actions that can reduce vulnerability to natural climate variability and climate change and damage resulting from impacts of climate change; and

(4) climate science research that—

(A) continually builds on existing scientific understanding of the climate system; and

(B) focuses on resolving the remaining scientific, technical, and economic uncertainties with respect to the causes of, impacts from, and potential responses to climate change.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the President, acting through the Interagency Task Force and the Director, shall submit to Congress a report that includes—

(1) a description of the Strategy and the goals of the Strategy, including the manner in which the Strategy addresses each of the elements outlined in subsection (b);

(2) an inventory and evaluation of Federal and non-Federal programs and activities intended to carry out the Strategy;

(3) a description of the manner in which the Strategy will serve as a framework for climate change response actions by all Federal agencies, including a description of coordination mechanisms and interagency activities;

(4) a description of the manner in which the Strategy is consistent with other energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(5) a description of the manner in which the Strategy—

(A) does not result in serious harm to the economy of the United States;

(B) uses market-oriented mechanisms; and

(C) minimizes any adverse short-term and long-term social, economic, national security, and environmental impacts;

(6) a description of the manner in which changes in energy supply (including a full range of energy sources and technologies) could reduce greenhouse gas emissions;

(7) a description of the manner in which changes in energy end-use (including demand-side management) could reduce greenhouse gas emissions;

(8) a description of the manner in which the Strategy will minimize potential risks associated with climate change to public health and safety, private property, public infrastructure, biological diversity, ecosystems, and domestic food supply and commodities, while not diminishing the quality of life in the United States;

(9) a description of the manner in which the Strategy was developed with participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(10) a description of Federal activities that promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues; and

(11) recommendations for legislative or administrative changes to Federal programs or activities implemented to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities.

(d) UPDATE.—Not later than 4 years after the date of submission of the initial report on the Strategy developed pursuant to this section, and at the end of each 4-year period thereafter, the President shall submit to Congress an updated version of the Strategy, along with an updated report under subsection (c).

(e) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of publication of the Strategy under subsection (c) and each update under subsection (d), the Director of the National Science Foundation, on behalf of the Director and the Interagency Task Force, shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of the Strategy or update.

(2) CRITERIA.—The review by the National Academy of Sciences shall evaluate the goals and recommendations contained in the Strategy or update, taking into consideration—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the Strategy;

(B) the adequacy of the budget and the effectiveness with which each participating Federal agency is carrying out the responsibilities of the Federal agency;

(C) current scientific knowledge regarding climate change and the impacts of climate change;

(D) current understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;

(E) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases or otherwise mitigate the risks of climate change;

(F) current understanding of economic costs and benefits of mitigation or adaptation activities;

(G) the existence of alternative policy options that could achieve the Strategy goals at lower economic, environmental, or social cost; and

(H) international activities and the actions taken by the United States and other nations to achieve the long-term goals of the Strategy.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the submission to Congress of the Strategy or update, as appropriate, the National Academy of Sciences shall prepare and submit to Congress and the President a report concerning the results of the review of the National Academy of Sciences, along with any recommendations, as appropriate.

(B) AVAILABILITY TO PUBLIC.—The report under subparagraph (A) shall be made available to the public.

(f) SAVINGS PROVISION.—Nothing in this section creates a new legal obligation for any person or other entity (except for prescribing duties in connection with the development, updating, and review of the Strategy).

(g) CONFORMING AMENDMENT.—Section 1103(b) of the Global Climate Protection Act of 1987 (15 U.S.C. 2901 note; Public Law 100–204) is amended by inserting ‘‘, the Department of Energy, and other Federal agencies as appropriate’’ after ‘‘Environmental Protection Agency’’.

SEC. 1513. DIRECTOR OF CLIMATE CHANGE POLICY.

(a) APPOINTMENT.—The President shall appoint a qualified individual within the Executive Office of the President, by and with the advice and consent of the Senate, to serve as the Director of Climate Change Policy.

(b) DUTIES.—The Director shall carry out climate change policy activities and shall—

(1) coordinate the development and periodic update of the Strategy;

(2) facilitate the work of the Interagency Task Force and serve as the primary liaison between Federal agencies in developing and implementing the Strategy;

(3) coordinate the submission of Federal agency budget requests as needed to carry out interagency programs and policies necessary to meet the goals of the Strategy;

(4) advise the President concerning—

(A) necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change activities;

(B) the extent to which existing or newly created tax, trade, or foreign policies and energy, transportation, industrial, agricultural, forestry, building, and other relevant sector programs are capable of achieving the Strategy individually or in combination; and

(C) the extent to which any proposed international treaties or components of treaties that have an influence on activities that affect greenhouse gas emissions are consistent with the Strategy;

(5) establish and maintain a process to ensure the participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of climate change-related advice to be provided to the President; and

(6) promote public awareness, outreach, and information sharing to further the understanding of climate change-related issues.

(c) PERSONNEL.—

(1) IN GENERAL.—The Director may employ a professional staff of not more than 10 individuals to carry out the responsibilities and duties prescribed in this section.

(2) OTHER AGENCIES AND INSTITUTIONS.—In addition to the personnel employed under paragraph (1), the Director may obtain staff for a limited term from Federal agencies, State agencies, institutions of higher education, nonprofit institutions of a scientific or technical character, or a National Laboratory, pursuant to—

(A) section 3374 of title 5, United States Code;

(B) section 14(a)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(a)(2)); or

(C) section 301 of the Hydrogen Future Act of 1996 (42 U.S.C. 7238).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office of the President for the Director to carry out the duties under this section $5,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.

SEC. 1514. INTERAGENCY TASK FORCE ON CLIMATE CHANGE.

(a) IN GENERAL.—The President shall establish an Interagency Task Force on Climate Change to coordinate Federal climate change activities and programs carried out in furtherance of the Strategy.

(b) COMPOSITION.—The Interagency Task Force shall be composed of—

(1) the Director, who shall serve as Chairperson;

(2) the Secretary of State;

(3) the Secretary of Energy;

(4) the Secretary of Defense;

(5) the Secretary of Commerce;

(6) the Secretary of Transportation;

(7) the Secretary of Agriculture;

(8) the Secretary of the Interior;

(9) the Director of the National Science Foundation;

(10) the Administrator of the National Aeronautics and Space Administration;

(11) the Administrator of the Environmental Protection Agency;

(12) the Chairman of the Council of Economic Advisers;

(13) the Chairman of the Council on Environmental Quality;

(14) the Director of the Office of Science and Technology Policy;

(15) the Director of the Office of Management and Budget; and

(16) the heads of such other Federal agencies as the President considers to be appropriate.

(c) STRATEGY.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly advise the President on—

(1) the development and periodic update of the Strategy; and

(2) the implementation of interagency and agency programs to carry out activities in furtherance of the goals and objectives of the Strategy.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Director, in consultation with the members of the Interagency Task Force, may establish such topical working groups as may be necessary to carry out the duties of the Interagency Task Force in furtherance of the Strategy, taking into consideration the elements of the Strategy as outlined in this subtitle.

(2) COMPOSITION.—The working groups may be comprised of members of the Interagency Task Force or their designees.

(e) STAFF.—The Federal agencies represented on the Interagency Task Force may provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On the request of the Director, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1515. ANNUAL REPORT.

In consultation with the Interagency Task Force and other interested parties, the Director shall prepare an annual report for submission by the President to Congress, along with the budget request under section 1105 of title 31, United States Code, that includes—

(1) a description of the Strategy and the goals of the Strategy;

(2) an inventory of Federal programs and activities intended to carry out the Strategy;

(3) an evaluation of Federal programs and activities implemented as part of the Strategy against the goals outlined in the Strategy;

(4) a description of changes to Federal programs or activities implemented to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities;

(5)(A) a description of all Federal spending on climate change for the current fiscal year and each of the 5 preceding fiscal years, categorized by Federal agency and program function (including scientific research, energy research and development, international conservation and technology transfer, regulation, education, and other activities); and

(B) a recommendation for Federal spending on climate change for the next fiscal year;

(6) an estimate of the budgetary impact for the current fiscal year and each of the 5 preceding fiscal years of any Federal tax credits, tax deductions, or other incentives claimed by taxpayers that are attributable to greenhouse gas emission reduction activities;

(7) an estimate of the quantity, in metric tons, of greenhouse gas emissions reduced, avoided, or sequestered as a result of the implementation of the Strategy; and

(8) recommendations for legislative or administrative actions or adjustments that will accelerate progress towards meeting the goals contained in the Strategy or improve the efficiency and effectiveness of Federal programs that are part of the Strategy.

SEC. 1516. INTEGRATION WITH OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

(a) PRIORITY GOALS.—Section 101(b) of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;''.

(b) FUNCTIONS OF THE DIRECTOR.—Section 204(b)(1) of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6613(b)(1)) is amended by striking '', but not limited to,'' and inserting ''global climate change,''.

(c) ADDITIONAL FUNCTIONS OF DIRECTOR.—Section 207 of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6616) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) ADVICE TO DIRECTOR OF CLIMATE CHANGE POLICY.—In carrying out this Act, the Director shall advise the Director of Climate Change Policy on matters concerning science and technology as the matters relate to global climate change.''.

Subtitle B—Technology Programs

SEC. 1521. OFFICE OF CLIMATE CHANGE TECHNOLOGY.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) (as amended by section 502(a)) is amended by adding at the end the following:

''OFFICE OF CLIMATE CHANGE TECHNOLOGY

''SEC. 218. (a) There shall be established within the Department an Office of Climate Change Technology to be headed by a Director, who shall—

''(1) be appointed in the Senior Executive Service; and

''(2) report to the Secretary in such manner as the Secretary may prescribe.

''(b) The Director shall be a person who, by reason of professional background and experience, is specially qualified to coordinate climate change policy and technical activities.

''(c) The Director shall—

''(1) promote and coordinate issues, policies, and activities within the Department related to climate change and coordinate the issuance of such reports relating to climate change as may be required by law;

''(2) lead the formulation and periodic revision of a comprehensive strategy of the Department for energy research, development, demonstration, and commercial application to implement national climate change strategy, including quantitative performance and deployment goals for energy technologies that reduce, avoid, or sequester emissions of greenhouse gases;

''(3) analyze the research, development, demonstration, and commercial application activities of the Department to assess the contribution of the activities to the strategy under paragraph (2) and make recommendations to the appropriate officers of the Department;

''(4) facilitate, in cooperation with appropriate programs of the Department, the development of domestic and international cooperative research and development agreements (as that term is defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), or similar cooperative, cost-shared partnerships with non-Federal organizations to accelerate the rate of domestic and international demonstration and deployment of energy technologies that reduce, avoid, or sequester emissions of greenhouse gases;

''(5) participate in the planning activities of relevant Department programs;

''(6) participate in the development and assessment of domestic and international policies in order to determine and report on the effects of the policies on the generation, reduction, avoidance, and sequestration of greenhouse gases from activities related to the production and use of energy;

''(7) help develop national climate change strategy by—

''(A) fostering the development of tools, data, and capabilities to ensure that the United States has a robust capability for evaluating alternative climate change response scenarios and that the Office can provide long-term analytical continuity on climate change issues; and

''(B) providing technical support, on request, to the President, interagency groups, or other Federal agencies;

''(8) carry out programs to raise public awareness of climate change, the relationship of climate change to energy production and use, and means by which to mitigate human-induced climate change through changes in energy production or use;

''(9) at the direction of the Secretary or another appropriate officer of the Department, serve as the representative of the Department for interagency and multilateral policy discussions relating to global climate change, including the activities of—

''(A) the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932) and any successor committee; and

''(B) other interagency committees coordinating policies or activities relating to global climate change; and

''(10) in accordance with law administered by the Secretary and other applicable Federal law and contracts (including patent and intellectual property laws) and in furtherance of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992—

''(A) identify for, and transfer, deploy, diffuse, and apply to, parties to the Convention (including the United States) any technologies, practices, or processes that reduce, avoid, or sequester emissions of greenhouse gases if the technologies, practices, or processes have been developed with funding from the Department or any of the facilities or laboratories of the Department; and

''(B) support reasonable efforts by the parties to the Convention (including the United States) to identify and remove legal, trade, financial, and other barriers to the use and application of any technologies, practices, or processes that reduce, avoid, or sequester emissions of greenhouse gases.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is repealed.

(2) The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 1603.

(3) The table of contents for the Department of Energy Organization Act (42 U.S.C. prec. 7101) (as amended by section 502(b)(1)(B)) is amended by adding at the end of the items relating to title II the following:

''Sec. 217. Office of Climate Change Technology.''.

SEC. 1522. CLIMATE CHANGE AND CLEAN ENERGY TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. CLIMATE CHANGE TECHNOLOGY PROGRAM.

''(a) ESTABLISHMENT.—There is established within the Office of Climate Change Technology of the Department a program to support accelerated research and development projects on energy technologies that—

''(1) have significant potential to—

''(A) reduce or avoid anthropogenic emissions of greenhouse gases;

''(B) remove and sequester greenhouse gases from emission streams; or

''(C) remove and sequester greenhouse gases from the atmosphere;

''(2) are not being addressed significantly by other Department programs;

''(3) would represent a substantial advance beyond currently available technology; and

''(4) are not expected to be applied commercially before 2020.

''(b) PROGRAM PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to Congress a 10-year program plan to guide activities to be carried out under this section.

''(2) UPDATES.—After the initial preparation and submission of the plan, the Secretary shall biennially update and resubmit to Congress the program plan, including—

''(A) an evaluation of progress toward meeting the goals of the comprehensive strategy of the Department for energy research, development, demonstration, and commercial application to implement the National Climate Change Strategy;

''(B) an evaluation of the contributions of all energy technology programs of the Department to the National Climate Change Strategy; and

''(C) recommendations for actions by the Department and other Federal agencies to address the components of energy-related technology development that are necessary to support the National Climate Change Strategy.

''(c) PROPOSALS.—

''(1) IN GENERAL.—A proposal may be submitted by an applicant or consortium of 1 or more—

''(A) industrial entities;

''(B) institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

''(C) National Laboratories.

''(2) MINIMUM REQUIREMENTS.—At a minimum, each proposal shall include—

''(A) a multiyear management plan that outlines the manner in which the proposed research, development, demonstration, and deployment activities will be carried out;

''(B) quantitative technology goals and greenhouse gas emission reduction targets that can be used to measure performance against program objectives;

''(C) the total cost of the proposal for each year for which funding is requested, and a breakdown of those costs by category;

''(D) evidence that the applicant has in existence or has access to—

''(i) the technical capability to enable the applicant to make use of existing research support and facilities in carrying out the objectives of the proposal;

''(ii) a multidisciplinary research staff experienced in technologies or practices able to sequester, avoid, or capture greenhouse gas emissions;

''(iii) access to facilities and equipment to enable the conduct of laboratory-scale testing or demonstration of technologies or related processes undertaken through the program; and

''(iv) a commitment for matching funds and other resources as may be needed from non-Federal sources, including cash, equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the cost of the proposal;

''(E) evidence that the proposed activities are supplemental to, and not duplicative of, existing research and development activities carried out, funded, or otherwise supported by the Department;

''(F) a description of the technology transfer mechanisms and public-private partnerships that the applicant will use to make available research results to industry and to other researchers;

''(G) a statement whether the unique capabilities of a National Laboratory warrant collaboration with that Laboratory, and the extent of any such collaboration proposed; and

''(H) evidence of the ability of the applicant to undertake and complete the proposed project.

''(d) CENTERS.—

''(1) IN GENERAL.—The Secretary may fund 1 or more centers to improve—

''(A) methods of climate monitoring and prediction;

''(B) climate modeling; or

''(C) quality and dissemination of climate data from Department or other Federal climate change programs.

''(2) LOCATION.—In reviewing proposals for centers under competitive procedures, the Secretary shall seek to locate centers in regions that face significant climate-related ecosystem challenges.

''(e) PROCUREMENT AUTHORITIES.—The Office of Climate Change Technology may use any of the authorities available to the Department—

''(1) to solicit proposals for projects under this section; and

''(2) to encourage partnerships that will increase the likelihood of success of the projects.

''(f) RELATIONSHIP TO DEPARTMENT PROGRAMS.—Each project funded under this section shall be—

''(1) initiated only after consultation by the Office of Climate Change Technology with 1 or more appropriate offices in the Department that support research and development in areas relating to the project; and

''(2) either—

''(A) managed directly by the Office of Climate Change Technology; or

''(B) managed by the appropriate office (or by a cross-functional team from several offices) in the Department that supports research and development in areas related to the project, using funds transferred by the Office of Climate Change Technology.

''(g) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each project under subsection (a) shall be subject only to such cost-sharing requirements as the Office of Climate Change Technology may provide.

''(2) PUBLICATION.—Each cost-sharing agreement under this subsection shall be published in the Federal Register by the Office of Climate Change Technology.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for fiscal year 2006 and $400,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

"SEC. 1611. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over the life cycle of the technology and compared to a similar technology already in commercial use in any developing country or country with an economy in transition—

''(A) results in reduced emissions of greenhouse gases; and

''(B)(i) may substantially lower emissions of air pollutants; or

''(ii) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

''(2) COUNTRY WITH AN ECONOMY IN TRANSITION.—The term 'country with an economy in transition' means a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, with the notation that the country is 1 of the 'Countries that are undergoing the process of transition to a market economy.'.

''(3) DEVELOPING COUNTRY.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(4) INTERAGENCY WORKING GROUP.—The term 'interagency working group' means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

''(b) INTERAGENCY WORKING GROUP.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, the Secretary of Commerce, and the Administrator of the United States Agency for International Development shall jointly establish a Interagency Working Group on Clean Energy Technology Exports.

''(2) COMPOSITION.—The interagency working group shall—

''(A) be jointly chaired by representatives appointed by the agency heads under paragraph (1); and

''(B) include representatives from—

''(i) the Department of State;

''(ii) the Department of the Treasury;

''(iii) the Environmental Protection Agency;

''(iv) the Export-Import Bank;

''(v) the Overseas Private Investment Corporation;

''(vi) the Trade and Development Agency; and

''(vii) other Federal agencies determined to be appropriate by all 3 agency heads under paragraph (1).

''(3) SUBSIDIARY WORKING GROUPS.—The interagency working group may establish such subsidiary working groups as are necessary to carry out this section.

''(4) PROGRAM.—The interagency working group shall develop a program, consistent with the subsidy codes of the World Trade Organization, to open and expand energy markets and transfer clean energy technology to those developing countries and countries with an economy in transition that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, other international agreements, and relevant Federal efforts.

''(5) DUTIES.—The interagency working group shall—

''(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

''(B) investigate issues associated with—

''(i) building capacity to deploy clean energy technology in developing countries and countries with an economy in transition, including energy sector reform;

''(ii) creation of open, transparent, and competitive markets for clean energy technologies;

''(iii) availability of trained personnel to deploy and maintain the clean energy technology; and

''(iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

''(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve United States clean energy technology exports in support of—

''(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

''(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and cogeneration technology initiatives; and

''(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

''(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

''(E) establish a single coordinated mechanism for information dissemination to the private sector and the public on clean energy technologies and clean energy technology transfer opportunities;

''(F) monitor the progress of each agency represented in the interagency working group towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377), and the Energy and Water Development Appropriations Act, 2002 (Public Law 107–66);

''(G) make recommendations to heads of appropriate Federal agencies on ways to streamline Federal programs and policies to improve the role of each agency in the international development, demonstration, and deployment of clean energy technology;

''(H) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

''(I) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening the markets of the participating countries and exporting United States clean energy technology.

''(c) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country or country with an economy in transition shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of the program.

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and on March 31 of each year thereafter, the interagency working group shall submit to Congress a report on the activities of the interagency working group during the preceding calendar year.

''(2) CONTENT.—The report shall include—

''(A) a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the interagency working group in that year; and

''(B) any policy recommendations to improve the expansion of clean energy markets and United States clean energy technology exports.

''(e) REPORT ON USE OF FUNDS.—Not later than January 1, 2006, and each year thereafter, the Secretary of State, in consultation with other Federal agencies, shall submit to Congress a report describing the manner in which United States funds appropriated for clean energy technology exports and other relevant Federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries and countries with economies in transition, including efforts pursuant to multilateral environmental agreements.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as are necessary to support the transfer of clean energy technology as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country or country with an economy in transition.

''SEC. 1612. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DEVELOPING COUNTRY.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(3) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'international energy deployment project' means a project—

''(A) to—

''(i) construct an energy production facility outside the United States for the production of energy to be consumed outside the United States; or

''(ii) improve the efficiency of energy use outside the United States, if the energy is also generated and consumed outside the United States; and

''(B) that, when deployed, results in a greenhouse gas reduction per unit of energy produced or used (when compared to the technology that would otherwise be deployed) of—

''(i) 20 percentage points or more, in the case of a unit or energy-efficiency measure placed in service before January 1, 2010;

''(ii) 40 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2009, and before January 1, 2020; or

''(iii) 60 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2019, and before January 1, 2030.

''(4) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'qualifying international energy deployment project' means an international energy deployment project that—

''(A) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

''(B) meets the criteria of section 1608(k), and uses technology that has been successfully developed or deployed in the United States;

''(C) is selected by the Secretary without regard to the country in which the project is located, with notice of the selection being published in the Federal Register; and

''(D) complies with such other terms and conditions as the Secretary establishes by regulation.

''(5) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(6) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.

''(b) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall, by regulation, provide for a pilot program that provides financial assistance for qualifying international energy deployment projects.

''(2) FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—For each qualifying international energy deployment project selected by the Secretary to participate in the pilot program, the Secretary shall make available a loan or loan guarantee for not more than 50 percent of the total cost of the project, to be repaid at an interest rate equal to the rate for Treasury obligations then issued for periods of comparable maturity.

''(B) DEVELOPED COUNTRIES.—A loan or loan guarantee made available for a project to be carried out in a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

''(C) DEVELOPING COUNTRIES.—A loan or loan guarantee made for a project to be carried out in a developing country shall require at least a 10 percent contribution toward the total cost of the loan or loan guarantee by the host country.

''(D) CAPACITY BUILDING RESEARCH.—

''(i) IN GENERAL.—A proposal made for a project to be carried out in a developing country may include a research component intended to build technological capacity within the host country.

''(ii) RESEARCH.—The research shall—

''(I) be related to the technologies being deployed; and

''(II) involve both an institution in the host country and a participant from the United States that is either an industrial entity, an institution of higher education, or a National Laboratory.

''(iii) HOST INSTITUTION CONTRIBUTION.—The host institution shall contribute at least 50 percent of funds provided for the capacity-building research.

''(c) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

''(d) REPORT AND RECOMMENDATION.—

''(1) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the President a report on the results of the pilot projects conducted under this section.

''(2) RECOMMENDATION.—Not later than 60 days after receiving the report, the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.''.

(b) DEFINITION OF NATIONAL LABORATORY.—Section 2 of the Energy Policy Act of 1992 (42 U.S.C. 13201) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) NATIONAL LABORATORY.—The term 'National Laboratory' means any of the following laboratories owned by the Department of Energy:

''(A) Ames Laboratory.

''(B) Argonne National Laboratory.

''(C) Brookhaven National Laboratory.

''(D) Fermi National Accelerator Laboratory.

''(E) Idaho National Engineering and Environmental Laboratory.

''(F) Lawrence Berkeley National Laboratory.

''(G) Lawrence Livermore National Laboratory.

''(H) Los Alamos National Laboratory.

''(I) National Energy Technology Laboratory.

''(J) National Renewable Energy Laboratory.

''(K) Oak Ridge National Laboratory.

''(L) Pacific Northwest National Laboratory.

''(M) Princeton Plasma Physics Laboratory.

''(N) Sandia National Laboratories.

''(O) Stanford Linear Accelerator Center.

''(P) Thomas Jefferson National Accelerator Facility.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy.''.

(c) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended—

(1) by striking the item relating to section 2 and inserting the following:

''Sec. 2. Definitions.'';

and

(2) by adding at the end of the items relating to title XVI the following:

''Sec. 1610. Climate change technology program.

''Sec. 1611. Clean energy technology exports program.

''Sec. 1612. International energy technology deployment program.''.

SEC. 1523. COMPREHENSIVE PLANNING AND PROGRAMMING FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in the second sentence of subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following—

''(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

''(A) reduce or avoid anthropogenic emissions of greenhouse gases;

''(B) remove and sequester greenhouse gases from emission streams; and

''(C) remove and sequester greenhouse gases from the atmosphere.''; and

(2) in subsection (b)—

(A) in the first sentence of paragraph (2), by striking ''subsection (a)(1) through (3)'' and inserting ''paragraphs (1) through (4) of subsection (a)''; and

(B) in the second sentence of paragraph (3)—

(i) in subparagraph (R), by striking ''and'' at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration, and deployment of—

''(i) renewable energy systems;

''(ii) advanced fossil energy technology;

''(iii) advanced nuclear power plant design;

''(iv) fuel cell technology for residential, industrial, and transportation applications;

''(v) carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

''(vi) efficient electrical generation, transmission, and distribution technologies; and

''(vii) efficient end-use energy technologies.''.

Subtitle C—Greenhouse Gas Emissions Database

SEC. 1531. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING INSTITUTION.—The term ''administering institution'' means the institution selected under section 1532(c) to operate and administer the database.

(2) CARBON DIOXIDE EQUIVALENT.—The term ''carbon dioxide equivalent'' means, with respect to each greenhouse gas, the quantity of the greenhouse gas that makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(3) DATABASE.—The term ''database'' means the national greenhouse gas emissions database established under section 1532(b).

(4) DESIGNATED AGENCIES.—The term ''designated agencies'' means—

(A) the Department of Energy;

(B) the Department of Commerce; and

(C) the Environmental Protection Agency.

(5) DIRECT GREENHOUSE GAS EMISSIONS.—The term ''direct greenhouse gas emissions'' means greenhouse gas emissions directly emitted from a facility that is owned or controlled by the reporting entity, including emissions from—

(A) production of electricity, heat, or steam, or other activities involving combustion in stationary equipment;

(B) physical or chemical processing of materials;

(C) equipment leaks, venting from equipment or facilities, or other types of fugitive emissions (such as emissions from piles, pits, and cooling towers); and

(D) combustion of fuels in transportation vehicles or equipment.

(6) ENTITY.—The term ''entity'' means—

(A) a person; or

(B) an agency or instrumentality of the Federal Government or State or local government.

(7) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(8) FARMING OPERATION.—The term ''farming operation'' has the meaning given the term in section 101(21) of title 11, United States Code.

(9) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ''indirect greenhouse gas emissions'' means emissions that—

(A) are a consequence of activities of a reporting entity; but

(B) occur from a source controlled by another entity.

(11) LEAD AGENCY.—The term ''lead agency'' means the lead agency selected under section 1532(a).

(12) REPORTING ENTITY.—The term ''reporting entity'' means an entity that submits a report under subsection (a) or (h) of section 1533.

(13) SEQUESTRATION.—The term ''sequestration'' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

(14) STATE.—The term 'State' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(15) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 1532. NATIONAL GREENHOUSE GAS EMISSIONS DATABASE.

(a) DESIGNATION OF LEAD AGENCY.—The President shall select a lead agency from among the designated agencies for the purpose of implementing this subtitle.

(b) ESTABLISHMENT.—The head of the lead agency, in consultation with the other designated agencies, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, shall establish a national greenhouse gas emissions database to collect emissions information reported under section 1533 and emission reduction information reported under section 1534.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of the lead agency shall enter into a contract with a nonprofit institution to—

(A) design and operate the database;

(B) establish an advisory body with broad representation from industry, agriculture, environmental groups, and State and local governments to guide the development and management of the database;

(C) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Secretary under section 1535(a); and

(D) certify organizations independent of reporting entities to verify the data submitted by reporting entities, and audit the plans and performance of certifying organizations.

(2) SELECTION.—

(A) IN GENERAL.—The head of the lead agency shall award an initial 5-year contract to the institution under paragraph (1), subject to the procurement regulations of the lead agency.

(B) CONSIDERATIONS.—In determining which institution to award a contract under subparagraph (A), the head of the lead agency shall consider—

(i) the technical expertise of each institution; and

(ii) the ability of each institution to work with a broad and diverse group of interested parties.

(C) RENEWABILITY.—A contract under this paragraph may be renewed for additional terms, based on the satisfactory performance of the institution as determined by the head of the lead agency.

(d) AVAILABILITY OF DATA TO THE PUBLIC.—The head of the lead agency shall ensure that the administering institution publishes all information in the national greenhouse gas emissions database (including in electronic format on the Internet), except with respect to facility-level emission data in any case in which publishing the information would disclose—

(1) information vital to national security; or

(2) confidential business information that—

(A) cannot be derived from information that is otherwise publicly available; and

(B) would cause competitive harm if published.

(e) RELATIONSHIP TO OTHER GREENHOUSE GAS DATABASES OR REPORTING REQUIREMENTS.—To the maximum extent practicable, the head of the lead agency shall ensure coordination between the national greenhouse gas emissions database and existing and developing Federal and State greenhouse gas databases and registries.

(f) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subtitle affects any existing requirements for reporting of greenhouse gas emission data or other data relevant to calculating greenhouse gas emissions.

(g) REPORT TO CONGRESS.—If reporting is required under section 1533(b)(2), the head of the lead agency shall, not later than 180 days after the date on which the reporting is required, submit to Congress a report that describes the need for harmonization of legal requirements within the United States relating to greenhouse gas reporting.

SEC. 1533. GREENHOUSE GAS EMISSIONS REPORTING.

(a) VOLUNTARY REPORTING.—

(1) IN GENERAL.—After the establishment of the greenhouse gas emissions database under section 1532 and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emissions in the United States of the entity with respect to the preceding calendar year.

(2) DATE OF SUBMISSION.—Each report under paragraph (1) shall be submitted not later than the July 1 that follows the end of the calendar year described in the report.

(b) REVIEW OF PARTICIPATION.—

(1) IN GENERAL.—On the date that is 4 years after the date of enactment of this Act, the Director of Climate Change Policy shall determine, after notice and public comment, whether the emissions reported to the greenhouse gas database for the most recent calendar year for which data are available represent less than 60 percent of the national aggregate greenhouse gas emissions from non-agricultural, anthropogenic sources for that year.

(2) INCREASED APPLICABILITY OF REQUIREMENTS.—If the Director determines pursuant to paragraph (1) that emissions reported to the greenhouse gas database for the most recent year for which data are available represent less than 60-percent quantity described in paragraph (1) for that year, each entity that exceeds the threshold for reporting under subsection (c) shall submit to the administering institution, not later than July 1 of each year thereafter, for inclusion in the database, a report of greenhouse gas emissions in the United States of the entity with respect to the preceding calendar year in accordance with this section.

(3) RESOLUTION OF DISAPPROVAL.—The determination of the Director of Climate Change Policy under paragraph (1) shall be considered to be a major rule (as defined in section 804(2) of title 5, United States Code) subject to the congressional disapproval procedure under section 802 of title 5, United States Code.

(c) THRESHOLD FOR REPORTING.—

(1) IN GENERAL.—An entity shall submit a report under subsection (b)(2) for greenhouse gas emissions if, in the relevant calendar year, 1 of the following exceeds 10,000 metric tons of carbon dioxide equivalent:

(A) The direct greenhouse gas emissions of any facility of the entity located in the United States.

(B) The indirect greenhouse gas emissions of any facility of the entity located in the United States that are associated with generation of purchased or imported electricity, heat, or steam by the entity (excluding electricity purchased for resale).

(C) After publication of the relevant protocols under section 1535(a), the total calculated greenhouse gas emissions imputed under paragraph (3) to an entity reporting under that paragraph.

(2) AGRICULTURAL EXEMPTION.—Greenhouse gas emissions from a farming operation, feedlot, or forest owned or leased by an entity shall not be considered in determining whether the entity exceeds the threshold under paragraph (1).

(3) THRESHOLD ADJUSTMENT.—

(A) INCREASE.—The head of the lead agency, by rule, may increase the 10,000 metric ton reporting threshold under paragraph (1) to a higher threshold if the head of the lead agency determines that the reports under this section at the higher threshold will include at least 80 percent of greenhouse gas emissions in the United States.

(B) DECREASE.—The head of the lead agency may not decrease the reporting threshold under paragraph (1) to a value lower than 10,000 metric tons of carbon dioxide equivalent.

(d) CONTENT OF REPORTS.—Each greenhouse gas report under this section shall—

(1) express greenhouse gas emissions in metric tons of each greenhouse gas and in metric tons of the carbon dioxide equivalent of each greenhouse gas;

(2) report (except de minimis emissions)—

(A) direct greenhouse gas emissions; and

(B) indirect greenhouse gas emissions associated with the generation of electricity, heat, or steam that is purchased or imported by a reporting entity, for use in its facility (but not including electricity purchased for resale), from a source owned or controlled by another entity;

(3) provide the information under paragraph (2)—

(A) on an entity-wide basis; and

(B) subject to paragraph (4), on a facility-wide basis for each facility owned or controlled by the entity;

(4) report emissions from a facility with shared ownership or control based on the control of the facility, consistent with the treatment of the facility by the entities for financial reporting purposes under generally accepted accounting principles of the United States;

(5) contain any adjustments to greenhouse gas emission reports from prior years to take into account—

(A) errors that significantly affect the quantity of greenhouse gases in the prior greenhouse gas emissions report;

(B) changes in protocols or methods for calculating greenhouse gas emissions under section 1535(a);

(C) the need to maintain data comparability from year to year in the event of significant structural changes in the organization of the reporting entity; or

(D) any transfer of a facility from the control of 1 entity to another;

(6) include a statement describing the reasons for—

(A) any adjustment under paragraph (5); and

(B) any significant change between the greenhouse gas emissions report for the preceding year and the greenhouse gas emissions reported for the current year;

(7) include an appropriate certification, signed by a senior official with management responsibility for the 1 or more persons completing the report, regarding the accuracy and completeness of the report; and

(8) be reported electronically to the administering institution in such form and to such extent as may be required by the institution or the head of the lead agency.

(e) DE MINIMIS EMISSIONS.—The head of the lead agency, by rule, shall specify the level of greenhouse gas emissions from a source within a facility that shall be considered de minimis for purpose of subsection (d)(2).

(f) VERIFICATION OF REPORT REQUIRED.—Before including the information from a greenhouse gas emission report in the database, the administering institution shall—

(1) verify the completeness and accuracy of the emission report using information provided under section 1535(b)(1); or

(2) require the verification of the completeness and accuracy of the emissions report by a certified person under section 1535(b)(2).

(g) PROHIBITION ON CERTAIN ADJUSTMENTS TO PRIOR-YEAR EMISSION DATA.—An entity may not adjust a greenhouse gas emission report from a prior year under subsection (d)(5) in order to account for changes by the entity that are the result of normal business growth or decline, including—

(1) increases or decreases in production output;

(2) plant openings or closures; or

(3) changes in the mix of products manufactured or sold by the entity.

(h) VOLUNTARY REPORTING OF EARLIER EMISSIONS.—

(1) IN GENERAL.—An entity that submits a report under this section may submit to the administering institution, for inclusion in the national greenhouse gas emissions database, a greenhouse gas emission report for the entity with respect to 1 or more calendar years prior to 2006, if the report meets the requirements of subsections (c) and (d) and section 1534.

(2) TRANSITION ASSISTANCE TO ENTITIES IN EXISTING PROGRAM.—The head of the lead agency may provide financial assistance to an entity that submitted a report on greenhouse gas emissions under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)), for calendar years prior to 2006, for purpose of improving the report so that the report meets the requirements of subsections (c) and (d) and section 1534.

(i) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(j) VOLUNTARY REPORTING OF OTHER INDIRECT EMISSIONS.—An entity that submits a greenhouse gas emission report under this section may voluntarily include in the report, as separate estimates prepared in accordance with the protocols published under section 1535, other indirect greenhouse gas emissions.

(k) CONTINUITY OF INFORMATION ON FACILITIES IN DATABASE.—If ownership or control of a facility for which emissions were included in a report under subsection (b)(2) is transferred to another entity, any entity subsequently having ownership or control of the facility shall submit a greenhouse gas emissions report regarding the transferred facility, even if the entity does not otherwise exceed the threshold for reporting under subsection (c).

SEC. 1534. GREENHOUSE GAS EMISSION REDUCTIONS AND SEQUESTRATION REPORTING.

(a) IN GENERAL.—After the establishment of the greenhouse gas emission database under section 1532 and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects carried out by the entity during the preceding year for—

(1) reduction of direct greenhouse gas emissions; or

(2) sequestration of a greenhouse gas.

(b) DATE OF SUBMISSION.—Each report shall be submitted by the July 1 that follows the end of the calendar year described in the report.

(c) PROJECT TYPES.—Projects referred to in subsection (a) may include projects relating to—

(1) fuel switching;

(2) energy efficiency improvements;

(3) use of renewable energy;

(4) use of combined heat and power systems;

(5) management of cropland, grassland, or grazing land;

(6) a forestry activity that increases forest carbon stocks or reduces forest carbon emissions;

(7) methane recovery;

(8) reduction of natural gas venting or flaring; or

(9) carbon capture and sequestration.

(d) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report under subsection (a) in the database, the administering institution shall—

(1) verify the completeness and accuracy of the report using information provided under section 1535(b)(1); or

(2) require the verification of the completeness and accuracy of the report by a certified person under section 1535(b)(2).

(e) REQUIRED ACCOMPANYING INFORMATION.—An entity that submits a report under subsection (a) shall include sufficient information to verify under section 1535(b) that the report represents—

(1) in the case of a report of direct greenhouse gas emission reductions—

(A) actual reductions in direct greenhouse gas emissions of the entity—

(i) relative to historic emissions levels of the entity; and

(ii) after accounting for any increases in direct or indirect greenhouse gas emissions of the entity; or

(B) in the case of a reported reduction that exceeds the entity-wide net reduction of direct greenhouse gas emissions, adjusted so as not to exceed the net reduction; and

(2) in the case of a report of greenhouse gas sequestration, actual increases in net sequestration, taking into consideration the total systems use of materials and energy in carrying out the sequestration.

(f) PROJECTS PRIOR TO PUBLICATION PROTOCOLS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than July 1 of the calendar year following publication of protocols under section 1535, an entity may submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects, carried out by the entity during the period beginning January 1, 1990, and ending on the date of publication of the protocols for—

(A) reduction of direct greenhouse gas emissions; or

(B) sequestration of a greenhouse gas.

(2) CONDITIONS FOR ENTRY.—The information from a report under this subsection shall be entered into the database only if the report meets the requirements of subsections (c) and (d).

(g) IDENTIFICATION AND TRACKING OF GREENHOUSE GAS REDUCTION PROJECTS.—For each verified project entered in the database under this section, the administering institution shall provide to the entity reporting the project a unique identifier to allow for—

(1) the registration of emission reductions associated with the project, in a quantity not to exceed the entity-wide net emission reductions of the entity reporting the project during the same period;

(2) the transfer of those reductions through voluntary private or other transactions; and

(3) tracking of transfers under paragraph (2).

SEC. 1535. DATA QUALITY AND VERIFICATION.

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The head of the lead agency, after taking into account the recommendations of the administering institution, shall, by rule, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on greenhouse gas emissions and emissions reductions submitted to the database that include—

(A) accounting and reporting standards for greenhouse gas emissions and greenhouse gas emission reductions;

(B) standardized methods for calculating greenhouse gas emissions in specific industries from other readily available and reliable information, such as energy consumption, materials consumption, production data, or other relevant activity data;

(C) standardized methods of estimating greenhouse gas emissions (along with information on the accuracy of the estimations), for cases in which the head of the lead agency determines that methods under subparagraph (B) are not feasible;

(D) methods to avoid double-counting of greenhouse gas emissions, or greenhouse gas emission reductions, within a single major category of emissions, such as direct greenhouse gas emissions;

(E) protocols to prevent an entity from avoiding the reporting requirements of this subtitle by reorganization into multiple entities or by outsourcing operations or activities that emit greenhouse gases;

(F) protocols for verification of data on greenhouse gas emissions, and greenhouse gas emission reductions, by reporting entities and verification organizations independent of reporting entities; and

(G) protocols necessary for the database to maintain valid and reliable information on baselines of entities so that, in the event of any future action by Congress to require entities, individually or collectively, to reduce greenhouse gas emissions, Congress will be able—

(i) to take into account that information; and

(ii) to avoid enacting legislation that penalizes entities for achieving and reporting reductions.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices that have the greatest support of experts in the field.

(3) OUTREACH PROGRAM.—The administering institution shall conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

(b) VERIFICATION.—

(1) INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall—

(A) provide information sufficient for the administering institution to verify, in accordance with the protocols and methods developed under subsection (a), that the greenhouse gas emissions, or greenhouse gas emission reductions, of the reporting entity have been completely and accurately reported; and

(B) ensure the submission or retention of data sources, information on internal control activities, information on assumptions used in reporting emissions, uncertainty analyses, and other relevant data to facilitate the verification of reports submitted to the database.

(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

(A) obtain verification of the completeness and accuracy of the greenhouse gas emissions report, or greenhouse gas emissions reduction report, of the reporting entity from a person independent of the reporting entity that has been certified according to the standards issued under paragraph (3); and

(B) present the results of the verification under subparagraph (A) to the administering institution in lieu of verification by the administering institution under paragraph (1).

(3) CERTIFICATION OF INDEPENDENT VERIFICATION ORGANIZATIONS.—

(A) IN GENERAL.—The head of the lead agency shall, by rule, establish certification and audit standards to be applied by the administering institution in certifying persons who verify greenhouse gas emission reports, or greenhouse gas emission reductions reports, under paragraph (2).

(B) CONFLICTS OF INTEREST.—The standards established under subparagraph (A) shall prohibit conflicts of interest on the part of certified persons.

SEC. 1536. ANNUAL SUMMARY REPORT.

Not later than January 1, 2006, and annually thereafter, the head of the lead agency shall publish an annual summary report on the database that includes—

(1) a report on the quantity of the total greenhouse gas emissions and emission reductions included in the database, and the fraction of total greenhouse gas emissions in the United States reported to the database, relative to the year covered by the report (if applicable);

(2) analyses, by entity and sector of the economy of the United States, of the emissions and emission reductions in paragraph (1), including a comparison to total greenhouse gas emissions in the United States by all sectors of the economy;

(3) information on the operations of the database, including the development of protocols and methods during the year covered by the report; and

(4) a summary of the views of the advisory board under section 1532(c)(1)(B) on the operations and effectiveness of the database during the year covered by the report.

SEC. 1537. ENFORCEMENT.

The head of the lead agency may bring a civil action in United States district court against an entity that fails to comply with a requirement of this subtitle, or a rule promulgated under this subtitle, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

Subtitle D—Research Programs

CHAPTER 1—DEPARTMENT OF ENERGY PROGRAMS

SEC. 1541. DEFINITION OF SECRETARY.

In this chapter, the term ''Secretary'' means the Secretary of Energy, acting through the Office of Science of the Department of Energy.

SEC. 1542. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive research program—

(1) to increase understanding of the global climate system; and

(2) to investigate and analyze the effects of energy production and use on that system.

(b) PROGRAM ELEMENTS.—The program under this chapter shall include—

(1) research and modeling activities on the radiation balance from the surface of the Earth to the upper limit of the atmosphere, including the effects of aerosols and clouds;

(2) research and modeling activities—

(A) to investigate and understand the global carbon cycle, including the role of the terrestrial biosphere as a source or sink for carbon dioxide; and

(B) to develop, test, and improve carbon-cycle models;

(3)(A) research activities to understand the scales of response of complex ecosystems to environmental changes, including identification of the underlying causal mechanisms and pathways of environmental changes and the ways in which those mechanisms and pathways are linked; and

(B) research and modeling activities on the response of terrestrial ecosystems to changes in climate, atmospheric composition, and land use;

(4) research and modeling activities to develop integrated assessments of the economic, social, and environmental implications of climate change and policies relating to climate change, with emphasis on—

(A) improving the resolution of models for integrated assessments on a regional basis;

(B) developing next-generation models and testing those models as pilots on selected regional areas (including States and territories of the United States in the Pacific, on the Gulf of Mexico, or in agricultural or forested areas of the continental United States);

(C) developing and improving models for technology innovation and diffusion; and

(D) developing and improving models of the economic costs and benefits of climate change and policies relating to climate change; and

(5) development of high-end computational resources, information technologies, and data assimilation methods—

(A) to carry out the program under this chapter;

(B) to make more effective use of large and distributed data sets and observational data streams; and

(C) to increase the availability and utility of climate change and energy simulations to researchers and policy makers.

(c) EDUCATION AND INFORMATION DISSEMINATION.—

(1) IN GENERAL.—The Secretary, in collaboration with similar programs in other Federal agencies, shall include education and training of undergraduate and graduate students as an integral part of the programs under this chapter.

(2) ANALYSIS CENTER.—The Secretary shall support a Carbon Dioxide Information and Analysis Center—

(A) to serve as a resource for researchers and others interested in global climate change; and

(B) to accommodate data and information requests relating to the greenhouse effect and global climate change.

SEC. 1543. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter, to remain available until expended—

(1) $150,000,000 for fiscal year 2006;

(2) $175,000,000 for fiscal year 2007;

(3) $200,000,000 for fiscal year 2008;

(4) $230,000,000 for fiscal year 2009; and

(5) $266,000,000 for fiscal year 2010.

(b) LIMITATION ON FUNDS.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

CHAPTER 2—DEPARTMENT OF COMMERCE PROGRAMS

SEC. 1551. DEFINITION OF SECRETARY.

In this chapter, the term ''Secretary'' means the Secretary of Commerce.

SEC. 1552. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish in the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(c) PURPOSES OF PROGRAM.—The purposes of the program are—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate the mechanisms into advanced geophysical models of climate change; and

(4) to test the output of the models against an improved global array of records of past abrupt climate changes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

(1) $20,000,000 for fiscal year 2006;

(2) $22,000,000 for fiscal year 2007;

(3) $24,000,000 for fiscal year 2008;

(4) $26,000,000 for fiscal year 2009; and

(5) $28,000,000 for fiscal year 2010.

SEC. 1553. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION.

(a) IN GENERAL.—The Secretary shall establish in the Department of Commerce a National Climate Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing the program described in subsection (a), the Secretary shall consult with appropriate Federal, State, tribal, and local government entities.

(c) REGIONAL VULNERABILITY ASSESSMENTS.—The program shall—

(1) evaluate, based on information developed under this subtitle, under the National Climate Program Act (15 U.S.C. 2901 et seq.), and by the global climate modeling community, regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood, and fire; and

(D) alteration of ecological communities at the ecosystem or watershed level; and

(2) build upon information developed in the scientific assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) PREPAREDNESS RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that identifies and recommends implementation and funding strategies for short- and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property;

(2) to improve resilience to hazards;

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall—

(1) make available appropriate information, technologies, and products that will assist national, regional, State, and local efforts to reduce loss of life and property from increased concentrations of greenhouse gases and climate variability; and

(2) coordinate dissemination of such technologies and products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $4,500,000 for each of fiscal years 2006 through 2010.

SEC. 1554. COASTAL VULNERABILITY AND ADAPTATION.

(a) DEFINITIONS.—Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given the term in that section.

(b) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal, State, tribal, and local governmental entities, shall conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels.

(2) DEVELOPMENT.—The Secretary may consult with the governments of Canada and Mexico as appropriate in developing regional assessments.

(3) PREPARATION.—In preparing the regional assessments, the Secretary shall—

(A) collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping; and

(B) specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions.

(4) EVALUATION.—The regional assessments shall include an evaluation of—

(A) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) physical impacts, including coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(C) economic impact on regional, State, and local economies, including the impact on abundance or distribution of economically important living marine resources.

(c) COASTAL ADAPTATION PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability.

(2) DEVELOPMENT.—The national coastal adaptation plan shall be developed with the participation of other Federal, State, tribal, and local government agencies that will be critical in the implementation of the plan at the State, tribal, and local levels.

(3) REGIONAL PLANS.—The regional plans covered by the national coastal adaptation plan shall—

(A) be based on the information contained in the regional assessments; and

(B) identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions.

(4) RECOMMENDATIONS.—The national coastal adaptation plan shall recommend both short- and long-term adaptation strategies, including recommendations regarding—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) mitigation incentives, including rolling easements, strategic retreat, Federal or State acquisition in fee simple or other interest in land, construction standards, and zoning;

(D) land and property owner education;

(E) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(F) funding requirements and mechanisms.

(d) TECHNICAL PLANNING ASSISTANCE.—

(1) IN GENERAL.—The Secretary, acting through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal State and local governments as the coastal States and local governments develop and implement adaptation or mitigation strategies and plans.

(2) STATE AND LOCAL PLANS.—Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans shall be made available to coastal State and local governments to develop State and local plans.

(e) COASTAL ADAPTATION GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a coastal State shall provide a Federal-to-State match—

(A) in the first fiscal year of the program, of 4 to 1;

(B) in the second fiscal year of the program, of 2.3 to 1;

(C) in the third fiscal year of the program, of 2 to 1; and

(D) in each subsequent fiscal year, of 1 to 1.

(3) FORMULA.—Distribution of funds under this subsection to coastal States shall be based on the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(f) COASTAL RESPONSE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities that—

(A) are most adversely affected by the impact of climate change or climate variability; and

(B) are located in States with Federal-approved coastal zone management programs.

(2) ELIGIBLE PROJECTS.—A project is eligible for financial assistance under the pilot program if the project—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by the impact of climate change or climate variability, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which the project will be carried out; and

(C) will not cost more than $100,000 for each project.

(3) FUNDING SHARE.—

(A) IN GENERAL.—The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project.

(B) ADMINISTRATION.—In carrying out this paragraph—

(i) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(ii) the Secretary may waive the requirements of this paragraph for a project in a community if—

(I) the Secretary determines that the project is important; and

(II) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the cost of the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) to carry out subsections (b) through (d), $5,000,000 for each of fiscal years 2006 through 2010;

(2) for coastal adaptation grants under subsection (e), $5,000,000 for each of fiscal years 2006 through 2010; and

(3) to carry out the pilot program established under subsection (f), $3,000,000 for each of fiscal years 2006 through 2010.

SEC. 1555. FORECASTING PROJECTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration shall establish, through the Coastal Services Center of the National Oceanic and Atmospheric Administration, a program of grants for competitively awarded 3-year pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information (including geographic information system data, satellite-provided positioning data, and remotely sensed data) in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) considered together, demonstrate as diverse a set of public sector applications as practicable.

(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrators described in subsection (a) to carry out this section—

(1) $15,000,000 for fiscal year 2006;

(2) $17,500,000 for fiscal year 2007;

(3) $20,000,000 for fiscal year 2008;

(4) $22,500,000 for fiscal year 2009; and

(5) $25,000,000 for fiscal year 2010.

SEC. 1556. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change.

(2) COOPERATION.—Research activities under this section shall be conducted in cooperation with other nations of the Pacific region.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal year 2006, to remain available until expended—

(1) $2,000,000 to the National Oceanic and Atmospheric Administration, including $500,000 for the Pacific El Nino-Southern Oscillation Applications Center; and

(2) $1,500,000 to the National Aeronautics and Space Administration.

SEC. 1557. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.

(a) ESTABLISHMENT, FUNCTIONS, AND ACTIVITIES.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) in paragraph (21), by striking ''and'' at the end;

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

''(22) perform research to develop enhanced measurements, calibrations, standards, and measurement technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

(b) PROGRAMS RELATED TO CLIMATE CHANGE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating section 32 as section 33; and

(2) by inserting after section 31 the following:

''SEC. 32. PROGRAMS RELATED TO CLIMATE CHANGE.

''(a) IN GENERAL.—The Director shall establish a program to perform and support research on measurements, calibrations, data, models, and reference material standards with the goal of providing scientific and technical knowledge and generally recognized measurements, procedures, analytical tools, software, measurement technologies, and measurement standards applicable to the understanding, monitoring, and control of greenhouse gases.

''(b) PROGRAM EXECUTION AND COORDINATION.—

''(1) IN GENERAL.—The Director may conduct the program under this section through—

''(A) the National Measurement Laboratories or other appropriate elements of the Institute; or

''(B) grants, contracts, and cooperative agreements with appropriate entities.

''(2) VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director may establish a voluntary laboratory accreditation program (including specific calibration and test standards, methods, and protocols) to meet the need for accreditation in the measurement of greenhouse gases.

''(3) CONSULTATION.—The Director shall carry out the program under this section in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the Department of Energy, the

National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the National Science Foundation.''.

CHAPTER 3—INTERAGENCY PROGRAMS

SEC. 1561. GLOBAL CHANGE RESEARCH.

(a) FINDINGS.—Section 101(a) of the Global Change Research Act of 1990 (15 U.S.C. 2931(a)) is amended by adding at the end the following:

''(7) The present rate of advance in research and development, and the application of those advances, is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

''(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.''.

(b) UPDATING AUTHORIZATION FOR COMMITTEE STRUCTURE.—

(1) DEFINITIONS.—Section 2 of the Global Change Research Act of 1990 (15 U.S.C. 2921) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: ''or a successor committee''; and

(B) in paragraph (2), by inserting before the semicolon the following: ''or a successor body''.

(2) COMMITTEE ON EARTH AND ENVIRONMENTAL SCIENCES.—Section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932) is amended—

(A) in subsection (b), by striking the last sentence and inserting ''The representatives shall be the Deputy Secretary or the designee of the Deputy Secretary (or, in the case of an agency other than a department, the deputy head of that agency or the designees of the deputy).'';

(B) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(C) by inserting after subsection (c) the following:

''(d) SUBCOMMITTEES AND WORKING GROUPS.—

''(1) IN GENERAL.—There shall be a Subcommittee on Global Change Research, which shall carry out such functions of the Committee as are assigned by the Committee.

''(2) OTHER SUBCOMMITTEES AND WORKING GROUPS.—The Committee may establish such additional subcommittees and working groups as the Committee considers appropriate.''; and

(D) in subsection (f) (as redesignated by subparagraph (B)), by striking paragraph (6) and inserting the following:

''(6) routinely consult with actual and potential users of the results of the Program to assess information needs and ensure that the results are useful in developing international, national, regional, and local policy responses to global change; and''.

(c) NATIONAL GLOBAL CHANGE RESEARCH PLAN.—Section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934) is amended—

(1) in the last sentence of subsection (a), by inserting before the period '', including not later than 180 days after the date of enactment of the Energy and Climate Change Act of 2005'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''short-term and long-term'' before ''goals''; and

(ii) by striking ''usable information on which to base policy decisions relating to'' and inserting ''information relevant and readily usable by Federal, State, tribal, and local decision makers and other end-users, for the formulation of effective decisions and strategies for measuring, predicting, preventing, mitigating, and adapting to'';

(B) in paragraph (6)(D), by striking ''and'' at the end;

(C) by redesignating paragraph (7) as paragraph (9); and

(D) by inserting after subsection (6) the following:

''(7) evaluate and explain the accuracy of provided predictions in a manner that will enhance use of the predictions by Federal, State, tribal, and local decision makers and other end-users of the information; and

''(8) identify the categories of decision makers and describe how the program (including modeling capabilities) will develop decision support capabilities for the decision makers described in paragraph (7); and'';

(3) in subsection (c), by adding at the end the following:

''(6) Research necessary to monitor and predict societal and ecosystem impacts, to design adaptation and mitigation strategies, and to understand the costs and benefits of climate change and related response options.

''(7) Methods for integrating information to provide predictive and other tools for planning and decisionmaking by governments, communities, and the private sector.''; and

(4) in subsection (d)—

(A) in paragraph (2), by striking ''and'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) conduct routine assessments of the information needs of Federal, State, tribal, and local policy makers and other end-users;

''(4) combine and interpret data from various sources to produce information readily usable by local, tribal, State, and Federal policymakers and other end-users attempting to formulate effective decisions and strategies for preventing, mitigating, and adapting to the effects of global change;

''(5) develop methods for improving modeling and predictive capabilities and assessment methods to guide national, regional, and local planning and decisionmaking on land use, hazards related to water (including flooding, storm surges, and sea-level rise), and related issues; and

''(6) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and human society in the context of other environmental and social changes.''.

(d) RESEARCH GRANTS.—Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH GRANTS.—

''(1) LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) TRANSMISSION OF LIST.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include funding for research in the priority areas on the list developed under paragraph (1) as part of the annual budget request for integrative activities of the National Science Foundation.

''(B) AUTHORIZATION.—For fiscal year 2006 and each subsequent fiscal year, to carry out research in the priority areas, there is authorized to be appropriated to the National Science Foundation not less than $17,000,000, to be managed through the Science and Technology Policy Institute.''.

(e) SCIENTIFIC ASSESSMENT.—Section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''human-inducted'' and inserting ''human-induced''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) evaluates the information being developed under this title, considering in particular the usefulness of the information to national, State, tribal, and local decision makers and other interested persons, including those in the private sector, after providing a meaningful opportunity for considering the views of those persons on the effectiveness of the Program and the usefulness of the information.''.

(f) NATIONAL CLIMATE SERVICE PLAN.—Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following:

''SEC. 109. NATIONAL CLIMATE SERVICE PLAN.

''Not later than 1 year after the date of enactment of the Energy and Climate Change Act of 2005, the Secretary of Commerce, after review by the Interagency Task Force on Climate Change established under section 103 of that Act, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a plan of action for a National Climate Service that contains recommendations and funding estimates for—

''(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

''(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

''(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long-term and short-term time schedule and at a range of spatial scales;

''(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

''(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

''(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

''(7) mechanisms to coordinate among Federal agencies, State, tribal, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both in the United States and internationally.''.

Subtitle E—Forests and Agriculture

SEC. 1571. DEFINITIONS.

In this subtitle:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the Soil and Forestry Carbon Sequestration Panel established under subsection 1574(a).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term ''eligible forest carbon activity'' means a forest management action that—

(A) helps restore forest land that has been underproducing or understocked for more than 5 years;

(B) maintains natural forest under a permanent conservation easement;

(C) provides for protection of a forest from nonforest use;

(D) allows a variety of sustainable management alternatives;

(E) maintains or improves a watershed or fish and wildlife habitat; or

(F) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term ''forest carbon reservoir'' means carbon that is stored in aboveground or underground soil and other forms of biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term ''forest carbon sequestration program'' means the program established under subsection 1572(a).

(5) FOREST LAND.—

(A) IN GENERAL.—The term ''forest land'' means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term ''forest land'' includes—

(i) land on which forest cover may be naturally or artificially regenerated; and

(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

(6) FOREST MANAGEMENT ACTION.—

(A) IN GENERAL.—The term ''forest management action'' means an action that—

(i) applies forestry principles to the regeneration, management, use, or conservation of forests to meet specific goals and objectives;

(ii) demonstrates permanence of carbon sequestration and promotes and sustains native species; and

(iii) maintains the ecological sustainability and productivity of the forests or protects natural forests under a permanent conservation easement.

(B) INCLUSIONS.—The term ''forest management action'' includes management and use of forest land for the benefit of aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, or other forest values.

(7) REFORESTATION.—

(A) IN GENERAL.—The term ''reforestation'' means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term ''reforestation'' includes planned replanting, reseeding, and natural regeneration.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term ''soil carbon sequestration program'' means the program established under section 1573(a)(1).

(10) STATE.—

(A) IN GENERAL.—The term ''State'' means—

(i) a State; and

(ii) the District of Columbia.

(B) INCLUSION.—The term ''State'' includes a political subdivision of a State.

(11) WILLING OWNER.—The term ''willing owner'' means a State or local government, Indian tribe, private entity, or other person or non-Federal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

SEC. 1572. FOREST CARBON SEQUESTRATION PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program under which the Secretary, directly or through agreements with 1 or more States, may enter into cooperative agreements with willing owners to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain a forest carbon reservoir.

(b) ASSISTANCE TO STATES.—

(1) IN GENERAL.—The Secretary shall provide assistance to States to enter into cooperative agreements with willing owners to carry out eligible forest carbon activities on forest land.

(2) REPORTING.—As a condition of receiving assistance under paragraph (1), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(c) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Idaho, Oregon, Montana, and Washington may apply for funding from the Bonneville Power Administration to fund a cooperative agreement that—

(1) meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.); and

(2) meets the objectives of this section.

SEC. 1573. SOIL CARBON SEQUESTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Natural Resources Conservation Service and in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out at least 4 pilot programs to—

(A) develop, demonstrate, and verify the best management practices for enhanced soil carbon sequestration on agricultural land; and

(B) evaluate and establish standardized monitoring and verification methods and protocols.

(2) CRITERIA.—The Secretary shall select a pilot program based on—

(A) the merit of the proposed program; and

(B) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(b) REQUIREMENTS.—A pilot program carried out under this section shall—

(1) involve agricultural producers in—

(A) the development and verification of best management practices for carbon sequestration; and

(B) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(2) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(3) analyze the effects of the adoption of the best management practices on—

(A) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and

(B) the full range of greenhouse gases; and

(4) use the results of the research conducted under the program to—

(A) develop best management practices for use by agricultural producers;

(B) provide a comparison of the costs and net greenhouse effects of the best management practices;

(C) encourage agricultural producers to adopt the best management practices; and

(D) develop best management practices on a regional basis for use in watersheds and States not participating in the pilot programs.

SEC. 1574. SOIL AND FORESTRY CARBON SEQUESTRATION PANEL.

(a) ESTABLISHMENT.—The Secretary, acting through the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service, shall establish a soil and forestry carbon sequestration panel to—

(1) advise the Secretary in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions and agricultural best management practices;

(2) evaluate the potential effectiveness (including cost effectiveness) of the guidelines in verifying carbon inputs and outputs and assessing impacts on other greenhouse gases from various forest management strategies and agricultural best management practices;

(3) estimate the effect of proposed implementation of the guidelines on—

(A) carbon sequestration and storage; and

(B) the net emissions of other greenhouse gases;

(4) provide estimates on the rates of carbon sequestration and net nitrous oxide and methane impacts for forests and various plants, agricultural commodities, and agricultural practices to assist the Secretary in determining the acceptability of the cooperative agreement offers made by willing owners;

(5) propose to the Secretary the standardized methods for—

(A) measuring carbon sequestered in soils and in forests; and

(B) estimating the impacts of the forest carbon sequestration program and the soil carbon sequestration program on other greenhouse gases; and

(6) assist the Secretary in reporting to Congress on the results of the forest carbon sequestration program and the soil carbon sequestration program.

(b) MEMBERSHIP.—The Advisory Panel shall be composed of the following members with interest and expertise in soil carbon sequestration and forestry management, appointed by the Secretary:

(1) 1 member representing national professional forestry organizations.

(2) 1 member representing national agriculture organizations.

(3) 2 members representing environmental or conservation organizations.

(4) 1 member representing Indian tribes.

(5) 3 members representing the academic scientific community.

(6) 2 members representing State forestry organizations.

(7) 2 members representing State agricultural organizations.

(8) 1 member representing the Environmental Protection Agency.

(9) 1 member representing the Department of Agriculture.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Advisory Panel shall be appointed for a term of 3 years.

(2) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—

(A) 1 member appointed under each of paragraphs (2), (4), (6), and (8) of subsection (b), as determined by the Secretary, shall serve an initial term of 1 year; and

(B) 1 member appointed under each of paragraphs (1), (3), (5), (7), and (9) of subsection (b), as determined by the Secretary, shall serve an initial term of 2 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Advisory Panel shall be filled in the manner in which the original appointment was made.

(B) PARTIAL TERM.—A member appointed to fill a vacancy occurring before the expiration of a term shall be appointed only for the remainder of the term.

(C) SUCCESSIVE TERMS.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(d) EXISTING COMMITTEES.—The Secretary may use an existing Federal advisory committee to perform the tasks of the Advisory Panel if—

(1) representation on the advisory committee, the terms and background of members of the advisory committee, and the responsibilities of the advisory committee reflect those of the Advisory Panel; and

(2) those responsibilities are a priority for the advisory committee.

SEC. 1575. STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.

(a) ACCURATE MONITORING, MEASUREMENT, AND REPORTING.—

(1) IN GENERAL.—The Secretary, in collaboration with the States, shall—

(A) develop standardized measurement protocols for—

(i) carbon sequestered in soils and trees; and

(ii) impacts on other greenhouse gases;

(B)(i) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(ii) distribute the forms to participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(2) CONTENTS OF REPORT.—A report under paragraph (1)(C) shall describe—

(A) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(B) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(b) EDUCATIONAL OUTREACH.—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, and in consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon, without threat to the social and economic well-being of communities.

(c) PERIODIC REVIEW.—At least once every 2 years, the Secretary shall—

(1) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management and soil sequestration actions; and

(2) issue, as necessary, revised recommendations for reporting, monitoring, and verifying carbon storage from forest management actions and agricultural best management practices.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. REACTOR DEMONSTRATION PROGRAM

(1) Not later than 120 days after the date of enactment, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this section shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(3) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

SA 817. Mr. HAGEL (for himself, Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XV—CLIMATE CHANGE

Subtitle A—National Climate Change Technology Deployment

SEC. 1501. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY STRATEGIES.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. GREENHOUSE GAS INTENSITY REDUCING STRATEGIES.

''(a) DEFINITIONS.—In this section:

''(1) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

''(2) COMMITTEE.—The term 'Committee' means the Interagency Coordinating Committee on Climate Change Technology established under subsection (c)(1).

''(3) DEVELOPING COUNTRY.—The term 'developing country' has the meaning given the term in section 1608(m).

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(5) GREENHOUSE GAS INTENSITY.—The term 'greenhouse gas intensity' means the ratio of greenhouse gas emissions to economic output.

''(6) NATIONAL LABORATORY.—The term 'National Laboratory' means a laboratory owned by the Department of Energy.

''(7) WORKING GROUP.—The term 'Working Group' means the Climate Change Technology Working Group established under subsection (f)(1).

''(b) OFFICE OF SCIENCE AND TECHNOLOGY POLICY STRATEGY.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Director of the Office of Science and Technology Policy shall, based on applicable Federal climate reports, submit to the Secretary and the President a national strategy to promote the deployment and commercialization of greenhouse gas intensity reducing technologies and practices developed through research and development programs conducted by the National Laboratories, other Federal research facilities, universities, and the private sector.

''(2) AVAILABILITY OF STRATEGY; UPDATES.—The President shall—

''(A) on submission of the strategy to the President under paragraph (1), make the strategy available to the public; and

''(B) update the strategy as the President determines to be necessary.

''(c) INTERAGENCY COORDINATING COMMITTEE ON CLIMATE CHANGE TECHNOLOGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish an Interagency Coordinating Committee on Climate Change Technology to—

''(A) integrate current Federal climate reports; and

''(B) coordinate Federal climate change activities and programs carried out in furtherance of the strategy developed under subsection (b)(1).

''(2) MEMBERSHIP.—The Committee shall be composed of at least 6 members, including—

''(A) the Secretary;

''(B) the Secretary of Commerce;

''(C) the Chairman of the Council on Environmental Quality;

''(D) the Secretary of Agriculture;

''(E) the Administrator of the Environmental Protection Agency; and

''(F) the Secretary of Transportation.

''(3) STAFF.—The Secretary shall provide such personnel as are necessary to enable the Committee to perform the duties of the Committee.

''(d) CLIMATE CHANGE SCIENCE PROGRAM AND CLIMATE CHANGE TECHNOLOGY PROGRAM.—

''(1) CLIMATE CHANGE SCIENCE PROGRAM.—Not later than 180 days after the date on which the strategy is submitted under subsection (b)(1), the Secretary of Commerce, in cooperation with the Committee, shall permanently establish within the Department of Commerce the Climate Change Science Program to assist the Committee in the interagency coordination of climate change science research and related activities, including—

''(A) assessments of the state of knowledge on climate change; and

''(B) carrying out supporting studies, planning, and analyses of the science of climate change.

''(2) CLIMATE CHANGE TECHNOLOGY PROGRAM.—Not later than 180 days after the date on which the strategy is submitted under

subsection (b)(1), the Secretary, in cooperation with the Committee, shall permanently establish within the Department of Energy, the Climate Change Technology Program to assist the Committee in the interagency coordination of climate change technology research, development, demonstration, and deployment to reduce greenhouse gas intensity.

''(e) TECHNOLOGY INVENTORY.—

''(1) IN GENERAL.—The Secretary shall conduct an inventory and evaluation of greenhouse gas intensity reducing technologies that have been developed, or are under development, by the National Laboratories, other Federal research facilities, universities, and the private sector to determine which technologies are suitable for commercialization and deployment.

''(2) REPORT.—Not later than 180 days after the completion of the inventory under paragraph (1), the Secretary shall submit to the Secretary of Commerce and Congress a report that includes the results of the completed inventory and any recommendations of the Secretary.

''(3) USE.—The Secretary, in consultation with the Secretary of Commerce, shall use the results of the inventory as guidance in the commercialization and deployment of greenhouse gas intensity reducing technologies.

''(4) UPDATED INVENTORY.—The Secretary shall—

''(A) periodically update the inventory under paragraph (1); and

''(B) make the updated inventory available to the public.

''(f) CLIMATE CHANGE TECHNOLOGY WORKING GROUP.—

''(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish within the Department of Energy a Climate Change Technology Working Group to identify statutory, regulatory, economic, and other barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices in the United States.

''(2) COMPOSITION.—The Working Group shall be composed of the following members, to be appointed by the Secretary, in consultation with the Committee:

''(A) 1 representative shall be appointed from each National Laboratory.

''(B) 3 members shall be representatives of energy-producing trade organizations.

''(C) 3 members shall represent energy-intensive trade organizations.

''(D) 3 members shall represent groups that represent end-use energy and other consumers.

''(E) 3 members shall be employees of the Federal Government who are experts in energy technology, intellectual property, and tax.

''(F) 3 members shall be representatives of universities with expertise in energy technology development that are recommended by the National Academy of Engineering.

''(3) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Working Group shall submit to the Committee a report that describes—

''(A) the findings of the Working Group; and

''(B) any recommendations of the Working Group for the removal or reduction of barriers to commercialization, deployment, and increasing the use of greenhouse gas intensity reducing technologies and practices.

''(4) COMPENSATION OF MEMBERS.—

''(A) NON-FEDERAL EMPLOYEES.—A member of the Working Group who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Working Group.

''(B) FEDERAL EMPLOYEES.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

''(C) TRAVEL EXPENSES.—A member of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

''(g) GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY DEPLOYMENT.—

''(1) IN GENERAL.—Based on the strategy developed under subsection (b)(1), the technology inventory conducted under subsection (e)(1), and the greenhouse gas intensity reducing technology study report submitted under subsection (e)(2), the Committee shall develop a program for implementation by the Climate Credit Board established under section 1611(b)(2)(A) that would provide for the removal of domestic barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices.

''(2) REQUIREMENTS.—In developing the program under paragraph (1), the Committee shall consider in the aggregate—

''(A) the cost-effectiveness of the technology;

''(B) fiscal and regulatory barriers;

''(C) statutory and other barriers; and

''(D) intellectual property issues.

''(3) REPORT.—Not later than 18 months after the date of enactment of this section, the Committee shall submit to the President and Congress a report that—

''(A) identifies, based on the report submitted under subsection (f)(3), any barriers to, and commercial risks associated with, the deployment of greenhouse gas intensity reducing technologies; and

''(B) includes a plan for carrying out eligible projects with Federal financial assistance under section 1611.

''(h) PROCEDURES FOR CALCULATING, MONITORING, AND ANALYZING GREENHOUSE GAS INTENSITY.—

''(1) IN GENERAL.—The Committee, in collaboration with the Administrator of the Energy Information Administration and the National Institute of Standards and Technology, shall develop and propose standards and best practices for calculating, monitoring, and analyzing greenhouse gas intensity.

''(2) CONTENT.—The standards and best practices shall address measurement of greenhouse gas intensity by industry sector.

''(3) PUBLICATION.—To provide the public with an opportunity to comment on the standards and best practices proposed under paragraph (1), the standards and best practices shall be published in the Federal Register.

''(4) APPLICABLE LAW.—To ensure that high quality information is produced, the standards and best practices developed under paragraph (1) shall conform to the guidelines established under section 515 of the Treasury and General Government Appropriations Act, 2001 (commonly known as the 'Data Quality Act') (44 U.S.C. 3516 note; 114 Stat. 2763A–1543), as enacted into law by section 1(a)(3) of Public Law 106–554.

''(i) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall, subject to availability of appropriations, conduct and participate in demonstration projects recommended for approval by the Committee, including demonstration projects relating to—

''(A) coal gasification and coal liquefaction;

''(B) carbon sequestration;

''(C) cogeneration technology initiatives;

''(D) advanced nuclear power projects;

''(E) lower emission transportation;

''(F) renewable energy; and

''(G) transmission upgrades.

''(2) CRITERIA.—The Committee shall recommend a demonstration project under paragraph (1) if the proposed demonstration project would—

''(A) increase the reduction of the greenhouse gas intensity to levels below that which would be achieved by technologies being used in the United States as of the date of enactment of this section;

''(B) maximize the potential return on Federal investment;

''(C) demonstrate distinct roles in public-private partnerships;

''(D) produce a large-scale reduction of greenhouse gas intensity if commercialization occurred; and

''(E) support a diversified portfolio to mitigate the uncertainty associated with a single technology.

''(j) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—In carrying out greenhouse gas intensity reduction research and technology deployment, the Secretary may enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 1502. CLIMATE INFRASTRUCTURE CREDIT.

Title XVI of the Energy Policy Act of 1992 (42 (U.S.C. 13381 et seq.) (as amended by section 1501) is amended by adding at the end the following:

''SEC. 1611. CLIMATE INFRASTRUCTURE CREDIT.

''(a) DEFINITIONS.—In this section:

''(1) ADVANCED CLIMATE TECHNOLOGY OR SYSTEM.—The term 'advanced climate technology or system' means a climate technology or system that is not in general usage as of the date of enactment of this section.

''(2) BOARD.—The term 'Board' means the Climate Credit Board established under subsection (b)(2)(A).

''(3) DIRECT LOAN.—The term 'direct loan' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(4) ELIGIBLE PROJECT.—The term 'eligible project' means a demonstration project that is recommended for approval under section 1610(i)(1).

''(5) ELIGIBLE PROJECT COST.—The term 'eligible project cost' means any amount incurred for an eligible project that is paid by, or on behalf of, an obligor, including the costs of—

''(A) construction activities, including—

''(i) the acquisition of capital equipment; and

''(ii) construction management;

''(B) acquiring land (including any improvements to the land) relating to the eligible project; and

''(C) financing the eligible project, including—

''(i) providing capitalized interest necessary to meet market requirements;

''(ii) capital issuance expenses; and

''(iii) other carrying costs during construction.

''(6) FEDERAL FINANCIAL ASSISTANCE.—The term 'Federal financial assistance' means any credit-based financial assistance, including a direct loan, loan guarantee, a line of credit (which serves as standby default coverage or standby interest coverage), production incentive payment under subsection (g)(1)(B), or other credit-based financial assistance mechanism for an eligible project that is—

''(A) authorized to be made available by the Secretary for an eligible project under this section; and

''(B) provided in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(7) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency for eligible project obligations offered into the capital markets.

''(8) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation that is issued by an obligor and funded by a lender.

''(10) OBLIGOR.—The term 'obligor' means a person or entity (including a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality) that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

''(11) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an eligible project, other than a Federal credit instrument.

''(12) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

''(13) REGULATORY FAILURE.—The term 'regulatory failure' means a situation in which the Secretary determines that, because of a breakdown in a regulatory process or an indefinite delay caused by a judicial challenge to the regulatory consideration of a specific eligible project, the Federal or State regulatory or licensing process governing the siting, construction, or commissioning of an eligible project does not produce a definitive determination that the eligible project may go forward or stop within a predetermined and prescribed time period.

''(14) SECURED LOAN.—The term 'secured loan' means a loan or other secured debt obligation issued by an obligor and funded by the Secretary in connection with the financing of an eligible project.

''(15) STANDBY DEFAULT COVERAGE.—The term 'standby default coverage' means a pledge by the Secretary to pay all or part of the debt obligation issued by an obligor and funded by a lender, plus all or part of obligor equity, if an eligible project fails to receive an operating license in a period of time established by the Secretary because of a regulatory failure or other specific issue identified by the Secretary.

''(16) STANDBY INTEREST COVERAGE.—The term 'standby interest coverage' means a pledge by the Secretary to provide to an obligor, at a future date and on the occurrence of 1 or more events, a direct loan, the proceeds of which shall be used by the obligor to maintain the current status of the obligor on interest payments due on 1 or more loans or other project obligations issued by an obligor and funded by a lender for an eligible project.

''(17) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument issued by the Secretary to an eligible project, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(18) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means that an eligible project has been determined by the Board to be in, or capable of, commercial operation.

''(b) DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall make available to eligible project developers and eligible project owners, in accordance with this section, such financial assistance as is necessary to supplement private sector financing for eligible projects.

''(2) CLIMATE CREDIT BOARD.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish within the Department of Energy a Climate Credit Board composed of—

''(i) the Under Secretary of Energy, who shall serve as Chairperson;

''(ii) the Chief Financial Officer of the Department of Energy;

''(iii) the Assistant Secretary of Energy for Policy and International Affairs;

''(iv) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and

''(v) such other individuals as the Secretary determines to have the experience and expertise (including expertise in corporate and project finance and the energy sector) necessary to carry out the duties of the Board.

''(B) DUTIES.—The Board shall—

''(i) implement the program developed under section 1610(g)(1) in accordance with paragraph (3);

''(ii) issue regulations and criteria in accordance with paragraph (4);

''(iii) conduct negotiations with individuals and entities interested in obtaining assistance under this section;

''(iv) recommend to the Secretary potential recipients and amounts of grants of assistance under this section; and

''(v) establish metrics to indicate the progress of the greenhouse gas intensity reducing technology deployment program and individual projects carried out under the program toward meeting the criteria established by section 1610(i)(2).

''(3) GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY DEPLOYMENT PROGRAM.—Not later than 1 year after the date of enactment of this section, the Board, with the approval of the Secretary, shall implement the greenhouse gas intensity reducing technology deployment program developed under section 1610(g)(1).

''(4) REGULATIONS AND CRITERIA.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Board, in coordination with the Secretary and after an opportunity for public comment, shall issue such regulations and criteria as are necessary to implement this section.

''(B) REQUIREMENTS.—The regulations and criteria shall provide for, at a minimum—

''(i) a competitive process and the general terms and conditions for the provision of assistance under this section;

''(ii) the procedures by which eligible project owners and eligible project developers may request financial assistance under this section; and

''(iii) the collection of any other information necessary for the Secretary to carry out this section, including a process for negotiating the terms and conditions of assistance provided under this section.

''(C) ELIGIBILITY AND CRITERIA.—The determination of eligibility of, and criteria for selecting, eligible projects to receive assistance under this section shall be carried out in accordance with subsection (c) and the regulations issued under subparagraph (A).

''(D) CONDITIONS FOR PROVISION OF ASSISTANCE.—The Board shall not provide assistance under this section unless the Board determines, in accordance with the regulations issued under subparagraph (A), that the terms, conditions, maturity, security, schedule, and amounts of repayments of the assistance are reasonable and appropriate to protect the financial interests of the United States.

''(5) CONFIDENTIALITY.—In accordance with section 552 of title 5, United States Code, and any related regulations applicable to the Department of Energy, the Board shall protect the confidentiality of any information provided by an applicant for assistance under this section that the applicant certifies to be commercially sensitive or that is protected intellectual property.

''(c) DETERMINATION OF ELIGIBILITY; PROJECT SELECTION.—

''(1) ELIGIBILITY.—To be eligible to receive assistance under this section, an eligible project shall, as determined by the Board—

''(A) be supported by an application that contains all information required to be included by, and is submitted to and approved by the Board in accordance with, the regulations and criteria issued by the Board under subsection (b)(4);

''(B) be nationally or regionally significant by—

''(i) reducing greenhouse gas intensity;

''(ii) contributing to energy security; and

''(iii) contributing to energy and technology diversity in the energy economy of the United States;

''(C) contain an advanced climate technology or system that could—

''(i) significantly improve the efficiency, security, reliability, and environmental performance of the energy economy of the United States; and

''(ii) reduce greenhouse gas emissions;

''(D) have revenue sources dedicated to repayment of credit support-based project financing, such as revenue—

''(i) from the sale of sequestered carbon;

''(ii) from the sale of energy, electricity, or other products from eligible projects that employ advanced climate technologies and systems;

''(iii) from the sale of electricity or generating capacity, in the case of electricity infrastructure; or

''(iv) associated with energy efficiency gains, in the case of other energy projects;

''(E) include a project proposal and agreement for project financing repayment that demonstrates to the satisfaction of the Board that the dedicated revenue sources described in subparagraph (D) will be adequate to repay project financing provided under this section; and

''(F) reduce greenhouse gas intensity on a national, regional, or company basis.

''(2) LIMITATIONS.—Except as otherwise provided in this section—

''(A) the total cost of an eligible project provided Federal financial assistance under this section shall be at least $40,000,000;

''(B) the Federal share of an eligible project provided Federal financial assistance under this section shall be not more than 25 percent of eligible project costs;

''(C) not more than $200,000,000 in Federal financial assistance shall be provided to any individual eligible project; and

''(D) an eligible project shall not be eligible for financial assistance from any other Federal grant program during any period that Federal financial assistance (other than a Federal loan or loan guarantee) is provided to the eligible project under this section.

''(3) SELECTION AMONG ELIGIBLE PROJECTS.—

''(A) ESTABLISHMENT OF SELECTION CRITERIA.—The Board, in consultation with the Secretary and [the Interagency Coordinating Committee on Climate Change Technology established under section 1610(c)(1)], shall, in accordance with the regulations issued under subsection (b)(4)(A), establish criteria for selecting which eligible projects will receive assistance under this section.

''(B) REQUIREMENTS.—The selection criteria shall include a determination by the Board of the extent to which—

''(i) the eligible project reduces greenhouse gas intensity beyond reductions achieved by technology available as of October 15, 1992;

''(ii) financing for the eligible project has appropriate security features, such as a rate covenant, to ensure repayment;

''(iii) assistance under this section for the eligible project would foster innovative public-private partnerships and attract private debt or equity investment;

''(iv) assistance under this section for an eligible project would enable the eligible project to proceed at an earlier date than would otherwise be practicable; and

''(v) the eligible project uses new technologies that enhance the efficiency, reduce greenhouse gas intensity, improve the reliability, or improve the safety, of the eligible project.

''(C) FINANCIAL INFORMATION.—An application for assistance for an eligible project under this section shall include such information as the Secretary determines to be necessary concerning—

''(i) the amount of budget authority required to fund the Federal credit instrument requested for the eligible project;

''(ii) the estimated construction costs of the proposed eligible project;

''(iii) estimates of construction and operating costs of the eligible project;

''(iv) projected revenues from the eligible project; and

''(v) any other financial aspects of the eligible project, including assurances, that the Board determines to be appropriate.

''(D) PRELIMINARY RATING OPINION LETTER.—The Board shall require each applicant seeking assistance for an eligible project under this section to provide a preliminary rating opinion letter from at least 1 credit rating agency indicating that the senior obligations of the eligible project have the potential to achieve an investment-grade rating.

''(E) RISK ASSESSMENT.—Before entering into any agreement to provide assistance for an eligible project under this section, the Board, in consultation with the Secretary, the Director of the Office of Management and Budget, and each credit rating agency providing a preliminary rating opinion letter under subparagraph (D), shall determine and maintain an appropriate capital reserve subsidy amount for each line of credit established for the eligible project, taking into account the information contained in the preliminary rating opinion letter.

''(F) INVESTMENT-GRADE RATING REQUIREMENT.—

''(i) IN GENERAL.—The funding of any assistance under this section shall be contingent on the senior obligations of the eligible project receiving an investment-grade rating from at least 1 credit rating agency.

''(ii) CONSIDERATIONS.—In determining whether an investment-grade rating is appropriate under clause (i), the credit rating agency shall take into account the availability of Federal financial assistance under this section.

''(4) MAXIMUM AVAILABLE CLIMATE CREDIT SUPPORT.—Notwithstanding any assistance limitation under any other provision of this section, the Secretary shall not provide energy credit support to any eligible project in the form of a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or other credit-based financial assistance under subsection (h), the combined total of which exceeds 25 percent of eligible project costs, excluding the value of standby default coverage under subsection (d) and standby interest coverage under subsection (e), as determined by the Secretary.

''(d) STANDBY DEFAULT COVERAGE.—

''(1) AGREEMENTS; USE OF PROCEEDS.—

''(A) AGREEMENTS.—

''(i) IN GENERAL.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

''(ii) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

''(B) USE OF PROCEEDS.—The proceeds of standby default coverage made available under this subsection shall be available to reimburse all or part of the debt obligation for an eligible project issued by an obligor and funded by a lender, plus all or part of obligor equity, in the event that, because of a regulatory failure or other event specified by the Secretary pursuant to this section, an eligible advanced climate technology or system for an eligible project fails to receive an operating license in a period of time specified by the Board in accordance with this subsection.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—Standby default coverage under this subsection with respect to an eligible project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines to be appropriate.

''(B) MAXIMUM AMOUNTS.—The total amount of standby default coverage provided for an eligible project shall not exceed 25 percent of the reasonably anticipated eligible project costs, including debt and equity.

''(C) EXERCISE.—Any exercise on the standby default coverage shall be made only if a facility involved with the eligible project fails, because of regulatory failure or other specific issues specified by the Secretary, to receive an operating license by such deadline as the Secretary shall establish.

''(D) COST OF COVERAGE.—The cost of standby default coverage shall be assumed by the Secretary subject to the risk assessment calculation required under subsection (c)(4)(E) and the availability of funds for that purpose.

''(E) FEES.—In carrying out this section, the Secretary may—

''(i) establish fees at a level sufficient to cover all or a portion of the administrative costs incurred by the Federal Government in providing standby default coverage under this subsection; and

''(ii) require that the fees be paid upon application for a standby default coverage agreement under this subsection.

''(F) PERIOD OF AVAILABILITY.—In the event that regulatory approval to operate a facility is suspended as a result of regulatory failure or other circumstances specified by the Secretary, standby default coverage shall be available beginning on the date of substantial completion and ending not later than 5 years after the date on which operation of the facility is scheduled to commence.

''(G) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of an obligor shall not have any right against the Federal Government with respect to any amounts other than those specified in clause (ii).

''(ii) ASSIGNMENT.—An obligor may assign all or part of the standby default coverage for an eligible project to 1 or more lenders or to a trustee on behalf of the lenders.

''(H) RESULT OF EXERCISE OF STANDBY DEFAULT COVERAGE.—If standby default coverage is exercised by the obligor of an eligible project—

''(i) the Federal Government shall become the sole owner of the eligible project, with all rights and appurtenances to the eligible project; and

''(ii) in accordance with applicable provisions of law, the Board shall dispose of the assets of the eligible project on terms that are most favorable to the Federal Government, which may include continuing to licensing and commercial operation or resale of the eligible project, in whole or in part, if that is the best course of action in the judgment of the Board.

''(I) ESTIMATE OF ASSETS AT TIME OF TERMINATION.—If standby default coverage is exercised and an eligible project is terminated, the Board, in making a determination of whether to dispose of the assets of the eligible project or continue the eligible project to licensing and commercial operation, shall obtain a fair and impartial estimate of the eligible project assets at the time of termination.

''(J) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—An eligible project that receives standby default coverage under this subsection may receive a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or assistance through a credit-based financial assistance mechanism under subsection (h).

''(K) OTHER CONDITIONS AND REQUIREMENTS.—The Secretary may impose such other conditions and requirements in connection with any insurance provided under this subsection (including requirements for audits) as the Secretary determines to be appropriate.

''(e) STANDBY INTEREST COVERAGE.—

''(1) IN GENERAL.—

''(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to make standby interest coverage available to 1 or more obligors in the form of loans for advanced climate or energy technologies or systems to be made by the Board at future dates on the occurrence of certain events for any eligible project selected under subsection (c)(4).

''(B) USE OF PROCEEDS.—Subject to subsection (c)(3), the proceeds of standby interest coverage made available under this subsection shall be available to pay the debt service on project obligations issued to finance eligible project costs of an eligible

project if a delay in commercial operations occurs due to a regulatory failure or other condition determined by the Secretary.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—Standby interest coverage under this subsection with respect to an eligible project shall be made on such terms and conditions (including a requirement for an audit) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNTS.—

''(i) TOTAL AMOUNT.—The total amount of standby interest coverage for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

''(ii) 1-YEAR DRAWS.—The amount drawn in any 1 year for an eligible project under this subsection shall not exceed 25 percent of the total amount of the standby interest coverage for the eligible project.

''(C) PERIOD OF AVAILABILITY.—The standby interest coverage for an eligible project shall be available during the period—

''(i) beginning on a date following substantial completion of the eligible project that regulatory approval to operate a facility under the eligible project is suspended as a result of regulatory failure or other condition determined by the Secretary; and

''(ii) ending on a date that is not later than 5 years after the eligible project is scheduled to commence commercial operations.

''(D) COST OF COVERAGE.—Subject to subsection (c)(4)(E), the cost of standby interest coverage for an eligible project under this subsection shall be borne by the Secretary.

''(E) DRAWS.—Any draw on the standby interest coverage for an eligible project shall—

''(i) represent a loan;

''(ii) be made only if there is a delay in commercial operations after the substantial completion of the eligible project; and

''(iii) be subject to the overall credit support limitations established under subsection (c)(5).

''(F) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall be established by the Secretary.

''(ii) MINIMUM RATE.—The interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States with a maturity of 10 years, as of the date on which the standby interest coverage is obligated.

''(G) SECURITY.—The standby interest coverage for an eligible project—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall require security for the project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing project obligations.

''(H) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on standby interest coverage under this subsection.

''(ii) ASSIGNMENT.—An obligor may assign the standby interest coverage to 1 or more lenders or to a trustee on behalf of the lenders.

''(I) SUBORDINATION.—A secured loan for an eligible project made under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(J) NONRECOURSE STATUS.—A secured loan for an eligible project under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(K) FEES.—The Board may impose fees at a level sufficient to cover all or part of the costs to the Federal Government of providing standby interest coverage for an eligible project under this subsection.

''(3) REPAYMENT.—

''(A) TERMS AND CONDITIONS.—The Secretary shall establish a repayment schedule and terms and conditions for each loan for an eligible project under this subsection based on the projected cash flow from revenues for the eligible project.

''(B) REPAYMENT SCHEDULE.—Scheduled repayments of principal or interest on a loan under this subsection shall—

''(i) commence not later than 5 years after the end of the period of availability specified in paragraph (2)(C); and

''(ii) be completed, with interest, not later than 10 years after the end of the period of availability.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

''(i) the sale of electricity or generating capacity;

''(ii) the sale or transmission of energy;

''(iii) revenues associated with energy efficiency gains; or

''(iv) other dedicated revenue sources, such as carbon use.

''(D) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations, may be applied annually to prepay the secured loan without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(f) SECURED LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—

''(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements with 1 or more obligors to make secured loans for eligible projects involving advanced climate technologies or systems.

''(B) USE OF PROCEEDS.—Subject to paragraph (2), the proceeds of a secured loan for an eligible project made available under this subsection shall be available, in conjunction with the equity of the obligor and senior debt financing for the eligible project, to pay for eligible project costs.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this subsection with respect to an eligible project shall be made on such terms and conditions (including requirements for an audit) as the Board, in consultation with the Secretary, determines appropriate.

''(B) MAXIMUM AMOUNT.—Subject to subsection (c)(5), the total amount of the secured loan for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

''(C) PERIOD OF AVAILABILITY.—The Board may enter into a contract with the owner or operator of an eligible project to provide a secured loan during the period—

''(i) beginning on the date that the financial structure of the eligible project is established; and

''(ii) ending on the date of the start of construction of the eligible project.

''(D) COST OF COVERAGE.—Subject to subsection (c)(4)(E), the cost of a secured loan for an eligible project under this subsection shall be borne by the Secretary.

''(E) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Secretary.

''(ii) MINIMUM RATE.—The interest rate on a loan resulting from a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the loan agreement.

''(F) SECURITY.—The secured loan—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing project obligations.

''(G) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

''(ii) ASSIGNMENT.—An obligor may assign the secured loan to 1 or more lenders or to a trustee on behalf of the lenders.

''(H) SUBORDINATION.—A secured loan for an eligible project made under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(I) NONRECOURSE STATUS.—A secured loan for an eligible project under this subsection shall be non-recourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(J) FEES.—The Board may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making secured loans for an eligible project under this subsection.

''(3) REPAYMENT.—

''(A) SCHEDULE AND TERMS.—The Board shall establish a repayment schedule and terms and conditions for each secured loan for an eligible project under this subsection based on the projected cash flow from revenues for the eligible project.

''(B) REPAYMENT SCHEDULE.—Scheduled repayments on a secured loan for an eligible project under this subsection shall—

''(i) commence not later than 5 years after the scheduled start of commercial operations of the eligible project; and

''(ii) be completed, with interest, not later than 35 years after the scheduled date of the start of commercial operations of the eligible project.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

''(i) the sale of carbon or carbon compounds;

''(ii) the sale of electricity or generating capacity;

''(iii) the sale of sequestration services;

''(iv) the sale or transmission of energy;

''(v) revenues associated with energy efficiency gains; or

''(vi) other dedicated revenue sources.

''(D) DEFERRED PAYMENTS.—

''(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date of the scheduled start of commercial operation of an eligible project, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on the secured loan, the Secretary may, subject to clause (iii), allow the obligor to add unpaid principal or interest to the outstanding balance of the secured loan.

''(ii) INTEREST.—Any payment deferred under clause (i) shall—

''(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

''(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

''(iii) CRITERIA.—

''(I) IN GENERAL.—Any payment deferral under clause (i) shall be contingent on the eligible project meeting criteria established by the Secretary.

''(II) REPAYMENT STANDARDS.—The criteria established under subclause (I) shall include standards for reasonable assurance of repayment.

''(E) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations, may be applied annually to prepay the secured loan without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(4) SALE OF SECURED LOANS.—

''(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after substantial completion of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project if the Board determines that the sale or reoffering can be made on favorable terms.

''(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(5) LOAN GUARANTEES.—

''(A) IN GENERAL.—The Board may provide a loan guarantee to a lender, in lieu of making a secured loan, under this subsection if the Board determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(B) TERMS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the terms of a guaranteed loan shall be consistent with the terms for a secured loan under this subsection.

''(ii) INTEREST RATE; PREPAYMENT.—The interest rate on the guaranteed loan and any prepayment features shall be established by negotiations between the obligor and the lender, with the consent of the Board.

''(g) PRODUCTION INCENTIVE PAYMENTS.—

''(1) SECURED LOAN.—

''(A) IN GENERAL.—The Secretary may enter into an agreement with 1 or more obligors to make a secured loan for an eligible project selected under subsection (c)(4) that employs 1 or more advanced climate technologies or systems.

''(B) PRODUCTION INCENTIVE PAYMENTS.—

''(i) IN GENERAL.—Amounts loaned to an obligor under subparagraph (A) shall be made available in the form of a series of production incentive payments provided by the Board to the obligor during a period of not more than 10 years, as determined by the Board, beginning after the date on which commercial project operations start at the eligible project.

''(ii) AMOUNT.—Production incentive payments under clause (i) shall be for an amount equal to 25 percent of the value of—

''(I) the energy produced or transmitted by the eligible project during the applicable year; or

''(II) any gains in energy efficiency achieved by the eligible project during the applicable year.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this subsection shall be subject to such terms and conditions, including any covenant, representation, warranty, and requirement (including a requirement for an audit) that the Secretary determines to be appropriate.

''(B) AGREEMENT COSTS.—Subject to subsection (c)(4), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Secretary.

''(C) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Secretary.

''(ii) MINIMUM RATE.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date on which the agreement under paragraph (1)(A) is executed.

''(D) SECURITY.—The secured loan—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

''(E) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under the agreement entered into under paragraph (1)(A).

''(ii) ASSIGNMENT.—An obligor may assign production incentive payments to 1 or more lenders or to a trustee on behalf of the lenders.

''(F) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(G) NONRECOURSE STATUS.—A secured loan under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(H) FEES.—The Secretary may impose fees at a level sufficient to cover all or part of the costs to the Federal Government of providing production incentive payments under this subsection.

''(3) REPAYMENT.—

''(A) SCHEDULE, TERMS, AND CONDITIONS.—The Secretary shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from revenues of the eligible project.

''(B) REPAYMENT SCHEDULE.—Scheduled repayments of principal or interest on a secured loan under this subsection shall—

''(i) commence not later than 5 years after the date on which the last production incentive payment is made by the Board under paragraph (1)(B); and

''(ii) be completed, with interest, not later than 10 years after the date on which the last production incentive payment is made.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection include—

''(i) the sale of electricity or generating capacity,

''(ii) the sale or transmission of energy;

''(iii) revenues associated with energy efficiency gains; or

''(iv) other dedicated revenue sources.

''(D) DEFERRED PAYMENTS.—

''(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date on which commercial operations of the eligible project start, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(ii) INTEREST.—Any payment deferred under clause (i) shall—

''(I) continue to accrue interest in accordance with paragraph (2)(C) until fully repaid; and

''(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

''(E) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the eligible project obligations and the secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing eligible project obligations, may be applied annually to prepay loans pursuant to an agreement entered into under paragraph (1)(A) without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(4) SALE OF SECURED LOANS.—

''(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after the date on which the last production incentive payment is made to the obligor under paragraph (1)(B) and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the eligible project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(B) CONSENT REQUIRED.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(h) OTHER CREDIT-BASED FINANCIAL ASSISTANCE MECHANISMS FOR ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—

''(A) AGREEMENTS.—The Board may enter into an agreement with 1 or more obligors to make a secured loan to the obligors for eligible projects selected under subsection (c) that employ advanced technologies or systems, the proceeds of which shall be used to—

''(i) finance eligible project costs; or

''(ii) enhance eligible project revenues.

''(B) CREDIT-BASED FINANCIAL ASSISTANCE.—Amounts made available as a secured loan under subparagraph (A) shall be provided by the Board to the obligor in the form of credit-based financial assistance mechanisms that are not otherwise specifically provided for in subsections (d) through (g), as determined to be appropriate by the Secretary.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this subsection shall be subject to such terms and conditions (including any covenants, representations, warranties, and requirements (including a requirement for an audit)) as the Secretary determines to be appropriate.

''(B) MAXIMUM AMOUNT.—Subject to subsection (c)(5), the total amount of the secured loan under this subsection shall not exceed 50 percent of the reasonably anticipated eligible project costs.

''(C) PERIOD OF AVAILABILITY.—The Board may enter into a contract with the obligor to provide credit-based financial assistance to an eligible project during the period—

''(i) beginning on the date that the financial structure of the eligible project is established; and

''(ii) ending on the date of the start of construction of the eligible project.

''(D) AGREEMENT COSTS.—Subject to subsection (c)(4)(E), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Board.

''(E) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Board.

''(ii) MINIMUM RATE.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the secured loan agreement.

''(F) SECURITY.—The secured loan—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

''(G) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

''(ii) ASSIGNMENT.—An obligor may assign payments made pursuant to an agreement to provide credit-based financial assistance under this subsection to 1 or more lenders or to a trustee on behalf of the lenders.

''(H) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(I) NONRECOURSE STATUS.—A secured loan under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(J) FEES.—The Board may establish fees at a level sufficient to cover all or part of the costs to the Federal Government of providing credit-based financial assistance under this subsection.

''(3) REPAYMENT.—

''(A) SCHEDULE AND TERMS AND CONDITIONS.—The Board shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from eligible project revenues.

''(B) REPAYMENT SCHEDULE.—Scheduled loan repayments of principal or interest on a secured loan under this subsection shall—

''(i) commence not later than 5 years after the date of substantial completion of the eligible project; and

''(ii) be completed, with interest, not later than 35 years after the date of substantial completion of the eligible project.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

''(i) the sale of electricity or generating capacity;

''(ii) the sale or transmission of energy;

''(iii) revenues associated with energy efficiency gains; or

''(iv) other dedicated revenue sources, such as carbon sequestration.

''(D) DEFERRED PAYMENTS.—

''(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date of the start of commercial operations of the eligible project, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(ii) INTEREST.—Any payment deferred under clause (i) shall—

''(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

''(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

''(E) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the eligible project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing eligible project obligations, may be applied annually to prepay a secured loan under this subsection without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—A secured loan under this subsection may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(4) SALE OF SECURED LOANS.—

''(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after the start of commercial operations of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project under this subsection if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(i) FEDERAL, STATE, AND LOCAL REGULATORY REQUIREMENTS.—The provision of Federal financial assistance to an eligible project under this section shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required Federal, State, or local regulatory requirement, permit, or approval with respect to the eligible project;

''(2) limit the right of any unit of Federal, State, or local government to approve or regulate any rate of return on private equity invested in the eligible project; or

''(3) otherwise supersede any Federal, State, or local law (including any regulation) applicable to the construction or operation of the eligible project.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010, to remain available until expended.''.

Subtitle B—Climate Change Technology Deployment in Developing Countries

SEC. 1511. CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

The Global Environmental Protection Assistance Act of 1989 (Public Law 101–240; 103 Stat. 2521) is amending by adding at the end the following:

''PART C—TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

''SEC. 731. DEFINITIONS.

''In this part:

''(1) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

''(3) GREENHOUSE GAS INTENSITY.—The term 'greenhouse gas intensity' means the ratio of greenhouse gas emissions to economic output.

''SEC. 732. REDUCTION OF GREENHOUSE GAS INTENSITY.

''(a) LEAD AGENCY.—

''(1) IN GENERAL.—The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

''(2) REPORTS.—

''(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this part, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress an initial report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the greenhouse gas emitters, including for each country—

''(i) an estimate of the quantity and types of energy used;

''(ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;

''(iii) a description the progress of any significant projects undertaken to reduce greenhouse gas intensity;

''(iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;

''(v) a description of any obstacles to the reduction of greenhouse gas intensity; and

''(vi) a description of the best practices learned by the Agency for International Development from conducting previous pilot and demonstration projects to reduce greenhouse gas intensity.

''(B) UPDATE.—Not later than 18 months after the date on which the initial report is submitted under subparagraph (A), the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress, based on the best information available to the Secretary, an update of the information provided in the initial report.

''(C) USE.—

''(i) INITIAL REPORT.—The Secretary of State shall use the initial report submitted under subparagraph (A) to establish baselines for the developing countries identified in the report with respect to the information provided under clauses (i) and (ii) of that subparagraph.

''(ii) ANNUAL REPORTS.—The Secretary of State shall use the annual reports prepared under subparagraph (B) and any other information available to the Secretary to track the progress of the developing countries with respect to reducing greenhouse gas intensity.

''(b) PROJECTS.—The Secretary of State, in coordination with Administrator of the United States Agency for International Development, shall (directly or through agreements with the World Bank, the International Monetary Fund, the Overseas Private Investment Corporation, and other development institutions) provide assistance

to developing countries specifically for projects to reduce greenhouse gas intensity, including projects to—

''(1) leverage, through bilateral agreements, funds for reduction of greenhouse gas intensity;

''(2) increase private investment in projects and activities to reduce greenhouse gas intensity; and

''(3) expedite the deployment of technology to reduce greenhouse gas intensity.

''(c) FOCUS.—In providing assistance under subsection (b), the Secretary of State shall focus on—

''(1) promoting the rule of law, property rights, contract protection, and economic freedom; and

''(2) increasing capacity, infrastructure, and training.

''(d) PRIORITY.—In providing assistance under subsection (b), the Secretary of State shall give priority to projects in the 25 developing countries identified in the report submitted under subsection (a)(2)(A).

''SEC. 733. TECHNOLOGY INVENTORY FOR DEVELOPING COUNTRIES.

''(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy and the Secretary of Commerce, shall conduct an inventory of greenhouse gas intensity reducing technologies that are developed, or under development in the United States, to identify technologies that are suitable for transfer to, deployment in, and commercialization in the developing countries identified in the report submitted under section 732(a)(2)(A).

''(b) REPORT.—Not later than 180 days after the completion of the inventory under subsection (a), the Secretary of State and the Secretary of Energy shall jointly submit to Congress a report that—

''(1) includes the results of the completed inventory;

''(2) identifies obstacles to the transfer, deployment, and commercialization of the inventoried technologies;

''(3) includes results from previous Federal reports related to the inventoried technologies; and

''(4) includes an analysis of market forces related to the inventoried technologies.

''SEC. 734. TRADE-RELATED BARRIERS TO EXPORT OF GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGIES.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the United States Trade Representative shall (as appropriate and consistent with applicable bilateral, regional, and mutual trade agreements)—

''(1) identify trade-relations barriers maintained by foreign countries to the export of greenhouse gas intensity reducing technologies and practices from the United States to the developing countries identified in the report submitted under section 732(a)(2)(A); and

''(2) negotiate with foreign countries for the removal of those barriers.

''(b) ANNUAL REPORT.—Not later than 1 year after the date on which a report is submitted under subsection (a)(1) and annually thereafter, the United States Trade Representative shall submit to Congress a report that describes any progress made with respect to removing the barriers identified by the United States Trade Representative under subsection (a)(1).

''SEC. 735. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY EXPORT INITIATIVE.

''(a) IN GENERAL.—There is established an interagency working group to carry out a Greenhouse Gas Intensity Reducing Technology Export Initiative to—

''(1) promote the export of greenhouse gas intensity reducing technologies and practices from the United States;

''(2) identify developing countries that should be designated as priority countries for the purpose of exporting greenhouse gas intensity reducing technologies and practices, based on the report submitted under section 732(a)(2)(A);

''(3) identify potential barriers to adoption of exported greenhouse gas intensity reducing technologies and practices based on the reports submitted under section 734; and

''(4) identify previous efforts to export energy technologies to learn best practices.

''(b) COMPOSITION.—The working group shall be composed of—

''(1) the Secretary of State, who shall act as the head of the working group;

''(2) the Administrator of the United States Agency for International Development;

''(3) the United States Trade Representative;

''(4) a designee of the Secretary of Energy; and

''(5) a designee of the Secretary of Commerce.

''(c) PERFORMANCE REVIEWS AND REPORTS.—Not later than 180 days after the date of enactment of this part and each year thereafter, the interagency working group shall—

''(1) conduct a performance review of actions taken and results achieved by the Federal Government (including each of the agencies represented on the interagency working group) to promote the export of greenhouse gas intensity reducing technologies and practices from the United States; and

''(2) submit to the appropriate authorizing and appropriating committees of Congress a report that describes the results of the performance reviews and evaluates progress in promoting the export of greenhouse gas intensity reducing technologies and practices from the United States, including any recommendations for increasing the export of the technologies and practices.

''SEC. 736. TECHNOLOGY DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall promote the adoption of technologies and practices that reduce greenhouse gas intensity in developing countries in accordance with this section.

''(b) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretaries and the Administrator shall plan, coordinate, and carry out, or provide assistance for the planning, coordination, or carrying out of, demonstration projects under this section in at least 10 eligible countries, as determined by the Secretaries and the Administrator.

''(2) ELIGIBILITY.—A country shall be eligible for assistance under this subsection if the Secretaries and the Administrator determine that the country has demonstrated a commitment to—

''(A) just governance, including—

''(i) promoting the rule of law;

''(ii) respecting human and civil rights;

''(iii) protecting private property rights; and

''(iv) combating corruption; and

''(B) economic freedom, including economic policies that—

''(i) encourage citizens and firms to participate in global trade and international capital markets;

''(ii) promote private sector growth and the sustainable management of natural resources; and

''(iii) strengthen market forces in the economy.

''(3) SELECTION.—In determining which eligible countries to provide assistance to under paragraph (1), the Secretaries and the Administrator shall consider—

''(A) the opportunity to reduce greenhouse gas intensity in the eligible country; and

''(B) the opportunity to generate economic growth in the eligible country.

''(4) TYPES OF PROJECTS.—Demonstration projects under this section may include—

''(A) coal gasification, coal liquefaction, and clean coal projects;

''(B) carbon sequestration projects;

''(C) cogeneration technology initiatives;

''(D) renewable projects; and

''(E) lower emission transportation.

''SEC. 737. FELLOWSHIP AND EXCHANGE PROGRAMS.

''The Secretary of State, in coordination with the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall carry out fellowship and exchange programs under which officials from developing countries visit the United States to acquire expertise and knowledge of best practices to reduce greenhouse gas intensity in their countries.

''SEC. 738. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this part (other than section 736).

''SEC. 739. EFFECTIVE DATE.

''Except as otherwise provided in this part, this part takes effect on October 1, 2005.''.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources;

(ii) by—

(I) incorporating new technologies to implement effective green building solutions;

(II) adopting computer-based building management systems; and

(III) recommending strategies based on end-user behavioral changes to implement low-cost environmental gains; and

(iii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 819. Mr. TALENT (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 420, strike lines 5 through 16 and insert the following:

SEC. 702. FUEL USE CREDITS.

(a) IN GENERAL.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

"SEC. 312. FUEL USE CREDITS.

''(a) DEFINITIONS.—In this section:

''(1) BIODIESEL.—The term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(2) QUALIFYING VOLUME.—The term 'qualifying volume' means—

''(A) in the case of biodiesel, when used as a component of fuel containing at least 20 percent biodiesel by volume—

''(i) 450 gallons; or

''(ii) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of the average annual alternative fuel use; and

''(B) in the case of an alternative fuel, the amount of the fuel determined by the Secretary to have an equivalent energy content to the amount of biodiesel defined as a qualifying volume under subparagraph (A).

''(b) ALLOCATION.—

''(1) IN GENERAL.—The Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of alternative fuel or biodiesel purchased for use in a vehicle operated by the fleet.

''(2) LIMITATION.—The Secretary may not allocate a credit under this section for the purchase of an alternative fuel or biodiesel that is required by Federal or State law.

''(3) DOCUMENTATION.—A fleet or covered person seeking a credit under paragraph (1) shall provide written documentation to the Secretary supporting the allocation of the credit to the fleet or covered person.

''(c) USE.—At the request of a fleet or covered person allocated a credit under subsection (b), the Secretary shall, for the year in which the purchase of a qualifying volume is made, consider the purchase to be the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title, title IV, or title V.

''(d) TREATMENT.—A credit provided to a fleet or covered person under this section shall be considered to be a credit under section 508.

''(e) ISSUANCE OF RULE.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Secretary shall issue a rule establishing procedures for the implementation of this section.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 is amended by striking the item relating to section 312 and inserting the following:

''Sec. 312. Fuel use credits.''.

SA 820. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. INHOFE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. AMORTIZATION OF DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 167 (relating to depreciation) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) AMORTIZATION OF DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Any delay rental payment paid or incurred in connection with the development of oil or gas wells within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such payment was paid or incurred.

''(2) HALF-YEAR CONVENTION.—For purposes of paragraph (1), any payment paid or incurred during the taxable year shall be treated as paid or incurred on the mid-point of such taxable year.

''(3) EXCLUSIVE METHOD.—Except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such payments.

''(4) TREATMENT UPON ABANDONMENT.—If any property to which a delay rental payment relates is retired or abandoned during the 24-month period described in paragraph (1), no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.

''(5) DELAY RENTAL PAYMENTS.—For purposes of this subsection, the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well under an oil or gas lease.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. ___. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 167 (relating to depreciation), as amended by this Act, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—

''(1) IN GENERAL.—Any geological and geophysical expenses paid or incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such expense was paid or incurred.

''(2) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraphs (2), (3), and (4) of subsection (h) shall apply.''.

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''167(h), 167(i),'' after ''under section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. ___. INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT AGAINST ESTATE TAX; REDUCTION IN ESTATE TAX RATE TO CAPITAL GAINS RATE.

(a) INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount. For purposes of the preceding sentence, the applicable exclusion amount is $10,000,000.

''(2) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(b) ESTATE TAX FLAT RATE EQUAL TO CAPITAL GAINS RATE.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended to read as follows:

''(c) RATE OF TENTATIVE TAX.—In the case of estates of decedents dying, and gifts made, in any calendar year after 2009, the rate of the tentative tax is the rate specified in section 1(h)(1)(C) for such year.''.

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

(d) MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(2) SUNSET NOT TO APPLY.—

(A) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and all that follows and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.''.

(B) Subsection (b) of such section 901 is amended by striking '', estates, gifts, and transfers''.

(3) CONFORMING AMENDMENT.—Subsection (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendment made by such subsection, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendment had never been enacted.

SA 822. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our

future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 14___. FUEL EFFICIENT ENGINE TECHNOLOGY FOR AIRCRAFT.

(a) IN GENERAL.—The Secretary and the Administrator of the National Aeronautics and Space Administration shall enter into a cooperative agreement to carry out a multi-year engine development program to advance technologies to enable more fuel efficient, turbine-based propulsion and power systems for aeronautical and industrial applications.

(b) PERFORMANCE OBJECTIVE.—The fuel efficiency performance objective for the program shall be to achieve a fuel efficiency improvement of more than 10 percent by exploring—

(1) advanced concepts, alternate propulsion, and power configurations, including hybrid fuel cell powered systems; and

(2) the use of alternate fuel in conventional or nonconventional turbine-based systems.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources; and

(ii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 556, between lines 9 and 10, insert the following new section:

SEC. 972. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for each of fiscal years 2006 through 2008, to remain available until expended, $10,000,000 to carry out the research program required under this section.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 208, after line 24, insert the following:

SEC. 303. SMALL BUSINESS AND AGRICULTURAL PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4)(A) In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

''(iii) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

''(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(E) For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting '', significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene'' after ''civil disorders''; and

(B) by inserting ''other'' before ''economic''.

(b) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking ''operations have'' and inserting ''operations (i) have''; and

(ii) by inserting before '': *Provided,*'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of

the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary'';

(B) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(C) in the fourth sentence—

(i) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(ii) by inserting ''or declaration'' after ''emergency designation''.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(c) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out this section and the amendments made by this section, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iii)(II)), as added by this section.

(d) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (c)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (c)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(e) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (a) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

SA 826. Mr. McCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION —CLIMATE STEWARDSHIP AND INNOVATION

SEC. ———01. SHORT TITLE.

This division may be cited as the ''Climate Stewardship and Innovation Act of 2005''.

SEC. ———02. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. ———01. Short title.
Sec. ———02. Table of contents.
Sec. ———03. Definitions.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

Sec. —0101. National Science Foundation fellowships.
Sec. —0102. Report on United States impact of Kyoto protocol.
Sec. —0103. Research grants.
Sec. —0104. Abrupt climate change research.
Sec. —0105. Impact on low-income populations research.
Sec. —0106. NIST greenhouse gas functions.
Sec. —0107. Development of new measurement technologies.
Sec. —0108. Enhanced environmental measurements and standards.
Sec. —0109. Technology development and diffusion.
Sec. —0110. Agricultural outreach program.

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

Sec. —0201. National greenhouse gas database and registry established.
Sec. —0202. Inventory of greenhouse gas emissions for covered entities.
Sec. —0203. Greenhouse gas reduction reporting.
Sec. —0204. Measurement and verification.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

Sec. —0301. Covered entities must submit allowances for emissions.
Sec. —0302. Compliance.
Sec. —0303. Borrowing against future reductions.
Sec. —0304. Other uses of tradeable allowances.
Sec. —0305. Exemption of source categories.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

Sec. —0331. Establishment of tradeable allowances.
Sec. —0332. Determination of tradeable allowance allocations.
Sec. —0333. Allocation of tradeable allowances.
Sec. —0334. Ensuring target adequacy.
Sec. —0335. Initial allocations for early participation and accelerated participation.
Sec. —0336. Bonus for accelerated participation.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

Sec. —0351. Establishment.
Sec. —0352. Purposes and functions.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

Sec. —0371. Sequestration accounting.
Sec. —0372. Penalties.

TITLE IV—INNOVATION AND COMPETITIVENESS

Sec. —0401. Findings.

SUBTITLE A—INNOVATION INFRASTRUCTURE

Sec. —0421. The Innovation Administration.
Sec. —0422. Technology transfer opportunities.
Sec. —0423. Government-sponsored technology investment program.
Sec. —0424. Federal technology innovation personnel incentives.
Sec. —0425. Interdisciplinary research and commercialization.
Sec. —0426. Climate innovation partnerships.
Sec. —0427. National medal of climate stewardship innovation.
Sec. —0428. Math and science teachers' enhancement program.
Sec. —0429. Patent study.
Sec. —0430. Lessons-learned program.

SUBTITLE B—SPECIFIC PROGRAM INITIATIVES

Sec. —0451. Transportation.
Sec. —0452. Agricultural sequestration.
Sec. —0453. Geological storage of sequestered greenhouse gases.
Sec. —0454. Energy efficiency audits.
Sec. —0455. Adaptation technologies.
Sec. —0456. Advanced research and development for safety and nonproliferation.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

Sec. —0471. Government-industry partnerships for first-of-a-kind engineering design.
Sec. —0472. Demonstration programs.

PART II—FINANCING

Sec. —0481. Climate Technology Financing Board.
Sec. —0482. Responsibilities of the Secretary.
Sec. —0483. Limitations.
Sec. —0484. Source of funding for programs.

PART III—DEFINITIONS

Sec. —0486. Definitions.

SUBTITLE D—REVERSE AUCTION FOR TECHNOLOGY DISSEMINATION

Sec. —0491. Climate technology challenge program.

SEC. ———03. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term ''baseline'' means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section —0201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) CARBON DIOXIDE EQUIVALENTS.—The term ''carbon dioxide equivalents'' means, for each greenhouse gas, the amount of each such greenhouse gas that makes the same contribution to global warming as one metric ton of carbon dioxide, as determined by the Administrator.

(4) COVERED SECTORS.—The term ''covered sectors'' means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(5) COVERED ENTITY.—The term ''covered entity'' means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from any single facility owned by the entity, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(6) DATABASE.—The term ''database'' means the national greenhouse gas database established under section —0201.

(7) DIRECT EMISSIONS.—The term ''direct emissions'' means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(8) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(9) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT EMISSIONS.—The term ''indirect emissions'' means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(11) INVENTORY.—The term ''Inventory'' means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5).

(12) LEAKAGE.—The term ''leakage'' means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(13) PERMANENCE.—The term ''permanence'' means the extent to which greenhouse gases that are sequestered will not later be returned to the atmosphere.

(14) REGISTRY.—The term ''registry'' means the registry of greenhouse gas emission reductions established under section —0201(b)(2).

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(16) SEQUESTRATION.—

(A) IN GENERAL.—The term ''sequestration'' means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term ''sequestration'' includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term ''sequestration'' does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term ''source category'' means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term ''stationary source'' means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 103. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH GRANTS.—

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING THROUGH NSF.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2005 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. 104. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2005 $60,000,000 to carry out this section, such sum to remain available until expended.

SEC. 105. IMPACT ON LOW-INCOME POPULATIONS RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct research on the impact of climate change on low-income populations everywhere in the world. The research shall—

(1) include an assessment of the adverse impact of climate change on developing countries and on low-income populations in the United States;

(2) identify appropriate climate change adaptation measures and programs for developing countries and low-income populations and assess the impact of those measures and programs on low-income populations;

(3) identify appropriate climate change mitigation strategies and programs for developing countries and low-income populations and assess the impact of those strategies and programs on developing countries and on low-income populations in the United States; and

(4) include an estimate of the costs of developing and implementing those climate change adaptation and mitigation programs.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report on the research conducted under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 to carry out the research required by subsection (a).

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

''(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will facilitate activities that reduce emissions of greenhouse gases or increase sequestration of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section —0204, the Secretary shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate or reliable measurement technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

''SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

''(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section ———03(8) of the Climate Stewardship and Innovation Act of 2005) and of facilitating implementation of section —0204 of that Act.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

''(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

''(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

''(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

''(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

''(c) NATIONAL MEASUREMENT LABORATORIES.—

''(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

''(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

''(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

''(B) developing chemical processes to be used by industry that, compared to similar processes in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

''(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

''(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

''(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.''.

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to promote the use, by the more than 380,000 small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

SEC. 110. AGRICULTURAL OUTREACH PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Global Change Program Office and in consultation with the heads of other appropriate departments and agencies, shall establish the Climate Change Education and Outreach Initiative Program to educate, and reach out to, agricultural organizations and individual farmers on global climate change.

(b) PROGRAM COMPONENTS.—The program—

(1) shall be designed to ensure that agricultural organizations and individual farmers receive detailed information about—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts;

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) shall provide—

(A) outreach materials to interested parties;

(B) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change or coordination with existing centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and nongovernmental organizations, shall establish, operate, and maintain a database, to be known as the ''National Greenhouse Gas Database'', to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions registered under section —0204;

(B) for the provision of unique serial numbers to identify the registered emission reductions made by an entity relative to the baseline of the entity;

(C) for the tracking of the registered reductions associated with the serial numbers; and

(D) for such action as may be necessary to prevent counterfeiting of the registered reductions.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, except those reported under paragraph (3);

(2) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section —0301(b);

(3) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section —0301(d); and

(4) such other categories of emissions as the Administrator determines in the regulations promulgated under section —0201(c)(1) may be practicable and useful for the purposes of this division, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the each calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents;

(B) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section —0301(b);

(C) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section —0301(d); and

(D) such other categories of emissions as the Administrator determines in the regulations promulgated under section —0201(c)(1) may be practicable and useful for the purposes of this division, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry and for other purposes; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section —0201(c)(1) and that relates to—

(i) any activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration by the entity that were carried out during or after 1990 and before the establishment of the database, verified in accordance with regulations promulgated under section —0201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration by the entity.

(3) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section —0204, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section —0301.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section —0203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) EXCEPTION.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security or discloses confidential business information that can not be derived from information that is otherwise publicly available and that would cause competitive harm if published.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section —0201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(B) the greenhouse gas reduction and sequestration measurement and estimation methods and standards applied in other countries, as applicable or relevant;

(C) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(D) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases;

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the period in the trading of greenhouse gas emission allowances.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards established under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this division by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of monitoring, measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—

(1) SUBMISSION OF ALLOWANCES.—Except as provided in paragraph (2), beginning with calendar year 2010—

(A) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in subparagraph (B);

(B) each producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents; that it produces or imports and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(C) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, as determined by the Administrator under subsection (b), when used for transportation.

(2) TENNESSEE VALLEY AUTHORITY.—Paragraph (1) shall apply to the Tennessee Valley Authority beginning with calendar year 2016.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalents, that will be emitted when petroleum products are used for transportation.

(c) EXCEPTION FOR CERTAIN DEPOSITED EMISSIONS.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a facility under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section —0204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

(d) DETERMINATION OF HYDROFLUROCARBON, PERFLUOROCARBON, AND SULFUR HEXAFLUORIDE AMOUNT.—The Administrator shall determine the amounts of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents, that will be deemed to be emitted for purposes of this division.

SEC. 302. COMPLIANCE.

(a) IN GENERAL.—

(1) SOURCE OF TRADEABLE ALLOWANCES USED.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section —0351.

(2) VERIFICATION BY ADMINISTRATOR.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account the tradeable allowances submitted by the covered entity to the Administrator; and

(B) retire the serial number assigned to each such tradeable allowance.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary determines that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section —0372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section —0303.

(c) DEDICATED PROGRAM FOR SEQUESTRATION IN AGRICULTURAL SOILS.—If a covered entity chooses to satisfy 15 percent of its total allowance submission requirements under the provisions of subsection (b), it shall satisfy at least 01.5 percent of its total allowance submission requirement by submitting registered net increases in sequestration in agricultural soils, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section —0371.

SEC. 303. BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this division for the current calendar year, subject to the limitation imposed by section —0302(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered entity within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) CARRYING COST.—If a covered entity uses a credit under this section to meet the requirements of this division for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this division for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section —0301.

(c) CLIMATE CHANGE CREDIT CORPORATION.—The Climate Change Credit Corporation established under section —0351 may sell tradeable allowances allocated to it under section —0332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section —0352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Notwithstanding the requirements of section —0301, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section —0301, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this division to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section —0331(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to—

(1) 5896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—

(1) IN GENERAL.—In this section the term ''non-covered entity'' means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section —0351.

(b) ALLOCATION FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers;

(6) the degree to which the amount of allocations to the covered sectors should decrease over time; and

(7) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—Before allocating or providing tradeable allowances under subsection (a) and within 24 months after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section —0335, the Administrator shall—

(1) allocate to each covered sector that sector's allotments determined by the Administrator under section —0332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section —0351); and

(2) allocate to the Climate Change Credit Corporation established under section —0351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to covered entities, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for emissions reductions made before 2010 and registered with the database; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride to such producers or importers.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(f) ALLOCATIONS TO RURAL ELECTRIC COOPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative, the Administrator shall allocate each year, at no cost, allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the average emissions growth expected for all such units. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation.

(g) EARLY AUCTION FOR TECHNOLOGY DEPLOYMENT AND DISSEMINATION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy and the Secretary of Commerce, shall allocate tradeable allowances by the Climate Change Credit Corporation for auction before 2010. The Climate Change Credit Corporation shall use the proceeds of the

auction, together with any funds received as reimbursements under subtitle C of title IV of this division, to support the programs established by that subtitle until the secretary of Energy and the Corporation jointly determine that the purposes of those programs have been accomplished. The Corporation shall also use the proceeds of the auction to support the programs established by subtitle D of title IV of this division until 2010.

(2) DETERMINATION OF ALLOCATION.—In determining the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation under this subsection, the Administrator shall consider—

(A) the expected market value of tradeable allowances for auction;

(B) the annual funding required for the programs established by subtitle C of title IV;

(C) the repayment provisions of those programs; and

(D) the allocation factors in section —0332(b).

(3) LIMITATION.—In allocating tradeable allowances under paragraph (1) the Administrator shall take into account the purposes of section —0331 and the impact, if any, the allocation under paragraph (1) may have on achieving those purposes.

(h) ALLOCATION TO COVERED ENTITIES IN STATES ADOPTING MANDATORY GREENHOUSE GAS EMISSIONS REDUCTION PROGRAMS.—For a covered entity operating in any State that has adopted a legally binding and enforceable program to achieve and maintain reductions that are consistent with, or more stringent than, reductions mandated by this Act, and which requirements are effective prior to 2010, the Administrator shall consider such binding state actions in making the final determination of allocation to such covered entities.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section —0331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section —0331(a)(1), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

(a) Before making any allocations under section —0333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section —0201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section —0336, such tradeable allowances as the Administrator has determined to be appropriate under that section.

(b) Any covered entity that is subject to a State mandatory greenhouse gas emissions reduction program that meets the requirements of subsection (h) of section —0333 shall be eligible for the allocation of allowances under this section and section —0336 if the requirements of the State mandatory greenhouse gas emission reduction program are consistent with, or more stringent than, the emission targets established by this Act.

SEC. 336. BONUS FOR ACCELERATED PARTICIPATION.

(a) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section —0334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entity to satisfy 20 percent of its requirements under section —0301 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emissions under the conditions described in section —0312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section —0201, and as adjusted by the appropriate sequestration discount rate established under section —0371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section —0301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section —0333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this division. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) ADAPTATION AND MITIGATION ASSISTANCE FOR LOW-INCOME PERSONS AND COMMUNITIES.—The Corporation shall allocate at least 10 percent of the proceeds derived from its trading activities to funding climate change adaptation and mitigation programs to assist low-income populations identified in the report submitted under section —0105(b) as having particular needs in addressing the impact of climate change.

(5) ADAPTATION ASSISTANCE FOR FISH AND WILDLIFE HABITAT.—The Corporation shall fund efforts to strengthen and restore habitat that improves the ability of fish and wildlife to adapt successfully to climate change. The Corporation shall deposit the proceeds from no less than 10 percent of the total allowances allocated to it in the wildlife restoration fund subaccount known as the Wildlife Conservation and Restoration Account established under section 3 of the

Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b). Amounts deposited in the subaccount under this paragraph shall be available without further appropriation for obligation and expenditure under that Act.

(6) TECHNOLOGY DEPLOYMENT PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide support for the deployment of technology to assist in compliance with this Act by distributing the proceeds from no less than 50 percent of the total allowances allocated in support of the program established under section —0491.

(c) APPROPRIATIONS.—Notwithstanding any other provision of this Act, no funds may be obligated or expended by the Corporation except as provided by appropriations Acts.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section —0301 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section —0204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calender year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section —0301 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

TITLE IV—INNOVATION AND COMPETITIVENESS

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Innovation, the process that ultimately provides new and improved products, manufacturing processes, and services, is the basis for technological progress. This technological advancement is a key element of sustained economic growth.

(2) The innovation economy is fundamentally different from the industrial or even the information economy. It requires a new vision and new approaches.

(3) Changing innovation processes and the evolution of the relative contribution made by the private and public sectors have emphasized the need for strong industry-science linkages.

(4) Patent regimes play an increasingly complex role in encouraging innovation, disseminating scientific and technical knowledge, and enhancing market entry and firm creation.

(5) Increasing participation and maintaining quality standards in tertiary education in science and technology are imperative to meet growing demand for workers with scientific and technological knowledge and skills.

(6) Research, innovation, and human capital are our principal strengths. By sustaining United States investments in research and finding collaborative arrangements to leverage existing resources and funds in a scarce budget environment, we ensure that America remains at the forefront of scientific and technological capability.

(7) Technology transfer of publicly funded research is a critical mechanism for optimizing the return on taxpayer investment, particularly where other benefits are not measurable at all or are very long-term.

(8) Identifying metrics to quantify program effectiveness is of increasing importance because the entire innovation process is continuing to evolve in an arena of increasing global competition. Metrics need to take into account a wide range of steps in a highly complex process, as well as the ultimate product or service, but should not constrain the continued evolution or development of new technology transfer approaches.

(9) The United States lacks a national innovation strategy and agenda, including an aggressive public policy strategy that energizes the environment for national innovation, and no Federal agency is responsible for developing national innovation policy.

SUBTITLE A—INNOVATION INFRASTRUCTURE

SEC. 421. THE INNOVATION ADMINISTRATION.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1990 (15 U.S.C. 3704) is amended—

(1) by striking ''a Technology'' in subsection (a) and inserting ''an Innovation'';

(2) by striking ''The Technology'' in subsection (a) and inserting ''The Innovation'';

(3) by striking ''of Technology'' in subsection (a)(3) and inserting ''of Innovation'';

(4) by striking ''Technology'' each place it appears in subsection (b) and in subsection (c)(1) and inserting ''Innovation'';

(5) by inserting ''(1) IN GENERAL.—'' before ''The Secretary'' in subsection (c) and redesignating paragraphs (1) through (15) as subparagraphs (A) through (O); and

(6) by adding at the end of subsection (c) the following:

''(2) SPECIFIC INNOVATION-RELATED DUTIES.—

''(A) IN GENERAL.—The Secretary, through the Under Secretary, shall—

''(i) provide advice to the President with respect to the policies and conduct of the Innovation Administration, including ways to improve research and development concerning climate change innovation and the methods of collecting and disseminating findings of such research;

''(ii) provide advice to the President and the Congress on the development of climate change innovation research programs;

''(iii) develop and monitor metrics to be used by the Federal government in managing the innovation process;

''(iv) develop and establish government wide climate change innovation policy and strategic plans, consistent with the strategic plans of the United States Climate Change Science Program and the United States Climate Technology Challenge Program, including an implementation plan, developed in consultation with the Secretary of Energy and the Climate Change Credit Corporation, for the Climate Technology Challenge Program under section —0491, addressing technology priorities, total funding, opportunities for Federal procurement, and other issues;

''(v) review and evaluate on a continuing basis—

''(I) technologies available for transfer and deployment to the commercial sector;

''(II) all statutes and regulations pertaining to Federal programs which assist in the transfer and deployment of technologies, both domestically and internationally; and

''(III) new and emerging innovation policy issues affecting the deployment of new technologies, including identification of barriers to commercialization and recommendations for removal of those barriers;

''(vi) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subsection (b);

''(vii) gather information about the implementation, effectiveness, and impact of the deployed climate change related technologies based on metrics developed under clause (iii);

''(viii) make recommendations to the President and the Congress and other officials of Federal agencies or other Federal entities, regarding ways to better promote the policies developed under paragraph (1)(B);

''(ix) provide advice, recommendations, legislative proposals to the Congress on a continuing basis, and any additional information the Agency or the Congress deems appropriate;

''(x) make recommendations to the President, the Congress, and Federal agencies or entities regarding policy on Federal purchasing behavior that would provide incentives to industry to bring new products to market faster;

''(xi) conduct economic analysis in support of climate change technology development and deployment;

''(xii) work with academia to develop education programs to support the multi-disciplinary nature of innovation;

''(xiii) establish partnerships with industry to determine the needs for the future workforce to support deployed technologies;

''(xiv) assist in the search for partners to establish public-private partnerships, and in searching for capital funds from the investment community for new businesses in the climate change technology sector; and

''(xv) identify opportunities to promote cooperation on research, development, and commercialization with other countries and make recommendations, based on the opportunities so identified to the Secretary of State.

''(B) ANNUAL REPORT.—

''(i) IN GENERAL.—The Administrator shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'Climate Change Innovation: A Progress Report' within 6 months after the date of enactment of the Climate Stewardship and Innovation Act of 2005 and annually thereafter.

''(ii) CONTENTS.—The report shall assess the status of the Nation in achieving the purposes set forth in subsection (b), with particular focus on the new and emerging issues impacting the deployment of new climate change technologies. The report shall present, as appropriate, available data on research, education, workforce, financing, and market opportunities. The report shall include recommendations for policy change.

''(iii) CONSULTATION REQUIRED.—In determining the findings, conclusions, and recommendations of the report, the Agency shall seek input from industry, academia, and other interested parties.''.

(b) REFERENCES.—Any reference to the Technology Administration in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or pertaining to the Technology Administration or an officer or employee of the Technology Administration, is deemed to refer to the Innovation Administration or an officer or employee of the Innovation Administration, as appropriate.

SEC. 422. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. 423. GOVERNMENT-SPONSORED TECHNOLOGY INVESTMENT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to provide financial support for the development, through private enterprise, of technology that has potential application to climate change adaptation and mitigation.

(b) FINANCIAL SUPPORT.—The Secretary of Commerce may establish a nonprofit government sponsored enterprise for the purpose of providing investment in private sector technologies that show promise for climate change adaptation and mitigation applications.

(c) TERMS; CONDITIONS; TRANSPARENCY.—The Secretary shall report within 30 days after the end of each calendar quarter to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on its operations during that preceding calendar quarter.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the use of the enterprise established under subsection (b) such sums as may be necessary to carry out the purpose of this section.

SEC. 424. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

''(a) IN GENERAL.—The head of a Federal laboratory may authorize the participation by any employee of the laboratory in an activity described in subsection (b) in order to achieve the purposes of this division.

''(b) AUTHORIZED ACTIVITIES.—

''(1) COMMERCIAL DEVELOPMENT PARTICIPATION ARRANGEMENTS.—

''(A) IN GENERAL.—The head of a Federal laboratory may, under the authority provided by section 12(b)(5) of this Act, authorize an employee to participate, as an officer or employee, in the creation of an enterprise established to commercially exploit research work realized in carrying out that employee's responsibilities as an employee of that laboratory for a period of up to 24 months. The authority may be renewed for an additional 12-month period.

''(B) LIMITATIONS.—In addition to the requirements set forth in section 12, an employee may not be authorized under subparagraph (A) to participate in such an enterprise if—

''(i) it would be prejudicial to the normal functioning of the laboratory;

''(ii) by its nature, terms and conditions, or the manner in which the authority would be exercised, participation by that employ would reflect adversely on the functions exercised by that employee as an employee of the laboratory, or risk compromising or calling in question the independence or neutrality of the laboratory; or

''(iii) the interests of the enterprise are of such a nature as to be prejudicial to the mission or integrity of the laboratory or employee.

''(C) RELATIONSHIP TO LABORATORY EMPLOYMENT.—

''(i) REPRESENTATION.—The employee may not represent the employee's official position or the laboratory while participating in the creation of the enterprise.

''(ii) FEDERAL EMPLOYMENT STATUS.—Beginning with the effective date of the authorization under subsection (a), an employee shall be placed in a temporary status without duties or pay and shall cease all duties in connection with the laboratory.

''(iii) RETURN TO SERVICE.—At the end of the authorization period, the employee may be restored to his former position in the laboratory upon termination of any employment or professional relationship with the enterprise.

''(2) SERVICE IN PRIVATE SECTOR ADVISORY CAPACITY.—

''(A) IN GENERAL.—The head of a Federal laboratory may, under the authority provided by section 12(b)(5) of this Act, authorize an employee to serve, as a member of the board of directors of, as a member of an advisory committee to, or in any similar capacity with a corporation, partnership, joint venture, or other business enterprise for a period of not more than 5 years in order to provide advice and counsel on ways to improve the diffusion and use of an invention or other intellectual property of a Federal laboratory.

''(B) QUALIFYING INVESTMENT.—Under the authorization, an employee authorized to serve on the board of directors of a corporation may purchase and hold the number of qualifying shares of stock needed to serve as a member of that board.

''(C) PARTICIPATION IN CERTAIN PROCEEDINGS.—An employee authorized under subparagraph (A) may not participate in any grant evaluation, contract negotiation, or other proceeding in which the corporation, partnership, joint venture, or other business enterprise has an interest during the authorization period.''.

SEC. 425. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. 426. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 427. NATIONAL MEDAL OF CLIMATE STEWARDSHIP INNOVATION.

(a) IN GENERAL.—There is established a National Medal of Climate Stewardship Innovation, which shall be of such design and materials, and bear such inscription, as the President may prescribe. The President shall award the medal on the basis of recommendations submitted by the National Science Foundation and the Secretary of Commerce to individuals who, in the judgment of the President, are deserving of special recognition by reason of their outstanding contributions to knowledge in the field of climate change innovation.

(b) CRITERIA.—The medal shall be awarded in accordance with the following criteria:

(1) ANNUAL LIMIT.—No more than 20 individuals may be awarded the medal in any calendar year.

(2) CITIZENSHIP.—No individual may be awarded the medal unless, at the time the award is made, the individual is—

(A) a citizen or other national of the United States; or

(B) an alien lawfully admitted to the United States for permanent residence who—

(i) has filed a petition for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(ii) is not permanently ineligible to become a citizen of the United States.

(3) POSTHUMOUS AWARD.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the medal may be awarded posthumously to an individual who, at the time of death, met the conditions set forth in paragraph (2).

(B) 5-YEAR LIMITATION.—Notwithstanding subparagraph (A), the medal may not be awarded posthumously to an individual after the fifth anniversary of that individual's death.

(c) INSCRIPTION AND CERTIFICATE.—Each medal shall be suitably inscribed. Each individual awarded the medal shall also receive a citation descriptive of the award.

(d) PRESENTATION.—The presentation of the medal shall be made by the President with such ceremonies as the President deems proper, including attendance by appropriate Members of Congress.

SEC. 428. MATH AND SCIENCE TEACHERS' ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish within the Foundation a climate change science and technology enhancement program for teachers.

(b) PURPOSE.—The purpose of the program is to provide for professional development of mathematics and science teachers at elementary, middle, and secondary schools (as defined by the Director), including improving the education and skills of those teachers with respect to—

(1) teaching strategies;

(2) subject-area expertise; and

(3) the understanding of climate change science and technology and the environmental, economic, and social impacts of climate change on commerce.

(c) PROGRAM AREAS.—In carrying out the program under this section, the Director shall focus on the areas of—

(1) scientific measurements;

(2) tests and standards development;

(3) industrial competitiveness and quality;

(4) manufacturing;

(5) technology transfer; and

(6) any other area of expertise that the Director determines to be appropriate.

(d) APPLICATION PROCEDURE.—The Director shall prescribe procedures and selection criteria for participants in the program.

(e) AWARDS.—The Director shall issue awards under the program to participants. In issuing the awards, the Director shall ensure that the maximum number of participants practicable participate in the program. In order to ensure a maximum level of participation of participants, the program under this section shall be conducted on an annual basis during the summer months, when a majority of elementary, middle, and secondary schools are not in classes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for carrying out this section—

(1) $2,500,000 for fiscal year 2006; and

(2) $2,500,000 for fiscal year 2007.

SEC. 429. PATENT STUDY.

(a) IN GENERAL.—The Director of the Patent and Trademark Office, in consultation with representatives of interested parties in the private sector, shall conduct a study to determine the extent to which changes to the United States patent system are necessary to increase the flow of climate change-related technologies. The study shall address—

(1) the balance between the protection of the inventor and the disclosure of information;

(2) the role of patents in innovation within the covered sectors;

(3) the extent to which patents facilitate increased investments in climate change research and development;

(4) the international deployment of United States developed climate change related technologies on the United States patent system;

(5) ways to leverage databases as innovation tools;

(6) best practices for collaborative standard setting; and

(7) any other issues the Director deems appropriate.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Director shall transmit a report setting forth the findings and conclusions of the study to the Congress.

SEC. 430. LESSONS-LEARNED PROGRAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Energy shall establish a national lessons-learned and best practices program to ensure that lessons learned and best practices concerning energy efficiency and greenhouse gas emission reductions are available to the public. The program shall contain consumer awareness initiatives including product labeling and campaigns to raise public awareness. The Secretary shall determine the process and frequency by which the information is provided.

(b) PROGRAM CONTENT.—The program—

(1) may include experiences realized outside of the Federal government;

(2) shall include criteria by which entries in the program are determined;

(3) shall use a standardized, user-friendly format for data reports; and

(4) may include any other matters the Secretary deems appropriate.

SUBTITLE B—SPECIFIC PROGRAM INITIATIVES

SEC. 451. TRANSPORTATION.

(a) IN GENERAL.—The Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation shall establish jointly a competitive, merit-based research program to fund proposals that—

(1) develop technologies that aid in reducing fuel use or reduce greenhouse gas emissions associated with any fuel;

(2) further develop existing or new technologies to create renewable fuels created from less carbon or energy-intensive practices than current renewable fuel production; or

(3) remove existing barriers for deployment of existing fuels that dramatically reduce greenhouse gas emissions;

(4) support low-carbon transportation fuels, including renewable hydrogen, advanced cellulosic ethanol, and biomass-based diesel substitutes, and the technical hurdles to market entry;

(5) support short-term and long-term technology improvements for United States cars and light trucks that reduce greenhouse gas emissions, including advanced, high-power hybrid vehicle batteries, advanced gasoline engine designs, fuel cells, hydrogen storage, power electronics, and lightweight materials;

(6) support advanced heavy-duty truck technologies to reduce greenhouse gas emissions from the existing and new fleets, including aerodynamics, weight reduction, improved tires, anti-idling technology, high-efficiency engines, and hybrid systems; or

(7) expand research into the climatological impacts of air travel and support advanced technologies to reduce greenhouse gas emissions from aircraft including advanced turbines, aerodynamics, and logistics technology that reduces delays, increases load factors and cuts in-air emissions.

(b) REAL-WORLD TEST PROCEDURES.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) conduct research and establish a Federal test procedure for certifying fuel economy of heavy duty vehicles; and

(2) update Federal test procedures for certifying fuel economy of automobiles and light duty trucks so the results better reflect real-world operating conditions.

(c) INCORPORATION INTO PROGRAM.—The Secretaries shall ensure that the program established under subsection (a) is incorporated into the United States Climate Technology Challenge Program.

(d) MARKETING STUDY.—The Secretary of Transportation, in coordination with the Secretary of Commerce, shall conduct a study on how the government can accelerate the market for low-carbon vehicles. The results of the study shall be submitted to the Congress within 6 months after the date of enactment of this Act.

SEC. 452. AGRICULTURAL SEQUESTRATION.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish an interagency panel of representatives from the United States Forest Service, Agriculture Research Service, Agricultural Experiment Stations and Extension Service, Economic Research Service Natural Resource Conservation Service, Environmental Protection Agency, the U.S. Geological Survey, and the National Institute of Standards and Technology to establish standards for measurement (and re-measurement) of sequestered carbon, including lab procedures,

field sampling methods, and accuracy of sampling statistics.

(b) DUTIES.—The interagency panel shall—

(1) develop discounted default values for the amount of greenhouse gas emission reductions due to carbon sequestration or emissions reductions from improved practices and technologies;

(2) develop technologies for low-cost laboratory and field measurement;

(3) develop procedures to improve the accuracy of equations used to estimate greenhouse gas emissions reductions produced by adoption of improved land management technologies and practices;

(4) develop local and regional databases on carbon sequestration in soils and biomass, greenhouse gas emissions, and adopted land management technologies and practices;

(5) develop computation methods for additionality discounts for prospective greenhouse gas offsets;

(6) develop entitywide reporting requirements to evaluate project-level leakage;

(7) develop commodity-specific greenhouse gas offset discount factors for market-level leakage, and update those factors periodically;

(8) develop guidelines and standards for greenhouse gas offset and reduction project monitoring and verification and uniform qualifications for third party verifiers, including specification of conflict of interest conditions;

(9) increase landowner accessibility to technologies and practices by—

(A) improving and expanding availability and adoption of best management practices for soils, crop residues, and forests to achieve additional carbon sequestration that meets standards as bona fide greenhouse gas offsets;

(B) improving and expanding availability and adoption of best management practices for soils, crop residues, and forests to achieve reductions in emissions of carbon dioxide, methane, and nitrous oxides that meet standards as bona fide greenhouse gas emissions reductions; and

(C) establishing incentives for land managers to help finance investments in facilities that produce bona fide greenhouse gas offsets or reductions through carbon sequestration or direct greenhouse gas emissions reductions; and

(10) establish best practices to address nonpermanence and risk of release of sequestered greenhouse gases by—

(A) assessing and quantifying risks, both advertent and inadvertent, of release of greenhouse gases sequestered in soils and biomass; and

(B) establishing insurance instruments concerning the release, both advertent and inadvertent, of sequestered greenhouse gases.

(c) ADDITIONALITY DEFINED.—In this section the term ''additionality'' means emissions reduction and sequestration activities that result in atmospheric benefits that would not otherwise have occurred.

SEC. 453. GEOLOGICAL STORAGE OF SEQUESTERED GREENHOUSE GASES.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall establish guidelines for setting individual project baselines for reductions of greenhouse gas emissions and greenhouse gas storage in various types of geological formations to serve as the basis for determining the amount of greenhouse gas reductions produced by the project.

(b) SPECIFIC ACTIVITIES.—The Secretary of Energy, in consultation with the Director of the U.S. Geological Survey, shall—

(1) develop local and regional databases on existing practices and technologies for greenhouse gas injection in underground aquifers;

(2) develop methods for computation of additionality discounts for prospective greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground aquifers;

(3) develop accepted standards for monitoring of carbon dioxide stored in geological subsurface reservoirs by—

(A) developing minimum suitability standards for identifying and monitoring of geological storage sites including oil, gas, and coal bed methane reservoir and deep saline aquifers; and

(B) testing monitoring standards using sites with long term (multi-decade) large injections of carbon dioxide into oil field enhanced recovery projects; and

(4) address non-permanence and risk of release of sequestered greenhouse gas by—

(A) establishing guidelines for risk assessment of inadvertent greenhouse gas release, both long-term and short-term, associated with geological sequestration sites; and

(B) developing insurance instruments to address greenhouse gas release liability in geological sequestration.

(c) NATIONAL GEOLOGICAL CARBON SEQUESTRATION ASSESSMENT.—

(1) FINDINGS.—The Congress finds the following:

(A) One of the most promising options for avoiding emissions of carbon dioxide is through long-term storage by geological sequestration in stable geological formations, which involves—

(i) capturing carbon dioxide from industrial sources; and

(ii) injecting the captured carbon dioxide into geological storage sites, such as deep saline formations, unmineable coal seams, and depleted gas and oil fields.

(B) As of the date of introduction of this Act, there are only very broad estimates of national geological storage capacity.

(C) The potential to recover additional oil and gas resources through enhanced oil and gas recovery using captured carbon dioxide emissions is an option that could add the equivalent of tens-of-billions of barrels of oil to the national resource base.

(D) An initial geological survey of storage capacity in the subsurface of sedimentary basins in the United States would—

(i) provide estimates of storage capacity based on clearly defined geological parameters with stated ranges of uncertainty;

(ii) allow for an initial determination of whether a basin or 1 or more portions of the basin may be developed into a storage site; and

(iii) provide information on—

(I) a baseline for monitoring injections and post injection phases of storage; and

(II) early opportunities for matching carbon dioxide sources and sinks for early deployment of zero-emissions fossil fuel plants using capture and storage technologies.

(2) NATIONAL GEOLOGICAL CARBON SEQUESTRATION ASSESSMENT.—

(A) DEVELOPMENT AND TESTING OF ASSESSMENT METHODOLOGY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the United States Geological Survey shall develop and test methods for the conduct of a national assessment of geological storage capacity for carbon dioxide.

(ii) OPPORTUNITY FOR REVIEW AND COMMENT.—During the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the date of completion of the development and testing of the methodologies under clause (i), the Director shall provide the Under Secretary for Oceans and Atmosphere of the Department of Commerce, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Minerals Management Service, the Director of the Bureau of Land Management, the heads of other Federal land management agencies, the heads of State land management agencies, industry stakeholders, and other interested parties with an opportunity to review and comment on the proposed methodologies.

(B) ASSESSMENT.—

(i) IN GENERAL.—The Director shall conduct the assessment during the period beginning on the date on which the development and testing of the methodologies is completed under subparagraph (A) and ending 4 years after the date of enactment of this Act.

(ii) AVAILABILITY OF INFORMATION.—The Director shall establish an Internet database accessible to the public that provides the results of the assessment, including a detailed description of the data collected under the assessment.

(iii) REPORT.—Not later than 1 year after the date on which the assessment is completed under clause (i), the Director shall submit to the appropriate committees of Congress and the President a report that describes the findings of the assessment.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 to carry out this section for fiscal years 2006 through 2009.

SEC. 454. ENERGY EFFICIENCY AUDITS.

(a) IN GENERAL.—The Secretary of Energy shall establish a program to reduce greenhouse gas emissions through the deployment of energy efficiency measures, including appropriate technologies, by large commercial customers by providing for energy audits. The program shall provide incentives for large users of electricity or natural gas to obtain an energy audit.

(b) COMPONENTS.—The energy audit shall provide users with an inventory of potential energy efficiency measures, including appropriate technologies, and their cost savings over time, along with financing options to initiate the project.

(c) REIMBURSEMENT OF AUDIT COSTS.—If any of the recommendations of an energy audit implemented by a facility owner result in cost savings greater than 5 times the cost of the original audit, then the facility owner shall reimburse the Secretary for the cost of the audit.

SEC. 455. ADAPTATION TECHNOLOGIES.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish a program on adaptation technologies as part of the Climate Technology Challenge Program. The Director shall perform an assessment of the climate change technological needs of various regions of the country. This assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(b) REGIONAL ESTIMATES.—The Director of the Office of Science and Technology Policy, in consultation with the Secretaries of Transportation, Homeland Security, Agriculture, Housing and Urban Development, Health and Human Services, Defense, Interior, Energy, and Commerce, the Administrator of the Environmental Protection Agency, the Director of U.S. Geologic Survey, and other such Federal offices as the Director deems necessary, along with relevant State agencies, shall perform 6 regional infrastructure cost assessments covering the United States, and a national cost assessment, to provide estimates of the range of

costs that should be anticipated for adaptation to the impacts of climate change. The Director shall develop those estimates for low, medium, and high probabilities of climate change and its potential impacts. The assessments shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

SEC. 456. ADVANCED RESEARCH AND DEVELOPMENT FOR SAFETY AND NON-PROLIFERATION.

The Secretary of Energy shall establish, operate, and report biannually to Congress the results of—

(1) a program of research and development focused on advanced once-through fuel cycles;

(2) a Nuclear System Modeling project to carry out the analysis, research, simulation, and collection of engineering data needed to evaluate all fuel cycles with respect to cost, inherent safety, waste management and proliferation-avoidance and -resistance; and

(3) an Advanced Diversified Waste-Disposal Research Program for deep-bore hole disposal options, alternative geological environments, and improved engineered barriers.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

SEC. 471. GOVERNMENT-INDUSTRY PARTNERSHIPS FOR FIRST-OF-A-KIND ENGINEERING DESIGN.

(a) IN GENERAL.—The Corporation may provide funding for a cost-sharing program to address first-of-a-kind engineering costs inherent in building the first facility of a substantially new design that generates electricity with low or no net greenhouse gas emissions or produces transportation fuels that result in low or no net greenhouse gas emissions, including Integrated Gasification Combined Cycle Advanced Coal power generating facilities using carbon capture technology with geological storage of greenhouse gases, advanced reactor designs, large scale biofuels facilities that maximize the use of cellulosic biomass, and large scale solar concentrating power facilities.

(b) PROJECT SELECTION.—The Secretary of Energy in coordination with the Corporation shall select the final designs to be supported, in terms of reducing greenhouse gas emissions, demonstrating a new technology, meeting other clean air attainment goals, generating economic benefits, contributing to energy security, contributing to fuel and technology diversity, maintaining price stability, and attaining cost effectiveness and economic competitiveness.

(c) COST-SHARING LIMITATIONS.—

(1) CORPORATION'S SHARE OF COSTS.—Costs for the program shall be shared equally between the Corporation and the builder of such first facilities.

(2) NUCLEAR REACTORS.—Funding under this section for any nuclear facility—

(A) may not exceed $200,000,000 for an individual project; and

(B) shall be available for no more than 1 of each of the 3 designs certified by the Nuclear Regulatory Commission.

(d) REIMBURSEMENT OF COSTS.—For any subsequently-built facility that uses a design supported by the cost-sharing program under this section, the Secretary of Energy and the Corporation shall specify an amount to be paid to the Corporation in order for the Corporation to receive full reimbursement for costs the Corporation incurred in connection with the design, considering the program's objectives, including the costs of promoting the deployment of cost-effective, economically competitive technologies with no or low net greenhouse gas emissions.

(e) REIMBURSEMENT FOR DELAY.—If the construction of such a first facility of a substantially new design is not started within 10 years after the date on which a commitment under the cost-sharing program is made by the Secretary, then the industry partner shall reimburse the Corporation for any costs incurred by the Corporation under the program.

(f) JURISDICTION.—

(1) NUCLEAR REGULATORY COMMISSION.—Nothing in this Act shall affect the jurisdiction of the Nuclear Regulatory Commission over nuclear power plant design approvals or combined construction and operating licenses pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(2) REGULATORY AGENCIES.—Nothing in this Act affects the jurisdiction of any Federal, State, or local government regulatory agency.

SEC. 472. DEMONSTRATION PROGRAMS.

(a) NUCLEAR REGULATORY COMMISSION LICENSING PROCESS.—

(1) DEMONSTRATION PROGRAM.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a demonstration program to reduce the first-time regulatory costs of the current Nuclear Regulatory Commission licensing process incurred by the first applicant using an advanced reactor design.

(2) PERMITS; LICENSES; COST-SHARING.—

(A) The demonstration program shall—

(i) address the Early Site Permit applications and the combined construction and operating license applications; and

(ii) be jointly funded by the Department of Energy and the applicant.

(B) The Secretary shall work with the applicant to determine the appropriate percentage of costs that the Department and the applicant shall each provide.

(3) REIMBURSEMENT FOR LICENSE TRANSFER.—If an applicant decides to transfer a permit granted by the Commission under the program to another entity, the applicant shall reimburse the Department for its costs in obtaining the permit.

(b) RETOOLING OF ADVANCED VEHICLE MANUFACTURING.—

(1) IN GENERAL.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a program to demonstrate the effectiveness of retooling an existing vehicle or vehicle component manufacturing facility to reduce reduced greenhouse gas emissions from vehicles and increasing competitiveness of advanced technology vehicle production facilities.

(2) PROGRAM ELEMENTS.—

(A) ACTIVITIES SUPPORTED.—The demonstration program shall be designed—

(i) to re-equip an existing manufacturing facility to produce advanced technology vehicles or components that will result in reduced greenhouse gas emissions; and

(ii) to conduct engineering integration activities of advanced technological vehicles and components.

(B) FUNDING.—The program shall be jointly funded by the private sector and the Department of Energy. Secretary of Energy shall work with participating entities to determine the appropriate percentage of costs that each shall provide.

(C) ELIGIBLE COMPONENTS AND ACTIVITIES.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall determine what advanced technology components and engineering integration activities will qualify for support under the program.

(D) ELIGIBLE COSTS.—Costs eligible to be shared under this subsection include the cost of engineering tasks related to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(3) LIMITATION.—No more than 2 facilities may receive financial assistance under the program for re-equipment and expansion or for engineering integration.

(4) ADVANCED TECHNOLOGY VEHICLE DEFINED.—In this subsection, the term ''advanced technology vehicle'' means a light duty motor vehicle that is either a hybrid or advanced lean burn technology motor vehicle, and that meets the following additional performance criteria:

(A) The vehicle shall meet the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator under that Act.

(B) The vehicle shall meet any new emission standard for fine particulate matter prescribed by the Administrator under that Act.

(C) The vehicle shall achieve at least 125 percent of the base year city fuel economy for its weight class.

PART II—FINANCING

SEC. 481. CLIMATE TECHNOLOGY FINANCING BOARD.

(a) PURPOSE.—The Climate Technology Financing Board shall work with the Sedretary of Energy to make financial assistance available to joint venture partnerships and promote private sector participation in financing eligible projects under this subtitle.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall establish within the Department of Energy a Climate Technology Financing Board, which shall be responsible for assisting the Secretary in carrying out this subtitle.

(2) MEMBERSHIP.—The Climate Technology Financing Board shall be comprised of—

(A) the Secretary of Energy, who shall serve as chair; and

(B) 6 additional members appointed by the Secretary, including—

(i) the Chief Financial Officer of the Department of Energy;

(ii) at least 1 representative of the Corporation; and

(iii) other members with experience in corporate and project finance in the energy sector as deemed necessary by the Secretary to carry out the functions of the Board.

(3) REPRESENTATION OF FEDERAL INTEREST.—The Climate Technology Financing Board shall represent the Federal government's interest in all negotiations with project developers interested in forming joint venture partnerships and obtaining secured loans or loan guarantees under this subtitle.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Climate Technology Financing Board, through the Secretary of Energy, shall publish in the Federal Register such final regulations as may be necessary to implement section —0482 of this title.

(2) PROJECT SELECTION CRITERIA.—In selecting eligible projects for financial assistance under this subtitle, the Board shall consider, among other relevant criteria—

(A) the extent to which the project reduces greenhouse gases, demonstrates new technologies, meets other clean air attainment goals, generates economic benefits, contributes to energy security, contributes to fuel and technology diversity, and maintains price stability, cost effectiveness, and economic competitiveness;

(B) the extent to which assistance under this subtitle would foster innovative public-private partnerships and attract private equity investment;

(C) the likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed without such assistance;

(D) the extent to which the project represents the construction of the first generation of facilities that use substantially new technology; and

(E) any other criteria deemed necessary by the Secretary for the promotion of long-term cost effective climate change-related technologies.

(3) MANDATORY REGULATORY PROVISIONS.—The regulations required by paragraph (1) shall include the following:

(A) The general terms and conditions under which non-recourse financial assistance will be provided. Those terms shall include—

(i) a debt-to-equity ratio of up to 80 percent debt from the Corporation, approved by the Secretary, and no less than 20 percent equity from the project developer;

(ii) a pledge of the eligible project's assets to the Secretary and the project developer to secure their respective loan and equity contributions; and

(iii) loan repayment terms generally consistent with financial terms available to project developers in the United States power generation industry.

(B) The general terms and conditions under which loan guarantees will be provided, which shall be consistent with section —0483(c).

(C) The procedures by which project owners and project developers may request such financial assistance.

(D) A process under which the Climate Technology Financing Board, the joint venture partnership, and the project developer shall negotiate commercially reasonable terms consistent with terms generally available in the United States power generation industry regarding cost, construction schedule, and other conditions under which the project developer shall acquire the loan from the joint venture partnership and repay the secured loan and acquire an undivided interest in the eligible project when the project achieves commercial operation. Terms prescribed under this subparagraph shall include—

(i) a defined right of the joint venture partnership to terminate the loan agreement upon a date certain for project delays that are not the fault of the project developer; and

(ii) may not refer to the Federal Acquisition Regulations.

(E) Provisions to retain independent third-party engineering assistance, satisfactory to the Climate Technology Financing Board, the project developer, and the joint venture partnership, to verify and validate construction costs and construction schedules, to monitor construction, and authorize draws on financing during construction to ensure that construction is consistent with generally accepted utility practice, and to make recommendations as to the cause of delay or cost increases should such delays or cost increases occur.

(F) Provisions to ensure—

(i) continued project development and construction in the event of a delay to achieving commercial operation caused by an event outside the control of the joint development partners and the project developer; and

(ii) continued project operations in the event the sale of the eligible project to the project developer is not executed due to an event outside the control of the project developer.

(G) Any other information necessary for the Secretary of Energy to discharge fully the obligation conferred under this subtitle, including a process for negotiating the terms and conditions of such financial assistance.

(d) COMPREHENSIVE IMPLEMENTATION PLAN.—Not later than 12 months after the date of enactment of this Act, the Climate Technology Financing Board shall prepare and transmit to the President and Congress a comprehensive plan for implementation of this subtitle.

(e) PROGRESS REPORTS.—Not later than 12 months after the comprehensive plan required by subsection (d) and annually thereafter the Secretary shall prepare and transmit to the President and the Congress a report summarizing progress in satisfying the requirements established by the subtitle.

SEC. 482. RESPONSIBILITIES OF THE SECRETARY.

(a) FINANCIAL ASSISTANCE.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary, in coordination with the Corporation, may make available to joint venture partnerships for eligible project costs such Federal financial assistance as the Climate Technology Financing Board determines is necessary to enable access to, or to supplement, private sector financing for projects if the Board determines that such projects are needed to reduce greenhouse gas emissions, contribute to energy security, fuel or technology diversity, or clean air attainment goals. The Secretary, in coordination with the Corporation, shall prescribe such terms and conditions for financial assistance as the Secretary deems necessary or appropriate to protect the financial interests of the United States.

(b) REQUIREMENTS.—Approval criteria for financial assistance under subsection (a) shall include—

(1) the creditworthiness of the project;

(2) the extent to which Federal financial assistance would encourage public-private partnerships, attract private-sector investment, and demonstrate safe and secure electric generation or fuel production technology;

(3) the likelihood that Federal financial assistance would hasten commencement of the project;

(4) in the case of a nuclear power plant, whether the project developer provides reasonable assurance to the Secretary that the project developer can successfully manage nuclear power plant operations;

(5) the extent to which the project will demonstrate safe and secure reduced or zero greenhouse gas emitting electric generating or fuel production technology; and

(6) any other criteria the Secretary deems necessary or appropriate.

(c) RESERVE AMOUNT.—Before entering into any agreements under this subtitle, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for any loan or loan guarantee provided by the agreement. The Secretary, in consultation with the project developer, shall determine the appropriate type of Federal financial assistance to be provided for eligible projects.

(d) CONFIDENTIALITY.—The Secretary and the Corporation shall protect the confidentiality of any information that is certified by a project developer to be commercially sensitive.

(e) FULL FAITH AND CREDIT.—All loans or loan guarantees provided by the Secretary under this subtitle shall be general obligations of the United States backed by the full faith and credit of the United States.

SEC. 483. LIMITATIONS.

(a) SECURED LOANS.—

(1) IN GENERAL.—The financial assistance provided by this subtitle for secured loans or loan guarantees—

(A) shall be available for new low or zero greenhouse gas emitting energy generating or fuel production facilities, including—

(i) no more than 3 integrated gasification combined cycle coal power plants with carbon capture and geological storage of greenhouse gases;

(ii) no more than the first of each of the 3 advanced reactor design projects for which applications for combined construction and operating licenses have been filed on or before December 31, 2015;

(iii) no more than 3 large scale biofuels production facilities that encourage a diversity of pioneer projects relying on different feedstocks in different regions of the country and maximizing the use of cellulosic biomass; and

(iv) no more than 3 large scale solar facilities of greater than 5 megawatts capacity which begin operation after December 31, 2005, and before January 1, 2011; and

(B) may not exceed 80 percent of eligible project costs for each project.

(2) GOVERNMENT-CAUSED DELAYS.—Paragraph (1)(B) of this subsection does not apply if—

(A) with respect to a nuclear power plant—

(i) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change; and

(ii) the changed conditions result in project delays or changes in project scope after the start of construction that are not attributable to private sector project management, construction, or variances from the Nuclear Regulatory Commission's approved design criteria or safety requirements; or

(B) with respect to an advanced coal power plant, biofuels production facility, solar power facility, or other eligible facility—

(i) the conditions specified in the construction permit change; and

(ii) the changed conditions result in project delays or changes in project scope after the start of construction that are not attributable to private sector project management, construction, or variances from the approved design criteria or safety requirements.

(3) ADDITIONAL ASSISTANCE.—If paragraph (1)(B) of this subsection does not apply for reasons described in paragraph (2), then the financial assistance payable to the project developer shall include additional capital costs, costs of project oversight, lost replacement power, and calculated interest, as determined appropriate by the Secretary of Energy.

(b) LOAN REPAYMENT TERMS.—

(1) The repayment terms for non-recourse secured loans made under this subtitle shall be negotiated among the Climate Technology Financing Board, the joint venture partnership, and the project developer prior to issuance of the loan and commencement of construction.

(2) The project developer shall purchase the joint venture partnership's interest in the project after the start of the eligible project's commercial operation pursuant to the conditions of the loan with the proceeds of refinancing from non-Federal funding sources.

(3) The value of the joint venture partnership's interest in the eligible project shall be determined in negotiations prior to issuance of a secured loan under the subtitle.

(4) The interest rate on loans made under this subtitle shall not be less than the yield on United States Treasury securities of a similar maturity to the maturity of the loan

on the date of execution of the loan agreement.

(5) A secured loan for an eligible project under this subtitle shall be non-recourse to the joint venture partnership in the event of bankruptcy, insolvency, liquidation, or failure of the project to start commercial operation when the project is ready for commercial operation.

(c) LOAN GUARANTEE TERMS.—

(1) IN GENERAL.—A loan guarantee shall apply only when a project developer defaults on a loan solely as a result of the regulatory actions, directly applied to the project, of a State, Federal or local government.

(2) LIMITATION.—Nothing in this subsection shall obligate the Corporation or Secretary to provide payments in the event of a default that results from a project developer's malfeasance, misfeasance, or mismanagement of the construction or operation of the project, or from conduct or circumstances unrelated to the regulatory actions of any governmental entity.

(3) ESCROW.—The corporation shall hold in escrow the amounts necessary for payments in the event of a default by the project developer in accordance with the terms of this subsection.

SEC. 484. SOURCE OF FUNDING FOR PROGRAMS.

Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

PART III—DEFINITIONS

SEC. 486. DEFINITIONS.

In this subtitle:

(1) ADVANCED REACTOR DESIGN.—The term ''advanced reactor design'' means any reactor design approved and certified by the Nuclear Regulatory Commission.

(2) CELLULOSIC ETHANOL.—The term ''cellulosic ethanol'' means ethanol produced from fibrous or woody plant materials.

(3) COMMERCIAL OPERATION.—

(A) NUCLEAR POWER FACILITY.—With respect to a nuclear power plant, the term ''commercial operation'' means the date—

(i) on which a new nuclear power plant has received a full power 40-year operating license from the Nuclear Regulatory Commission; and

(ii) by which all Federal, State, and local appeals and legal challenges to such operating license have become final.

(B) ADVANCED COAL POWER PLANTS.—With respect to an advanced coal power plant, the term ''commercial operation'' means the date—

(i) on which a new power plant has received a full power rating; and

(ii) by which all Federal, State, and local appeals and legal challenges to the operating license for the power plant have become final.

(4) CORPORATION.—The term ''Corporation'' means the Climate Change Credit Corporation.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means—

(A) any commercial nuclear power facility for the production of electricity that uses one or more advanced reactor designs;

(B) any advanced coal power plant utilizing the integrated gasification combined cycle technology with carbon capture and geological storage of greenhouse gases;

(C) any biofuels production facility which uses cellulosic feedstock; or

(D) any power facility which uses solar energy for the production of more than 75 percent of its annual output, which output capacity shall not be less than 10 megawatts as determined by common engineering practice.

(6) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs'' means all costs related to the development and construction of an eligible project under this subtitle, including, without limitation, the cost of—

(A) development phase activities, including site acquisition and related real property agreements, environmental reviews, licensing and permitting, engineering and design work, off-taker agreements and arrangements, and other preconstruction activities;

(B) fabrication and acquisition of equipment, project construction activities and construction contingencies, project overheads, project management costs, and labor and engineering costs incurred during construction;

(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

(D) any other costs that the Climate Technology Financing Board deems reasonable and appropriate as eligible project costs.

(7) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' means project construction financing of up to 80 percent of a project's eligible project costs in the form of a non-recourse secured loan or loan guarantee.

(8) FIRST-OF-A-KIND ENGINEERING COSTS.—The term ''first-of-a-kind engineering costs'' means the extra costs associated with the first units of a design category for engineering work that develops the design details that finish plant standardization up to a complete plant design and that can be reused for building subsequent units.

(9) JOINT VENTURE PARTNERSHIP.—The term ''joint venture partnership'' means a special purpose entity, including corporations, partnerships, or other legal entities established to develop, construct, and finance an eligible project and to receive financing proceeds in the form of non-recourse secured loans provided by the Secretary and private equity provided by project developers.

(10) LOAN.—The term ''loan'' means a direct non-recourse loan issued to a joint venture partnership engaged in developing an eligible project and funded by the Secretary under this subtitle, which is subject to repayment by the joint venture partnership under terms and conditions to be negotiated among the project developer, joint venture partnership, and the Secretary before the start of construction on the project.

(11) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary to pay all or part of the principle and interest on a loan or other debt obligation issued by a project developer related to its equity investment and funded by a lender.

(12) PROJECT DEVELOPER.—The term ''project developer'' means a corporation, partnership, or limited liability company that—

(A) provides reasonable assurance to the Secretary that the project developer can successfully manage plant operations;

(B) has the financial capability to contribute 20 percent equity to the development of the project; and

(C) upon commercial operation, will purchase the project from the joint venture partnership.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal government of a loan, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays, in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SUBTITLE D—REVERSE AUCTION FOR TECHNOLOGY DISSEMINATION

SEC. 491. CLIMATE TECHNOLOGY CHALLENGE PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Climate Change Credit Corporation, shall develop and carry out a program in fiscal years 2006 through 2009, to be known as the ''Climate Technology Challenge Program''. The Secretary shall award funding through the program to stimulate innovation in development, demonstration, and deployment of technologies that have the greatest potential for reducing greenhouse gas emissions. The program shall be conducted as follows:

(1) The Secretary shall post a request for zero or low greenhouse gas energy services or products along with a suggested level of funding for each competition.

(2) The Secretary shall award the funding to the lowest bidder in each competition who meets all other qualifications in a form of a production incentive to supply—

(A) the requested services for a specified period of time; or

(B) the requested product within a specified period of time.

(b) FUNDING.—

(1) SOURCE.—Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

(2) OPERATING FUNDS.—Beginning with fiscal year 2010, the Climate Change Credit Corporation shall administer the Climate Technology Challenge Program using funds generated under section —0352 of this division.

(c) PROGRAM REQUIREMENTS.—

(1) COMPETITIVE PROCESS.—Recipients of awards under the program shall be selected through competitions conducted by the Secretary.

(2) ADVERTISEMENT OF COMPETITIONS.—The Secretary shall widely advertise any competitions conducted under the program.

(3) CATEGORIES OF COMPETITIONS.—The Secretary shall conduct separate competitions in the following areas of energy and fuel production and services:

(A) Advanced coal (including integrated gasification combined cycle) with carbon capture and storage.

(B) Renewable electricity.

(C) Energy efficiency (including transportation).

(D) Advanced technology vehicles.

(E) Transportation fuels.

(F) Carbon sequestration and storage.

(G) Zero and low emissions technologies.

(H) Adaptation technologies.

(I) The Secretary may also conduct competition for a general category to stimulate additional, unanticipated advances in technology.

(4) EVALUATIONS AND CRITERIA FOR COMPETITIONS.—

(A) PANEL OF EXPERTS.—The Secretary shall establish a separate panel of experts to evaluate proposals submitted under each competition.

(B) COMPETITION CRITERIA.—The Secretary, in consultation with other relevant Federal agency heads, shall set minimum criteria, including performance and safety criteria, for each competition. Proposals shall be evaluated on their ability to reduce, avoid, or sequester greenhouse gas emissions at a given price.

(C) FULL LIFE CYCLE.—All proposals within a competition shall compete on full life cycle avoided greenhouse gas emissions (as weighted by global warming potential) per dollar of incentive.

(5) REPORT OF AWARDS.—In 2009 and every 5 years thereafter the Secretary shall issue a report on the awards granted by the program, funding provided, and greenhouse gas emissions avoided or sequestered.

(6) PROGRAM EVALUATION.—The Secretary, in coordination with the National Academies of Science, shall evaluate the continued necessity of the program and future funding needs after fiscal year 2009. The evaluation shall be submitted 3 months before the end of fiscal year 2009 to the Congress and the Climate Change Credit Corporation.

(7) REVIEW AND REVISION BY CORPORATION.—The Climate Change Credit Corporation shall review and revise the awards program every 5 years starting in 2009, issuing new guidelines for the next 5 years of Climate Technology Challenge Program by the end of the fiscal year in which the evaluation in paragraph (6) is reported. The Climate Change Credit Corporation shall assess and adjust the categories of competitions as described in paragraph (3) to ensure new developing technologies that reduce, avoid, or sequester greenhouse gases and are in need of financial assistance for further development and deployment are the focus of the awards program.

(d) BUDGETING AND AWARDING OF FUNDS.—

(1) AVAILABILITY OF FUNDS.—Any funds appropriated to carry out this section shall remain available until expended, but for not more than 4 fiscal years.

(2) DEPOSIT AND WITHDRAWAL OF FUNDS.—When an award is offered, the Secretary shall deposit the total amount of funding made available for that award in the Climate Technology Challenge Trust Fund. If funding expires before an award is granted, the Secretary shall deposit additional funds in the account to ensure the availability of funding for all awards. If an award competition expires before its goals are met, the Secretary may redesignate those funds for a new challenge, but any redesignated funds will be considered as newly deposited for the purposes of paragraph (3). All cash awards made under this section shall be paid from that account.

(3) MAXIMUM AWARD.—No competition under the program may result in the award of more than $100,000,000 without the approval of the Secretary.

(4) POST-2010 FUNDING.—Funding for the competitions after fiscal year 2010 shall be taken from the Climate Change Credit Corporation.

(e) REGISTRATION; ASSUMPTION OF RISK.—

(1) REGISTRATION.—Each potential recipient of an award in a competition under the program under this section shall register for the competition.

(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities (including contractors and subcontractors at any tier, suppliers, users, customers, cooperating parties, grantees, investigators, and detailees), for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The Secretary may exercise the authority in this section in conjunction with or in addition to any other authority of the Secretary to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects that promote reduced greenhouse gas emissions.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (5), (6), (7), (9), and (10) of section 45(d) of the Internal Revenue Code of 1986, as amended by title XV, are amended by striking ''2009'' each place it appears and inserting ''2011''.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end appropriate place insert the following:

SEC. ___. EXPANSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY TO INCLUDE ELECTRIC THERMAL STORAGE UNIT.

(a) IN GENERAL.—Section 25C(b) of the Internal Revenue Code of 1986 (relating to limitation), as added by title XV, is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(4) $250 for any electric thermal storage unit.''.

(b) ELECTRIC THERMAL STORAGE UNIT.—Section 25C(c)(2)(A) of such Code, as so added, is amended—

(1) by striking ''or'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', or'', and

(3) by adding at the end the following new clause:

''(iv) an electric thermal storage unit which converts low-cost, off-peak electricity to heat and stores such heat for later use in specially designed ceramic bricks.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 746, line 9, insert '', in consultation with the Administrator of the Environmental Protection Agency,'' after ''Secretary''.

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 732, lines 6 and 7, insert '', in consultation with the Administrator of the Environmental Protection Agency,'' after ''Administration''.

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 726, line 21, insert '', in consultation with the Administrator of the Environmental Protection Agency,'' after ''Secretary''.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 724, line 12, insert before ''shall enter'' the following: '', in consultation with the Administrator of the Environmental Protection Agency,''.

On page 726, line 5, insert ''and the Administrator of the Environmental Protection Agency'' after ''Interior''.

On page 726, line 10, insert before ''shall report'' the following: ''and the Administrator of the Environmental Protection Agency''.

On page 726, line 14, strike ''Secretary's agreement or disagreement'' and insert ''agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency''.

SA 833. Mr. KOHL (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. LEVIN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.''.

SA 834. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 52, line 24, strike ''efficiency; and'' and all that follows through page 53, line 8 and insert the following: ''efficiency;

''(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

''(D) identifying financing options for energy efficiency upgrades.

''(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture.

''(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

''(4) There are authorized to be appropriated in fiscal year 2006, such sums as may be necessary to carry out this subsection, which shall remain available until expended.''.

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 2___. NATIONAL PRIORITY PROJECT DESIGNATION.

(a) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is established the National Priority Project Designation (referred to in this section as the ''Designation''), which shall be evidenced by a medal bearing the inscription ''National Priority Project''.

(2) DESIGN AND MATERIALS.—The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(b) MAKING AND PRESENTATION OF DESIGNATION.—

(1) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations that have—

(A) advanced the field of renewable energy technology and contributed to North American energy independence; and

(B) been certified by the Secretary under subsection (e).

(2) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(3) USE OF DESIGNATION.—An organization that receives a Designation under this section may publicize the Designation of the organization as a National Priority Project in advertising.

(4) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate Designations shall be made to qualifying projects in each of the following categories:

(A) Wind and biomass energy generation projects.

(B) Photovoltaic and fuel cell energy generation projects.

(C) Energy efficient building and renewable energy projects.

(D) First-in-Class projects.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—Certification and selection of the projects to receive the Designation shall be based on criteria established under this subsection.

(2) WIND, BIOMASS, AND BUILDING PROJECTS.—In the case of a wind, biomass, or building project, the project shall demonstrate that the project will install not less than 30 megawatts of renewable energy generation capacity.

(3) SOLAR PHOTOVOLTAIC AND FUEL CELL PROJECTS.—In the case of a solar photovoltaic or fuel cell project, the project shall demonstrate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(4) ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In the case of an energy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each building project shall demonstrate that the project will—

(A) comply with third-party certification standards for high-performance, sustainable buildings;

(B) use whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(C) use renewable energy for at least 50 percent of the energy consumption of the project;

(D) comply with applicable Energy Star standards; and

(E) include at least 5,000,000 square feet of enclosed space.

(5) FIRST-IN-CLASS USE.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—

(A) represents a First-In-Class use of renewable energy; or

(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.

(d) APPLICATION.—

(1) INITIAL APPLICATIONS.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.

(2) CONTENTS.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).

(e) CERTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certify projects that are reasonably expected to meet the criteria established under subsection (c).

(2) CERTIFIED PROJECTS.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—

(A) provide each certified project with guidance in meeting the criteria established under subsection (c);

(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and

(C) ensure that knowledge and transfer of the most current technology between the applicable resources of the Federal Government (including the National Laboratories and Technology Centers, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 346, between lines 21 and 22, add the following:

Subtitle C—Loan Guarantees

SEC. 421. LOAN GUARANTEES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide loan guarantees for a project to produce energy and clean fuels from Western subbituminous coal using appropriate coal liquefaction technology.

(b) REQUIREMENTS.—The project described in subsection (a) shall use coal owned by a State government, in combination with private and Tribal coal resources.

SA 837. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, line 8, strike the quotation marks and the final period and insert the following:

''(3) NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY SMALL BUSINESS ENERGY CLEARINGHOUSE.—The Secretary and the Administrator of the Small Business Administration, as a part of the outreach to small business concerns regarding the Energy Star Program required by this subsection, may enter into a cooperative agreement with the National Center for Appropriate Technology to establish, maintain, and promote a Small Business Energy Clearinghouse (in this section referred to as the 'Clearinghouse'). The Secretary and the Administrator shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, to remain available until expended.''.

SA 838. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 656, between lines 19 and 20, insert the following:

SEC. 1237. KENTUCKY PILOT PROGRAM.

(a) EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.—Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is amended—

(1) by striking ''October 1, 1991'' and inserting ''April 1, 2005''; and

(2) by striking the period at the end and inserting '': *Provided further*, That this subsection shall not apply in the Commonwealth of Kentucky.''.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of the amendment made by this section, including differing costs to electricity consumers in the Commonwealth of Kentucky.

(B) INCLUSION.—In conducting the study under subparagraph (A), the Comptroller General shall evaluate the potential costs and benefits of granting the Federal Energy Regulatory Commission jurisdiction over the entire Tennessee Valley Authority grid with respect to sales and purchases of electricity by the Tennessee Valley Authority.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the findings of the study under paragraph (1).

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future

with secure, affordable, and reliable energy; as follows:

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. —01. SHORT TITLE.

This title may be cited as the ''Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act'' or the ''Save Climate SCIENCE Act''.

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science that was rigorously peer-reviewed and that cost taxpayers millions of dollars, were altered to misrepresent or omit information contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

SEC. —03. PUBLICATION REQUIREMENT.

(a) IN GENERAL.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) FORMAT AND EASE OF COMPARISON.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

SEC. —04. ENFORCEMENT.

The failure, by the head of an executive agency, to comply with the requirements of section —02 shall be considered a failure to file a report required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. —05. ANNUAL REPORT BY COMPTROLLER GENERAL.

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section —02 by executive agencies that includes a information on the status of any enforcement actions brought under section 104 of the Ethics in Government Act of 1978 (5 U.S.C. App.) for violations of section —02 of this Act during the 12-month period covered by the report.

SEC. —06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by inserting after clause (ii) the following:

''(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking ''regulation, or gross'' and inserting ''regulation; gross''; and

(B) by adding at the end the following: ''or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by inserting ''or'' at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''safety.'' in subparagraph (B) and inserting ''safety; or''; and

(C) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.''.

SA 840. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX INCENTIVES FOR TRUCKS WITH NEW DIESEL ENGINE TECHNOLOGIES.

(a) INVESTMENT CREDIT FOR TRUCKS WITH NEW DIESEL TECHNOLOGY.—

(1) IN GENERAL.—

(A) ALLOWANCE OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48 the following new section:

''SEC. 48E. NEW DIESEL TECHNOLOGY CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the new diesel technology credit for any taxable year is 5 percent of the cost of any qualified truck which is placed in service on or after January 1, 2007, and before January 1, 2008.

''(b) QUALIFIED TRUCK.—For purposes of this section, the term 'qualified truck' means any motor vehicle (as defined in section 30(c)(2)) which—

''(1) is first placed in service on or after January 1, 2007,

''(2) is propelled by diesel fuel,

''(3) has a gross vehicle weight rating of more than 33,000 pounds, and

''(4) complies with the regulations of the Environmental Protection Agency with respect to diesel emissions for model year 2007 and later.''.

(B) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 of such Code, as amended by this Act, is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) the new diesel technology credit.''.

(C) CONFORMING AMENDMENTS.—

(i) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by adding at the end the following new clause:

''(vii) the basis of any qualified truck.''.

(ii) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 48 the following new item:

''Sec. 48E. New diesel technology credit.''.

(2) CREDIT ALLOWED AGAINST AMT.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR NEW DIESEL TECHNOLOGY CREDIT.—

''(A) IN GENERAL.—In the case of the new diesel technology credit—

''(i) this section and section 39 shall be applied separately with respect to such credit, and

''(ii) in applying paragraph (1) to such credit—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the new diesel technology credit).

''(B) NEW DIESEL TECHNOLOGY CREDIT.—For purposes of this subsection, the term 'new diesel technology credit' means the portion of the investment credit under section 46 determined under section 48E.''.

(B) CONFORMING AMENDMENTS.—Paragraphs (2)(A)(ii)(II), (3)(A)(ii)(II), and (4)(A)(ii)(II) of section 38(c) of such Code are each amended by inserting ''or the new diesel technology credit'' after ''the specified credits''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2006, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) ELECTION TO EXPENSE QUALIFIED TRUCKS.—

(1) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 179B the following new section:

''SEC. 179E. ELECTION TO EXPENSE NEW DIESEL TECHNOLOGY TRUCKS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified truck (as defined in section 48E) as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified truck is placed in service.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) TERMINATION.—This section shall not apply to property placed in service after December 31, 2007.''.

(2) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 179D the following new item:

''Sec. 179E. Election to expense new diesel technology trucks.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service on or after January 1, 2007.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources for Tuesday, June 28, 2005 at 3 p.m. has been cancelled.

The purpose of the hearing was to receive testimony on the water supply status in the Pacific Northwest and its impact on power production, as well as to receive testimony on S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

For further information, please contact Kellie Donnelly 202–224–9360 or Steve Waskiewicz at 202–224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 21, 2005, at 9:30 a.m., to receive a classified briefing regarding improvised explosive devices (IEDS).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2005, at 10 a.m., to conduct a hearing on ''The Consideration of Regulatory Relief Proposals.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 9:30 a.m. to hold a hearing on Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 2:30 p.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 21, 2005, at 9:15 a.m., for a hearing titled, ''Juvenile Diabetes: Examining the Personal Toll on Families, Financial Costs to the Federal Health Care System, and Research Progress Toward a Cure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 21, 2005, at 10 a.m., to conduct a hearing to examine the issue of voter verification in the Federal elections process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Tuesday, June 21, 2005, on Coast Guard's Revised Deepwater Implementation Plan at 10 a.m., in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I further ask consent that Eric Loewen of my staff be granted floor privileges during consideration of the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that Max Frances Moran of my office be granted floor privileges during the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that Douglas Rathbun be granted the privilege of the floor for the duration of debate on H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING COMMUNICATIONS SATELLITE ACT OF 1962

Mr. DOMENICI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1282 that was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1282) to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1282) was read the third time and passed, as follows:

S. 1282

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

SECTION 1. FINANCIAL INTERESTS OF OFFICERS, MANAGERS, OR DIRECTORS.

Section 621(5)(D) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(D)) is amended—

(1) by striking ''(I)'' in clause (ii);

(2) by striking ''signatories, or (II)'' in clause (ii) and all that follows through ''mechanism;'' and inserting ''signatories; and'';

(3) by striking ''organization; and'' in clause (iii) and inserting ''organization.''; and

(4) by striking clause (iv).

SEC. 2. CRITERIA FOR INTELSAT SEPARATED ENTITIES.

Subtitle B of title VI of the Communications Satellite Act of 1962 (47 U.S.C. 763 et seq.) is amended by striking section 623 (47 U.S.C. 763b).

SEC. 3. PRESERVATION OF SPACE SEGMENT CAPACITY OF THE GMDSS.

Section 624 of the Communications Satellite Act of 1962 (47 U.S.C. 763c) is amended to read as follows:

''SEC. 624. SPACE SEGMENT CAPACITY OF THE GMDSS.

''The United States shall preserve the space segment capacity of the GMDSS. This section is not intended to alter the status that the GMDSS would otherwise have under United States laws and regulations of the International Telecommunication Union with respect to spectrum, orbital locations, or other operational parameters, or to be a barrier to competition for the provision of GMDSS services.''.

SEC. 4. SATELLITE SERVICE REPORT.

(a) ANNUAL REPORT.—The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. The Commission shall transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(b) CONTENT.—The Commission shall include in the report—

(1) an identification of the number and market share of competitors in domestic and international satellite markets;

(2) an analysis of whether there is effective competition in the market for domestic and international satellite services; and

(3) a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

MEASURE PLACED ON THE CALENDAR—H.R. 2745

Mr. DOMENICI. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 2745) to reform the United Nations, and for other purposes.

Mr. DOMENICI. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JUNE 22, 2005

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 22. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill, provided that when the Senate resumes consideration of the Energy bill, Senator FEINSTEIN be recognized to offer an amendment as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Tomorrow, the Senate will resume consideration of the Energy bill. Under the previous order, as we have just indicated, Senator FEINSTEIN will offer a liquefied natural gas amendment in the morning, under 1-hour time agreement. Following that debate, the Senator from West Virginia, Senator BYRD, will offer an amendment regarding rural gas prices. It is my hope that we will be able to stack the votes in relation to the Feinstein amendment with additional votes tomorrow morning. Senators should expect at least 1 vote prior to lunch.

For the remainder of the day, we will continue working through the amendments on the bill.

We reached an agreement tonight with respect to the McCain-Lieberman climate change amendment. We expect to dispose of the amendment tomorrow afternoon. We will consider additional amendments tomorrow, and Senators should expect rollcall votes throughout the day and into the evening.

Finally, I remind Senators we just filed cloture on the bill. That cloture vote will occur on Thursday, as we try to complete the bill this week.

As a reminder, under the provisions of rule XXII, the first-degree amendments must be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, June 22, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

HUMAN RIGHTS WATCH'S REPORT ON THE MUJAHEDIN E-KHALQ

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. TANCREDO. Mr. Speaker, I would like to bring to Congress's attention the following letter from COL David Phillips "Griffin-6" of the 89th Military Police Brigade, sent on May 27, 2005, to Mr. Kenneth Roth, Executive Director of Human Rights Watch, regarding Human Rights Watch's recent report on human rights abuses within the Mujahedin e-Khalq (MEK).

''I am the commander of the 89th Military Police Brigade and in that role was responsible for the safety and security of Camp Ashraf from January-December 2004. Over the year long period I was apprized of numerous reports of torture, concealed weapons and people being held against their will by the leadership of the Mujahedin e-Khalq. I directed my subordinate units to investigate each allegation. In many cases I personally led inspection teams on unannounced visits to the MeK/PMOI facilities where the alleged abuses were reported to occur. At no time over the 12 month period did we ever discover any credible evidence supporting the allegations raised in your recent report. I would not have tolerated the abuses outlined in your report, nor would I have sanctioned any acts on the part of the MeK/PMOI to hold people against their will. Each report of torture, kidnapping and psychological depravation turned out to be unsubstantiated. The MeK/PMOI in fact notified us on a routine basis of people who desired to leave the organization and then transported them to our gate. At your request, I can explain in detail specific allegations and the subsequent investigation by my units. To my knowledge, as the senior officer responsible for safeguarding and securing Camp Ashraf throughout 2004, there was never a single substantiated incident as outlined in your report.

I am very familiar with the leadership of the MeK/PMOI and personally know many of the 3000+ protected people. I've visited male and female units on a routine basis. Sometimes these visits were announced, but most frequently they were unannounced inspections. My subordinate units would randomly select billets, headquarters, warehouses and bunkers for no-notice inspections. Not one time did they discover any improper conduct on the part of the MeK/PMOI. Also, the MeK/PMOI never denied entry to any of their facilities.

I believe that your recent report was based on unsubstantiated information from individuals without firsthand knowledge or for reasons of person gain. I personally spent a year of my life in Iraq with the responsibility for Camp Ashraf. I have very extensive first hand knowledge of the MeK/PMOI and the operations at Camp Ashraf. My comments are based on a full year of on location experience. I look back with satisfaction knowing that my unit did an exemplary job and maintained the safety and security of not only the coalition forces at Ashraf, but also the 3000+ protected people.

I have spoken to large groups of MeK/PMOI members and have also had one on one private conversations with individual members. At no time did any member, ranging from young male and females to the very senior leadership, ever report any of the type conduct outlined in your recent report.

Iraq was very dangerous throughout 2004. In my opinion, Camp Ashraf was the safest place within my area of responsibility. There was not one incident or combat injury to my forces at Camp Ashraf. I personally felt safe even when surrounded in a room by hundreds of Mujahedin. We always had open dialog and debated difficult subjects. I was exceptionally impressed with the dedication of the female units. These units were professional and displayed strong support for freedom, democracy and equality for women. The dedication of these female members was inspirational. In the entire year only four female members asked to depart the MeK/PMOI. In one case a young woman requested to leave the MeK/PMOI, but first wanted to complete her responsibility as a singer in one of the holiday festivities. One of my subordinate commanders encouraged her to depart immediately as opposed to returning to her unit. She emphasized that she wanted to participate as a singer in the festival and would then depart from the organization in order to return home to her mother. Several days after the festival we were notified by the MeK/PMOI that the young woman was ready to leave and we picked her up at a hotel type facility. The other three females also voluntarily departed the MeK/PMOI. I never discovered a single incident where a female or male was held in the organization against their will. I observed a total freedom of choice on the part of the members to either remain or depart from the MeK/PMOI.

As I previously mentioned, I was very impressed specifically by the all female units. I would like my own daughters to someday visit these units for the cultural exchange. Were it not for the ongoing insurgency throughout Iraq, I would sanction my daughter to travel to Camp Ashraf and meet these very dedicated and professional female members of the Mujahedin e-Khalq.

Thank you for taking the time to read my comments as your report was a direct affront to the professionalism of my units. We maintained the safety and security of Camp Ashraf and can look back in years to come knowing that we made a difference.

Respectfully,

COL. DAVID PHILLIPS,

''Griffin-6'', 89th Military Police Brigade.''

CONGRESSIONAL TRIBUTE: RETIREMENT OF PAUL BLEWETT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Paul Blewett, a public school teacher who has served the young people of the Bark River Harris School District in Michigan's Upper Peninsula for the past 42½ years and has made a significant contribution to his professional organization.

Paul Blewett was born in Ishpeming, Michigan on January 21, 1940 to the late Fred and Evelyn Blewett. He graduated from Ishpeming High School in 1958 and received his BA and Masters Degree from Northern Michigan University in Marquette, Michigan. After being awarded his Professional Teaching Certificate in 1963, he entered the challenging and rewarding field of teaching in the Bark River Harris Public School System in Bark River in Michigan's Upper Peninsula.

Mr. Blewett's first position at Bark River Harris Schools began a very long and successful career and a true commitment to his community. Mr. Blewett taught Algebra I and II, General Math, Geometry, and Advance Mathematics for over 42 years to students in the Bark River Harris High School along with being the driver education instructor for 40 of those years. Paul made a commitment to his students in the classroom and to their activities outside of the regular classroom. They respected him as a teacher and appreciated the guidance and counseling that he provided.

Aside from his full time teaching responsibilities, Mr. Blewett also made a major commitment to his professional organization and contributed to the development and the building of the Michigan Education Association as one of the leading professional education organizations in the nation. Mr. Blewett was recognized by his colleagues for his talent, hard work and willingness to participate because they elected him to serve as the local Education Association President, Negotiator, Regional Council President, President and Treasurer of the Upper Peninsula Education Association, a member of the Board of Directors for the Michigan Education Association for thirteen years, a delegate to National Education Association Representative Assembly and a delegate to the State Representative Assembly for 30 years. He was also involved in the Political Action Committee of the Michigan Education Association. While doing all of this, Mr. Blewett held many other roles within his professional educational organization.

With so much time contributed to his teaching, community and professional development, Mr. Blewett extended family was his students and colleagues until he met a lovely nurse from Wisconsin. In April of 2003 he married Vera and gained a wonderful stepson, Lyndon. Mr. Blewett made time to pursue his love for photography. As a special project, he made a photographic record of many events in school to capture current student life with the intent of preserving history. In addition to exploring his craft through creative means, his natural talent made him in-demand for weddings and social events.

Mr. Speaker, it is time to say "Thank You" and recognize this teacher for his dedication to his students and his professional involvement with the Michigan Education Association at all levels of responsibilities. Paul's involvement in public education and his professional organization made a difference in the delivery and development of public education for the Upper Peninsula and the State of Michigan. We thank Paul for his commitment, his friendship and we wish him and his wife Vera the best in retirement.

CONGRATULATING MAYOR FRANK PAGANO UPON BEING NAMED PRESIDENT OF THE NEW YORK CONFERENCE OF MAYORS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Village of Fredonia Mayor Frank Pagano, a colleague and a friend, whose leadership has recently earned him the position of President of the New York State Conference of Mayors (NYCOM).

At NYCOM's recent annual meeting in Saratoga, New York Attorney General Eliot Spitzer administered the oath of office as Mayor Pagano was sworn in to lead the Conference of Mayors.

Founded in 1910, NYCOM's mission is to collaborate and advocate on behalf of the municipalities across New York State. Originally composed of 42 mayors, the group's membership has grown to include 570 small cities and villages.

Mr. Speaker, for years Mayor Pagano has been delivering outstanding public service to the residents of Fredonia and all of Chautauqua County. The Mayors and residents of New York State will be well served by having Mayor Pagano as an aggressive activist and leader in the New York Conference of Mayors. It is an honor to recognize him here today and it will be a privilege to work with him to fight for the best interests of cities and villages in New York State.

IN HONOR OF DR. JOSE PROTACIO RIZAL AND THE ORDER OF THE KNIGHTS OF RIZAL, CLEVELAND CHAPTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Jose Protacio Rizal and the Order of the Knights of Rizal, Cleveland Chapter. The accomplished life and works of Dr. Rizal remains a great source of inspiration for the people of the beautiful island of the Philippines. His heroic and poignant writings and efforts continue to inspire and energize the people of the Philippines, and Filipino Americans as well.

During the 1800's Filiplinos began expressing their anger and frustration over colonial rule. Intellectuals,' poets, artists and writers became the spiritual leaders in the Filipino quest for freedom and independence from Spain. It was the vital works by an unknown, young doctor from Lugana Province, Jose Rizal, which set fire to the independence movement. Dr. Rizal's explosive first novel, ''Noli Me Tanere,'' (Touch Me Not), shattered the facade of colonial rule and shed light on the destructive limitations forced upon the Filipino people. The novel, though immediately banned by the Spanish rulers, was disseminated underground with other highly charged passages by Dr. Rizal and others.

In Manila, 1892, Rizal founded the independence movement, Luga Filipina. By 1898, an armed struggle for independence had begun, and government officials accused Dr. Rizal of leading the charge. Following the circus-like spectacle of an unjust trial, Rizal was found guilty. On the evening of December 30, 1896, Dr. Rizal was executed by firing squad in what is now known in Manila as Rizal Park. The night before his scheduled execution, he wrote 'Mi Ultimo Adios,' a heartrending and poignant poem as a last offering to the country and people he so loved.

Mr. Speaker and Colleagues, please join me in honor and celebration of the influential life of Dr. Jose Protacio Rizal. Dr. Rizal rose from the quiet life of a village doctor to become a beloved and courageous national hero of the Philippines—a man whose words blazed a trail of freedom throughout the Philippines. I also want to honor and recognize the leaders and members of the Order of the Knights of Rizal, Cleveland Chapter, for keeping the significant spirit of Dr. Jose Rizal alive for each new generation to know and understand. The life of Dr. Jose Rizal reflects an innate quest for freedom for all people, and highlights the ideology that despite the seemingly endless struggle, justice and liberty will rise.

AN AFRO-CARIBBEAN VIEW OF INTERNATIONAL RELATIONS FROM THE JAMAICAN PRIME MINISTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the advice of a wise individual in international relations and a champion of the issues of Afro-descendant groups across the world—the Prime Minister of Jamaica, Mr. P.J. Patterson. He is the leader of the Jamaican People's National Party and the longest-serving Prime Minister in Jamaican history.

Prime Minister Patterson is an individual with a unique history that speaks directly to many of the problems of the developed and developing worlds. As a proud Jamaican, he knows the struggles of individuals of African descent and is pioneering ways of overcoming those challenges. Campaigning on a platform that stressed recognition of minority rights and government responsibility, Prime Minister Patterson has built a coalition of national support that has popular appeal and speaks to the hearts and minds of the Jamaican people.

Throughout his life, he has seen the challenges of poor families and individuals in rising above their economic position and achieving prosperity. He thus has used his positions in government to champion actions to the benefit of the poor. Jamaica, like much of the Caribbean and Latin America, has struggled to overcome the effects of a global hegemony and the scourge of slavery on its people. It has seen the fights of the poor, the uneducated, and the disenfranchised for an equal chance in society. Prime Minister Patterson has worked to address the harmful and devastating effects of poverty, HIV/AIDS, and globalization on the tiny, but proud, island-nation of Jamaica.

Under the leadership of people like Prime Minister Patterson, Jamaica has stood as a principled defender of justice and equality for all individuals. He is currently the chair of Group of 77 and leads its efforts to expand debt relief for poor nations. He is profoundly concerned with creating a fair system of international governance for all countries. His actions in government and behavior in life demonstrate this commitment and concern.

Mr. Patterson is an important voice on global affairs and the importance of a global commitment to justice. His advice is often wise and insightful and it is important that this Congress hear the advice of this noble gentleman on the challenges of Afro-descendant populations in the Caribbean.

I therefore submit for the RECORD a Carib News op-ed written by the Prime Minister of Jamaica, P.J. Patterson on his views of the connection between slavery and globalization and the exploitation of the Afro-descendant populations.

FROM THE FIGHT AGAINST SLAVERY, RACISM AND COLONIALISM TO HIV/AIDS SCOURGE AND ADVERSE EFFECTS OF GLOBALIZATION

JUNE 21, 2005.—For almost 500 years, the Atlantic slave trade forcibly removed over 100 million Africans to destinations in the Americas.

This mass relocation has wreaked permanent and enormous damage to our ancestors and their descendants on every continent bordering the Atlantic. It led to the depopulation and stifling of African creativity and production, and was the genesis of a dependency relationship with Europe.

The resulting negative perception of persons of African ancestry is one we are still struggling to overcome. Undeniably, the slave trade was the first step toward modern Africa's current status as a region where development has lagged far behind that of the more industrialized nations. We in the Caribbean also suffer from this legacy.

When slavery was eventually abolished, authoritarian regimes were structured to keep us still in bondage so as to maintain and increase wealth for the colonial and imperial masters. The shift in Europe toward industry during the late 18th century heralded new and increasing challenges for continent and Diaspora alike.

Movements such as Pan Africanism grew out of our need to overcome these obstacles.

We cannot overlook the seminal contributions of Marcus Garvey whose concern for the problems of Blacks led him to found the Universal Negro Improvement Association (UNIA) in 1914. Its main objectives were to promote the spirit of racial pride, to foster worldwide unity among people of African descent and to establish the greatness of the African heritage. The inspirational teachings of this influential Black leader in the 1920s were a springboard for the success in securing civil liberties for Blacks worldwide.

We cannot speak about African liberation without reference to one of the greatest sons of South Africa and a towering spirit of our times. I refer to Nelson Mandela, who for decades was engaged in resistance to the evil system of apartheid. Like Mahatma Gandhi, his unwavering resolve made it possible for a nation to throw off the shackles of oppression. He is a living lend for human compassion and the capacity to forgive. He reminds us of another truly great African who lived many centuries ago—St. Augustine.

I, for one, am proud of the contributions of Jamaica and the Caribbean region to the struggle against colonialism and apartheid in Africa through the works of our writers, musicians, orators, and artists. The music of Bob Marley, of Peter Tosh, and Jimmy Cliff has inspired Africans and non-Africans alike to not only recognize the continuation of the

struggle for liberation and social justice, but to champion the international movements against colonialism and neo-colonialism. Songs such as ''War'' and ''Zimbabwe'' inspired freedom fighters and became anthems for change.

Nor should we overlook the refusal of our outstanding cricketers, Clive Lloyd, Sir Vivian Richards, Michael Holding and their colleagues who refused the lure of money to play in racist South Africa.

The year 1994 represented the culmination of the movement towards the liberation in Africa. The victory over apartheid was the outcome of the activist struggle of those who were oppressed. The contribution of the global anti-apartheid movement was critical to this outcome. Jamaica is proud of having sustained its commitment to the struggle against apartheid. Under Norman Manley, we were second only to India in declaring sanctions against South African products. Jamaicans of my generation could not bring ourselves to consume any product from a package marked ''made in South Africa.'' Successive Jamaican administrations, from both sides of the political fence, have continued the struggle.

The hegemony of western nations has, however, over the years sparked conflicts in Rwanda, the Democratic Republic of Congo, Liberia, and Sierra Leone. Within the Caribbean context, Haiti, the first independent Black nation, has experienced 200 years of under-development. Small wonder that the message of peace, solidarity and redemption is of much significance today, in this, the 21st century, as in any other period in recent history.

In addition to the adverse effects of globalization, with its trade constraints and rapidly changing information and communication and communication technology, the survival of our countries is further threatened by the scourge of the HIV/AIDS pandemic. Notably, sub-Sahara Africa is the region most affected with the disease, followed by the Caribbean. Our womenfolk are at great risk and our orphanages threaten to multiply. This epidemic acts as a significant brake on economic growth and development. Its social and economic consequences are already being widely felt in education, industry, agriculture, transport, and human resources.

There are those of us in political life who have never concealed our unwavering commitment to equity and social justice, between nations and within our domestic borders. For this, we were once branded ideological heretics.

Today, it is conceded that the force of globalization and the building of a market economy will not by themselves bridge the disparities between the developed and developing world. Nor will it result in the reduction of poverty, ignorance, and disease.

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 2006

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes,

Ms. DEGETTE. Mr. Chairman, despite its claims to the contrary, the Bush Administration continues to be dishonest with the American people about the situation in Iraq. First, it leads our country into war with Iraq under false pretenses—a war that has already cost more than 1,700 American lives and thousands more Iraqi lives. The Administration then refuses to admit that it does not have a viable plan to win the peace in Iraq and possesses no strategy for a withdrawal of United States troops. And most recently, while the President campaigns as a so-called ''War President,'' he refuses to request funding for military operations in Iraq in his own budget, instead funding it through the emergency appropriations process, a tactic that allows the President to keep the high costs of war out of his budget.

Although today Congress has the opportunity to insert some much-needed accountability into the funding process, it will—like it has so many other times—function as a rubber stamp and approve another large funding bill—$45 billion—for Iraq without demanding answers from the Administration. Once this is approved, total funding for the military operations in Iraq and Afghanistan will reach a mind-boggling $322 billion. And this certainly won't be the last of it. In fact, at current expenditure rates, the $45 billion will only cover the first six months of 2006, which means that Congress will be forced to approve tens of billions more in funding for Iraq in a matter of months.

I believe it is critical that our country properly fund the operations in Iraq to ensure that our soldiers in the field have the equipment, munitions and protection they need and the benefits they so rightfully deserve when they return home. The majority of the $45 billion will go directly to support our troops in the form of equipment, body armor, increased pay and improved benefits for them and their families. While I will vote for this $45 billion funding package, I am concerned that the Majority in Congress has once again rebuffed efforts to require the Administration to be honest with the people about the situation in Iraq. To date, despite repeated requests from members of Congress, the Administration refuses to provide any sort of timeline for the withdrawal of United States troops, will not account for much of the current funding to Iraq, and resists coming clean about the full cost of future military efforts in Iraq.

At the same time the Administration and the Republican Majority in Congress unabashedly spend billions of dollars in Iraq without question, they make cuts to crucial domestic programs in the name of fiscal responsibility—cuts, which compared to the budget for Iraq, have a negligible impact on our country's deficit. In fact, funding for this misguided war so significantly dwarfs funding for domestic programs that if we were to take just a fraction of this spending package for Iraq, we could fully fund No Child Left Behind, the Small Business Administration loan program, Head Start, Medicaid, and numerous other programs that make a daily difference in the lives of Americans.

I find it truly ironic that Congress will spend a good portion of this week discussing the alleged lack of accountability at the United Nations, but refuses to acknowledge the abrogation of all accountability and responsibility that has been allowed to occur for too long in its own backyard—at 16th and Pennsylvania. It is time that the Administration owns up to the situation it has needlessly thrust our country in—it needs to formulate and disseminate a strategy for an eventual U.S. withdrawal from Iraq and must be upfront with Congress and the American people about the future costs of military operations in Iraq.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. GRAVES. Mr. Speaker, on Friday June 17, 2005 I was unavoidably delayed and thus missed rollcall votes Nos. 282, 281, 280, 279, 278, 277, 276, 275, 274. Had I been present, I would have voted ''yea'' on Nos. 282, 280, 279, 278, 277, 276, 275, 274 and ''nay''' on No. 281.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. HARRIS. Mr. Speaker, I encountered plane difficulties Monday, June 20, 2005, that caused me to miss floor votes regrding H.R. 2863, the Department of Defense Appropriations Act for Fiscal Year 2006. Since this bIll is one that I believe is vital to our Nation, I am very dismayed that I was unable to participate. I would have voted ''nay'' on the Obey, Doggett, Velázquez, and DeFazio Amendments. Additionally, I would have voted ''yea'' on the Hunter Amendment and for final passage of H.R. 2863.

150TH ANNIVERSARY OF THE SOO LOCKS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. STUPAK. Mr. Speaker, I rise today to celebrate a historic symbol of exploration and commerce in my district. On Friday, June 24th the City of Sault Ste. Marie, Michigan will kick-off a summer of activities to honor the 150th Anniversary of the Soo Locks.

Hundreds of years ago settlers established the oldest city in Michigan and third oldest in the United States, Sault Ste. Marie, named by French explorer Father Jacques Marquette in honor of the Virgin Mary. The area, rich with fur trading and fishing, was difficult to travel by water because of the rapids or ''Bawating'' as referred to by the local Anishnabe Native American Tribe. As a voyager entered the St. Mary's River to sail from Lake Superior to Lake Huron the rapids dropped 21 feet and was too treacherous to traverse. Voyagers, explorers and tradesman were forced to portage their canoes, unloading and reloading their cargo via the land trail along side the rapids to complete their travels.

The Northwest Fur Company engineered the first locks on the Canadian side of Sault Ste. Marie in the late 1700's. The system involved moving a ship into a chamber of water,

or a lock, and then raise or lower the water level to be even with the body of water they wished to traverse. This first set of locks was unfortunately destroyed in the War of 1812 and travelers were once again forced to carry their cargo by land. The present day lock system, mimicking the original design, was developed by civil engineers in 1850.

In 1852, Congress offered a large public land deal as payment to any company that would construct the new lock designed to continue commerce between the lakes. The Fairbanks Scale Company agreed to the proposal in 1853 because of its mining interests in the Upper Peninsula. On May 31st 1855, two 350 foot long locks were given to the State of Michigan. The State instituted a small toll in the early years of the lock for maintenance but in 1877, when commerce exceeded the capability of the locks, the State recognized that a new set of locks was necessary.

In 1881, the locks were transferred to the Federal government under the U.S, Army Corps of Engineers. Since that time, the Soo Locks have operated toll-free with two canals and fours locks that included the Davis, Poe, MacArther and Sabin locks.

The value of the Soo Locks was never fully appreciated until World War 11. As the United States was attacked, it became necessary for America to build the ''arsenal of democracy''. To build the world's arsenal, America needed steel for its ships, guns, tanks and vehicles. In order to make that steel, America needed to mine the iron ore rich regions of Minnesota and Michigan's Upper Peninsula. The only practical way to move the massive volume and weight of iron ore was by ship from Lake Superior, through the Soo Locks, down the St. Mary's River and out to Lake Huron, Michigan, Ontario, and Erie to the steel mills of Pennsylvania, Ohio, Michigan, Indiana and Illinois.

As the war's demand for iron ore was at its greatest, Congress authorized a new Soo Lock capable of handling the 640 foot ships loaded with up to 17,500 tons of iron ore during the 1942 Maritime Class. America worked around the clock to build the new lock to hold the iron ore boats that stoked the war machine.

With the end of World War II, the importance of the Soo Locks did not diminish. As trade and steel demand increased a new even larger lock was needed. In 1965, Congress authorized a new 1000 foot Super Lock. As with all the locks, the new lock was named after the engineer in charge of the Soo Lock, General Orlando M. Poe, also known for his eight lighthouses that grace Michigan's waterways.

The Poe Lock is the largest lock in the Western Hemisphere and the busiest lock in the world. Each year, 80 to 90 million tons of freight move through the Soo Locks. Still today, more than 70 percent of the raw materials needed to make steel pass through the locks, as does low sulfur coal and grain exports. The Great Lakes shipping industry helps sustain thousands of jobs in mining, construction, steel making and a multitude of support industries. In fact, shipping is so important to our economy that just one 1000 foot ore boat can deliver enough iron ore to build 60,000 cars.

Currently, ⅔ of all freight is restricted to the 32 year-old Poe lock, which is the only lock capable of handling 1000 foot ore boats. Without this lock, the steel, coal and grain industries would be helpless. Recognizing this, Congress authorized construction of another ''Poe'' size lock in 1986. Over the last eight years, I have been proud to secure funding for preconstruction, planning, engineering and design for the new lock. Since 2003 alone, over $10 million have been secured toward the construction of this new lock. I am pleased that the States of Michigan, Illinois and Pennsylvania recognize the economic importance of this additional lock by contributing their non-Federal cost shares to the project and encourage the other Great Lakes States to join us in securing the necessary funding to build this new lock.

Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the historic engineering marvel we call the Soo Locks as they celebrate 150 years of exploration, commerce and trade. This engineering wonder has provided a proud past of innovation to evolve into the critical link to deliver the arsenal of democracy during world wars and the economic feasibility for the steel, coal and grain industries now and into the future, From the Anishnabe Tribe of Native Americans to the men and women who first explored, built and operated the locks; to the City of Sault Ste. Marie and her people; to a Nation at war; to tomorrow's commerce that flows to and from Lake Superior to the other four Great Lakes; the Soo Lock have withstood the test of time by meeting the demands of a great Nation, to traverse the ''rapids'' of history always opening its lock to a brighter future for America. Once again with the help of the United States Congress, I hope to continue the legacy of the Soo Locks by providing the resources to build another super lock that will ensure another successful 150 years of waterborne commerce by and through the Soo Locks located at Sault Ste. Marie, Michigan.

COMMENDING LULA TAYLOR AS THE RECIPIENT OF THE WOMAN OF ACHIEVEMENT AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Lula Taylor, a resident of the Chautauqua County city of Jamestown, upon the occasion of her receiving the Woman of Achievement Award.

Lula Taylor graduated from Newton Central High School in Newton, North Carolina. After graduation, she attended cosmetology school and ran her own beauty shop. Lula met and married her husband Vivian, and moved to Jamestown where she attended Jamestown Community College. They have a son and a daughter and two grandchildren, Michael and Claudine.

Throughout her entire life Lula has been a woman to go against the flow and break down barriers. This is evident in her career and her social life. Lula was the first African-American woman to be hired at Proto Tool Division of Ingersoll Rand Corporation in 1964 and worked there until her retirement. She is the first African-American woman to be elected to any county legislature in New York. These two achievements have paved the way for others to follow their dreams and not give in to adversity.

Lula is one woman who never stops working for the things she believes in. She serves on the County Human Service Committee, Chautauqua County Board of Health, Chautauqua County Health Network Inc. Advisory Board, Office for the Aging Advisory Board, County Home Advisory Board, Safe House Committee, and is an AIDS Awareness Advocate.

When it comes to her heritage Lula works tirelessly. She has created numerous displays on African-American History, led tours for the Underground Railroad Tableau Steering Committee, Chautauqua County Black History Committee and is a founder of the Ebony Task Force. She is a member of the Blackwell Chapel, A.M.E. Zion Church. In the 1980's she stood up against adversity to coach and manage the Love School girl's softball team. This allowed girls to work as a team in a multi-ethnic situation. In 1985, she was instrumental in planning the first Martin Luther King Jr. celebration. Since then the celebration has grown considerably each year. On May 13, 2003, Lula and her husband Vivian were recognized by the New York State Democratic Rural Training Forum as the 2004 Chautauqua Democrats of the Year.

Lula is a woman of very strong conviction. Whenever there is something negative rearing its ugly head she is the first one to take a stand and put a positive spin on it. A perfect example of this was when the Nushawn Williams case sent Jamestown into a hot bed of negative publicity. Lula took that and turned it into a positive educational experience for everyone. She has worked so hard to lessen any racial tensions that exist. She has successfully brought together a very multiethnic team of girls in softball and has let her own voice be heard loudly in a predominantly Swedish and Italian community. Lula Taylor is an amazing woman and I am proud, Mr. Speaker, to have an opportunity to honor her today.

IN HONOR AND RECOGNITION OF U.S. MARINE STAFF SERGEANT DAN PRIESTLY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of United States Marine Sergeant Dan Priestly of Parma, Ohio, as we unite as a community to offer him our deepest gratitude for his dedicated service, and extend to him a warm welcome home.

Sergeant Priestly bravely and selflessly heeded the call to duty in Iraq, where he endured immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained major injuries to both legs, and has undergone weeks of intensive medical treatment and physical therapy.

As he journeys forward in his medical recovery, Sergeant Priestly consistently displays an unwavering resolve to heal—a determination energized and strengthened by the love of his family and friends. Sergeant Priestly lives his life with great joy and a deep sense of giving. His courageous spirit has bolstered his well-being and continues to be a source of inspiration for all.

Mr. Speaker and Colleagues, please join me in honor and recognition of United States Marine Sergeant Dan Priestly, and join me in offering him a warm welcome home. Sergeant Priestly's steadfast courage, immense sacrifice, and dedicated service to our country will be remembered always by our community and our Nation. I wish Sergeant Dan Priestly, his wife Lisa Priestly and their children Garrett and Tyler, an abundance of health, happiness and peace, today and in the future.

TRIBUTE TO PETER RODINO

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in paying tribute to a truly exceptional former member of this chamber. Congressman Peter Rodino was an extraordinary man in extraordinary times. The significance and importance of this great individual is immediately evidenced by the words, praises, and acclamations from his colleagues here today.

I had the privilege of serving as a member of the House Judiciary Committee under his chairmanship for several years and then experienced the defining moment for his career as he led us through the consideration of articles of impeachment against President Richard Nixon. His obvious integrity and steady leadership of the Committee during this period were reassuring to a Nation recoiling from the complicity of a President in the perpetration of criminal acts.

When the Nation needed a guiding hand in this national crisis, Peter Rodino steered us with diligence, respect, and thoughtfulness. He is best known for presiding over the impeachment trial of President Nixon. This was not a task that he took lightly nor pursued with great venom. He led the Judiciary Committee cautiously through its deliberation and consideration of the issue. He knew that a partisan approach would be divisive to the country and that Congress should act with all seriousness when reversing the public will. As the chairman, Mr. Rodino ensured that the Judiciary Committee behaved responsibly. He brought his personal gravitas and respect to the hearings and guaranteed that the proceedings were respected by all.

When the Congress needed a leader to meet the challenge posed by the Civil Rights Movement, Peter Rodino in his classic style stood up and fought for the civil rights of all Americans. In the 1960s, when the country faced an energized black constituency determined to fulfill the promises of the Constitution, Peter Rodino stood up to defend their civil rights. He was one of the primary sponsors of the Civil Rights Act of 1964 and the Voting Rights Act of 1964. From the Civil Rights Act to the Equal Rights Amendment, he supported every significant piece of civil rights legislation that emerged during his tenure in office. He was a supporter of the equality of every citizen and fought to ensure that justice was not denied to any group.

Peter Rodino's life was not confined to Congress. He was a proud Italian-American and a dutiful public servant who repeatedly and selflessly gave of his time, experience, and wisdom. Prior to entering Congress, he fought in Italy and Africa during World War II, earning a Bronze Star, and later served with the Italian military, receiving a Knight of Order of Crown. After retiring from Congress, he taught and inspired future lawyers at Seton Hall University Law School. At Seton Hall, the Rodino Law Society continues his legacy of activism, responsibility, and duty and stands as a sign of his commitment to guiding future generations.

I am proud to have served with Peter Rodino for 20 years in this chamber. He led by example and respected each member and person he met. He was a member who regularly engaged in both political and personal conversations with members on both sides of aisles. He was a product of his time—a time where civility and respect formed the public character and members regularly chatted with one another about the best interests of this country and their personal lives. As a congressional leader, Peter encouraged Republicans and Democrats alike to interact more, debate the issues of the day, and work towards solving the problems of this Nation.

I am glad that this chamber is taking the time to recognize the importance of this wonderful man. I will miss Peter Rodino for all of these reasons and many more. He was clearly an extraordinary man who represented the very best of this Nation. Sometimes I wish there were more Rodinos in this chamber and in our public life.

HONORING LOCAL 34 FEDERATION OF UNIVERSITY EMPLOYEES, UNITE-HERE INTERNATIONAL UNION AS THEY CELEBRATE THE 20TH ANNIVERSARY OF THE SIGNING OF THEIR FIRST CONTRACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many who have gathered to join Local 34 Federation of University Employees, UNITE–HERE International Union as they celebrate the 20th Anniversary of the signing of their first contract with Yale University. Two decades after their inception, Local 34 continues to provide a strong voice to the clerical workers, financial assistants, research technicians, and medical assistants they represent.

In the early nineteen eighties, across America there was a change in what was the traditional role of women in the workplace. Increasingly, women were not simply working for a little extra money, but were becoming career women—working to support themselves and their families. As this transition moved forward, clerical and technical employees at Yale University—positions a majority of which were held by women—began to meet and discuss possible opportunities for them to obtain such daring goals as equal pay for equal work and the availability of a pension plan that would be meaningful in their retirement. They began to look for similar employment protections that were offered to other employees at Yale University. It was from these early discussions that the Local 34 was organized.

With assistance from their brethren at Local 35, which represents the service and maintenance workers at the University, and Local 217, who represent hotel and restaurant workers in Connecticut and Rhode Island, the effort to establish Local 34 began. In May of 1983, clerical and technical workers at Yale took the historic step of voting to form Local 34. Their mission, as it still stands today, was simple. They wanted to protect and advance the interests of their membership. During their first negotiations with Yale University, Local 34 fought for the concept of "comparable work," and focused not only on the specific issues of salaries and benefits, but on the larger social issues of women's and civil rights. With diligence and unwavering commitment to their cause, Local 34 and Yale University endured nineteen months of discussion, a total of ninety-two negotiating sessions, and a 10-week strike to sign their first contract. This significant moment not only provided clerical and technical workers with real changes in wages, benefits, and pensions, but, for the first time, these employees had a real voice on the job.

Twenty years later, Local 34 continues to serve the interests of their membership and in its work to improve the University and community as well. As they celebrate this remarkable milestone in their history, I am proud to stands and extend my sincere congratulations to the leadership and membership of Local 34 Federation of University Employees, UNITE–HERE International Union—past and present—for their many invaluable contributions to our community. I have and continue to be proud to work with them in these efforts which make such a difference in the lives of our hardworking men and women and their families.

HONORING DAN JOHNSON

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. WAMP. Mr. Speaker, a husband, father, businessman, accountant, and community leader. Dan Johnson is a man of values and integrity. He is a steady thoughtful leader who has been giving back to the community for more than three decades.

Born and raised in Tennessee, Dan Johnson graduated from the University of Tennessee at Knoxville with a degree in accounting. After faithful service to his country in the U.S. Army, Dan came to Chattanooga, established himself through civic and political involvement and founded Johnson, Hickey and Murchison, PC in 1977.

Dan's role as the CEO of the firm that bears his name has provided the platform for him to promote and encourage entrepreneurs and private investment. His contributions to job growth and economic development are significant.

In his new capacity as Chief of Staff to Chattanooga's Mayor Ron Littlefield, Dan offers seasoned political and legislative expertise, which will serve our citizens very well. Dan exemplifies the words in the Jaycee Creed, "Service to humanity is the best work of life."

Dan's selfless contributions have been recognized by our community and state: He received the Public Service Award from the Tennessee Society (Of Certified Public Accounts

in 1997, the 2004 Benefactor Award by The Tennesee Council for Resource Development and the 2005 Tennessee Board of Regents Chancellor's Award for Excellence in Philanthropy—just to name a few.

Dan's affiliations and leadership positions include being president of the Chattanooga Jaycees and the Tennessee Jaycees, founding member of Jaycee Future Corporation and Jaycee Progress, Inc., which built housing for the elderly in Chattanooga. He is also a board member and past chairman of Chattanooga's public television station, WTCI Channel 45, member and past secretary of the Chattanooga Kiwanis Club, treasurer and co-founder of Blood Assurance, vice president and board member of the Chattanooga Chamber of Commerce, a member of the board of trustees at Erlanger Medical Center, vice president and board member of Orange Grove Center, past Chairman of the Hamilton County Republican Party, 1998 Chairman of the Year for the TN Society of Certified Public Accountants and my trusted campaign treasurer for more than a decade.

Dan and his wife of 43 years, Linda, live in Hixson. Their four children have blessed them with twelve grandchildren. The Johnsons have been active members of the First Baptist Church of Chattanooga for almost forty years.

A great man! A great mind! And a big heart! Thank you, Dan Johnson, for the example you set, your devotion to others and selfless service to mankind. We are all the better because of your dedication to our region, state and nation.

HONORING THE 100TH ANNIVERSARY OF ST. DOROTHEA'S CHURCH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HOLT. Mr. Speaker, I rise today to commemorate the 100th anniversary of St. Dorothea's Catholic Church in Eatontown, New Jersey.

The one hundred year history of St. Dorothea's Church is rich in stories of individuals' commitment to community service and helping others. The congregation was first established on October 1, 1905 in the small Quaker village of Eatontown made up of farmers, merchants and some professionals. Before enough funds were secured to build an actual structure, Mass was celebrated in the private homes of the few Catholics in the neighborhood. The first recorded Mass was celebrated in the ''Buttonwood Cottage'' on Main Street, on October 10, 1905.

Over the years, many pastors have served the community of St. Dorothea's. Rev. James B. Coyle, who served the parish from 1960–1990, oversaw the construction of a new, modern church in 1965, which offered more space for worship as well as youth and adult, educational programming and community activities. With the creation of the new building, St. Dorothea's has provided to the local residents of Eatontown and the surrounding communities in Monmouth County.

In recent years, Rev. G. Williams Evans has developed greater outreach and community service for St. Dorothea's. Some of the many programs that he has established are ministries to several segments of the population, the Knights of Columbus chapter and a ''Prayer Garden'' located on the grounds of the church. Currently, Rev. Evans is supervising the publication of St. Dorothea's one hundred year history, written by parishioner Gordon Bishop.

Some of the many community outreach programs that St. Dorothea's runs are religious education classes, Vacation Bible School for young parishioners as well as a youth group that provides structured activities and events for teenagers. Also groups of volunteers provide pastoral and hospital care for the community's sick and elderly, giving spiritual care to those in need. The parish continues to organize important events for fundraising and special occasions, and soon is commemorating its centennial anniversary with a series of events, including a picnic, parish trip, concert, mass, and dinner.

Mr. Speaker, I join Eatontown Mayor Gerald Tarantolo and many others in recognizing St. Dorothea's Church for its rich one hundred year history and service to the people of Eatontown. From the hard work of the original 18 parishioners in 1905 to the dedication of the over 1770 parishioners today, St. Dorothea's has provided an outstanding ministry to the people of Central New Jersey.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes:

Mr. DEAL of Georgia. Mr. Chairman, I commend the following comments and questions, posed by the National League of Families of American Prisoners and Missing in Southeast Asia, to my colleagues as they consider relations between the aforementioned organization and the Defense POW/Missing Persons Office. I also ask that you note my June 20, 2005 floor colloquy with Mr. YOUNG on this subject.

CONGRESSIONAL REQUESTS

Prime Minister of Vietnam is visiting the U.S. June 21. The focus seems to be on economics, trade and religious rights. What about accountability?

1. Vietnam is NOT cooperating in ''full faith''. We have never had access to the Central Highlands since the War was over where hundreds of our Americans are Missing—no chance to interview witnesses who are dying who might have valuable information on crash and grave sights plus documents.

2. Two U.S. war ships have been allowed to come into Vietnamese ports but never a salvage ship that could recover remains from known crash sights off the coast. We have offered to make this an educational venture but denied access.

Accountability should be a priority especially in a time of war—not just rhetoric but action. The families should be treated with respect.

Why does Jerry Jennings, head of the Defense POW/MIA Office still have a job? He has been under investigation for sexual harassment and hostile environment charges by his staff + alleged misappropriation of government funds. He has tried for over a year to undermine the family organizations. Three groups have released a vote of No Confidence in Jerry and his leadership staffers.

The league is very concerned over policy being pursued by the office assigned the responsibility within the Defense Department, headed by DASD Jerry Jennings.

The President in 2002 and Secretary of State in 2004 defined criteria expected of Vietnam, namely unilateral actions that Vietnam should take to be fully cooperative, including on cases of Americans missing in Laos and Cambodia controlled by Vietnamese forces during the war.

These pertain to unilateral provision of relevant archival records from ALL ministries and unilateral repatriation of remains that can't be recovered in the field with joint operations, for example Last Known Alive (LKA) cases where Americans were captured on alive on the ground in immediate proximity to hostile forces.

If dead, their remains should be readily available to the Vietnamese, but could be sensitive in view of the many years withheld on manner of death, readily determined by the experts at CIL.

We'd appreciate your reading this ''End-of-Year Policy Assessment,'' prepared at our request by our Policy Adviser Richard Childress, a retired U.S. Army COL who served on President Reagan's NSC staff as Director Political Military, then Director for Asian Affairs from 1981—1989

League is not interested re-fighting the war or placing blame; we just want answers for the families, not recriminations, on all possible cases, and we base our expectations on USG intelligence and logic.

We're also deeply concerned over Mr. Jennings' handling of the U.S.-Russia Joint Commission on POW/MIA Affairs, a presidential commission that has been reduced in stature and effectiveness, despite having extremely talented staff within DPMO, the Joint Commission Support Directorate, or JCSD.

The league has great confidence in JCSD's abilities, plus has been working hard to get active Senate and House replacements for vacancies or positions held by inactive Members of the House and Senate.

We just succeeded in convincing Senator Saxby Chambliss to accept the Senate Republican position, but the Democrat Senator position is held by Senator John Kerry who has not participated at all in plenary or internal U.S. sessions.

The House Democrat position is held by Rep. Lane Evans, but we understand his tragic illness impeded active participation, and we need active committed Members to signal the Russians that the U.S. is serious.

Recently, Mr. Jennings' was reportedly appointed by the White House to assume the role of U.S. Chairman, an appointment that is too low level and without the prestige required for the Russian Government to take it seriously; they stated this fact to U.S. officials.

Mr. Jennings was the Commissioner representing DOD, and that was fine, but he is not the appropriate level to be a Presidential Envoy serving as U.S. Chairman; thus, we also oppose him in this second position.

The League has received countless complaints from DPMO staff members and we are VERY concerned about internal disruption, even implosion, of this organization that would not exist if were not for the League's efforts over the years that raised the priority.

We've been informed that there are at least six official complaints against Mr. Jennings for hostile workplace environment, including one for sexual harassment, that are now under investigation by the DOD Inspector General's office.

Our Executive Director Ann Mills Griffiths was interviewed a couple of weeks ago, and the Chairman of the Korea/Cold War Families of the Missing was reportedly being called today; we strongly oppose Mr. Jennings continuing as DPMO Director, his third position.

Our objections to Mr. Jennings are focused 1st on policy weaknesses and the manner in which he develops policy without substantive interagency integration and dismisses Vietnam's ability to provide answers, 2nd on his hostility toward the families, and 3rd his attempts to take total control of our annual meetings AND operations of the Joint POW/MIA Accounting Command and all DOD-related organizations.

Mr. Jennings plan is increasing DPMO control over operations, and he has several senior personnel assigned to this task, already having published an innocuous-sounding Strategic Plan, but the real agenda is fussy in its portrayal.

Close attention by Congress is his greatest fear, as careful scrutiny would reveal greater intrusion into operations, inappropriate behavior toward DPMO staff and employees, mismanagement of tax-payer funds allocated for the POW/MIA accounting effort, implementing plans to circumvent GS guidelines and attempts to subvert the League and other nonprofit, humanitarian organizations.

Our Board of Directors unanimously voted NO CONFIDENCE in DASD Jennings and the current leadership of DPMO; we are joined by unanimous vote of the Korea/Cold War Families of the Missing Board of Directors, headed by Irene Mandra, New York.

Both have provided our separate views to Dep. Sec. of Defense Paul Wolfowitz and Assistant Secretary, International Security Affairs, Peter Rodman, as has The Chosin Few, the organization of Korean War veterans who survived the horrible battles at the Chosin Reservoir; their vote was straightforward—to seek Mr. Jennings' removal.

DPMO staff were directed to revise their charter documents to ensure that DPMO is the sole USG organization to negotiate with foreign governments, speak to Congress, the media, the veterans' community and the families on the issue, take control of all field operations worldwide, and to find a way to control and take over all annual meetings of POW/MIA families.

They cite one provision of the DOD regulations pertaining to the ethics code to back their plan to take control of the League's annual meetings, but ignore the provision that allows all DoD elements to respond to invitations to participate in non-government conferences and events, as they routinely do for the Legion, VFW, DAV and countless other community groups, never seeking to control them, or their agenda and program.

In S. 1245/H.R. 2996, the Defense Authorization Bill of 1983, Congress amended 157 of title 10, U.S. Code, to ''authorize the Sec. of Defense to provide transportation for next-of-kin of certain persons who are unaccounted for to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

That authorization was amended by the 107th Congress to include the Korea/Cold War families by noting families of American military and certain civilians unaccounted for since the end of World War II, are entitled to DOD transportation to attend the annual meetings (plural).

When we raised this to Assistant Secretary for International Security Affairs Peter Rodman, Mr. Jennings, who had joined the meeting, stated that ''Congressional intent is irrelevant.''

For the past year, the League has endured repeated attempts by Mr. Jennings and his immediate front-office staff to take total control of our annual meetings, not only the agenda during which the briefings are presented, but even selecting the hotel, setting the date, and holding Congressionally-authorized transportation as leverage to force the League to accede to DPMO's demands.

Mr. Jennings has now gone too far, insisting on total control, contracted with another hotel in Crystal City, set the date one day earlier, has distributed his plan to all Vietnam War POW/MIA families and given instructions to the Military Services about transportation.

For the good of the issue and our system of checks and balances, as well as unity in pursuing answers from what are mostly communist-controlled countries, Mr. Jennings' control mentality must stop.

The League and the Korea/Cold War Families of the Missing have called for his removal, or resignation, in the best interest of the issue, the families and the USG, particularly DPMO employees, but also JPAC and other operational organizations and the Military Service Casualty Offices.

A TRIBUTE TO VERNON PARKER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to Vernon Parker. Little did I know as I sat in my Colorado history class in seventh grade my teacher, Mr. Vern Parker, was an extraordinary man.

The community where I grew up was small, and everyone knew everyone else. The school in Galeton was small, too. There were 17 students in my class. When we were in the seventh grade, one of our favorite classes was Colorado History. Evidently classroom space was limited, because we met in the music room and sat on folding chairs. It seemed a little odd not to have desks but we juggled our books on our laps and managed quite well.

Mr. Parker was enthusiastic about the subject and kept us all interested. I remember one quiz that he gave us, in particular. He gave us a list of towns and instructed us to identify those that were located in Colorado. Although I'm a native of the State, I wasn't sure about some of them. When I saw "Parker" on the list, I was convinced it was a trick question. After all, it was my teacher's last name. Needless to say, I didn't get 100 percent on that quiz.

Even though one of the boys in our class was Mr. Parker's nephew, who called him by his first name, I still was in awe of my teacher and I tried to do my best. Once Mr. Parker complimented me on my performance in a talent show and his praise gave me confidence and helped me more than he could ever know.

We were unaware of the incredible experiences Mr. Parker had before he came to be our teacher. We didn't know the hero that stood before us.

Mr. Parker served in the United States Army in the special unit known as "Wolfpack", which worked with friendly South Korean troops during the Korean War, and he was struck by lightning at Fort Riley between tours in Korea. He served from 1949 until he was wounded in 1953. During this time, he was awarded two Silver Stars for gallantry in action during a battle in which he destroyed a Communist tank using a bazooka. In that same battle, he was wounded by an exploding artillery shell and was awarded the Purple Heart.

When he went home, he married his sweetheart Sylvia Howard in 1953. Vern and Sylvia made sacrifices, and he earned his Master's degree from Colorado State College of Education in 1959. They were blessed with three children—Jim, Jerry, and Joe.

Mr. Parker began teaching school at Galeton, Colorado in 1958. He went on to become the principal of Galeton's elementary and junior high schools. He was the school Superintendent in Briggsdale, Colorado, for three years and he continued teaching in Weldona, Colorado, from 1976 to 1979.

When Mr. Parker retired he opened and ran a small business. He was a member of the Lions Club and the V.F.W., a Boy Scout leader, and a volunteer fireman. Vernon's love of teaching and working with young people has stayed with him always and he takes great pleasure in the accomplishments of his former students and scouts. He has served his community and his country well.

My classmates and I liked him a lot, and we thought he had a good sense of humor. Recently, I acquired one of the textbooks we used in his class. Every time I come across the book, it brings back good memories and I always stop and thumb through it.

I am proud to have been a student of Vernon Parker, and I know Congressman FRANKS is as well. Mr. Speaker, I'm very thankful for the positive influence Vern Parker had on my life as my teacher and I'm also very thankful as an American for the sacrifices he has made for our freedom and liberty. May God bless our teachers who positively influence young people, and may God bless our precious veterans who have made sacrifices on our behalf.

IN RECOGNITION OF THE COMPLETION OF THE WHEELCHAIR ACCESSIBLE TREEHOUSE AT CRADLE BEACH CAMP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the completion of the state of New York's first wheelchair accessible treehouse at Cradle Beach Camp in Angola. This 650 square foot structure that sits among the trees eleven feet above the ground is another important chapter in Cradle Beach Camp's mission to provide rewarding and educational summer camp experience to children with disadvantages or special needs. This innovative treehouse will provide a valuable learning and recreational asset for wheelchair-bound campers.

Since 1888 Cradle Beach Camp has provided rewarding summer break fun and learning to disabled children and children who would often not be able to attend a camp. Now approximately 900 children every year are given an unforgettable experience, participating in energetic and entertaining activities

while learning about themselves as well as their new friends.

The activities of Cradle Beach Camp are organized to follow the 40 developmental assets that have been identified by the Search Institute—an organization that provides resources to promote healthy children. By focusing on a child's development, the Cradle Beach Camp program helps their attendees learn about themselves and steer them away from damaging and dangerous activities later in life.

Cradle Beach Camp has always looked for challenges and innovative ways to enhance the stay of their campers. Cradle Beach's newest project is no different. The camp has overseen construction of a large treehouse capable of allowing children in wheelchairs to study and enjoy themselves in the treetops. This large treehouse capable of fitting 25 people will allow all campers to appreciate the simple joy of spending time surrounded by nature.

In closing Mr. Speaker, I wish to recognize this great achievement by the inspirational Cradle Beach Camp whose mission in its own words is "to provide children with a chance to learn more about themselves and their abilities, instead of their limitations." I would also like to recognize the generosity of the people of Western New York whose donations and volunteer efforts have made this project possible. Just as it has done many times in the past, the Cradle Beach Staff led by its president, Jeannine L. Higgins, and many other Western New Yorkers, have provided generously to help the mission of this wonderful camp continue well into the future.

TRIBUTE TO WDIA RADIO STATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. FORD. Mr. Speaker, I rise today to honor WDIA radio station in Memphis. The station is celebrating nearly sixty years of broadcasting with a new compact disc anthology featuring the rhythm and blues, soul and hip-hop classics that have made Memphis famous.

From its beginnings in 1948, as the first radio station in the United States featuring programming by African-Americans for an African-American audience, WDIA has introduced America to such world wide legends as B.B. King who recorded his first single at WDIA, Rufus Thomas and Isaac Hayes.

In its first years on the air, WDIA experienced great success and was the most popular station in the city. In 1954, WDIA expanded its signal to broadcast from South-West Missouri through the Mississippi River Delta to the Gulf Coast. This expansion brought its blues, gospel, and soul to ten percent of the United States' African-American population.

With its enormous success, WDIA has remained focused on improving the Memphis community and has earned the title of "the Goodwill Station." Throughout its distinguished history, WDIA has aided the community by announcing job openings, connecting individuals with agencies to help them resolve problems, establishing over 100 Little League teams for black children, and sponsoring charitable events to raise funds for community initiatives.

Almost sixty years since its launch, WDIA continues as a driving force in radio. From Bobby O'Jay and the Fun Morning Team, to the Bev Johnson Show to the Davis Brothers in the afternoon, to Ford Nelson and Mark Stansbury's Gospel Sunday, WDIA is not only the "Mother Station" for African-Americans, it is stands as a symbol of entertainment, entrepreneurship and philanthropy for our region and the entire nation.

Mr. Speaker, it is in recognition of and appreciation for WDIA's nearly six-decade-long history and its continued presence in the Memphis community that I ask my colleagues to join me in paying tribute to WDIA AM 1070, the Goodwill Station.

PERSONAL EXPLANATION

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. DELAHUNT. Mr. Speaker, on June 8, 2005, I inadvertently voted in the negative on rollcall 233 on H.R. 2744. It was my intention to be recorded as "yes" on this measure and I offer this clarification for the RECORD.

IN HONOR OF RAYMOND J. FATZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. FARR. Mr. Speaker, I am extremely proud to recognize an outstanding American who retires from Federal civilian service after 37½ years. On July 1st, Mr. Raymond J. Fatz of Herndon, VA, completes a long, and lustrous career in the Federal Government, which began as a soldier in the United States Army in 1967.

Mr. Fatz' extraordinary leadership and accomplishments as the senior executive for the Army's environmental, safety and occupational health programs have had a positive, direct, and lasting impact on the Soldiers and on the Army's ability to complete its peacetime and wartime missions—past, present and future.

I came to know Ray Fatz through his work on clean-up issues at Fort Ord. To anyone who has heard me preach about Fort Ord, you know how deep into the details I am. Whether it be cleaning up the UXO, filtering the contaminated water plume, or capping old landfills, I am passionate about getting clean up right. Ray Fatz not only understood this, he relished it. He went after Fort Ord clean up with a spirit that speaks volumes of his commitment to public service and dedication to Army environmental principles. Though Fort Ord has been a tough nut to crack, I'm happy to say that under Ray Fatz's leadership, we are on a path to getting Fort Ord clean, back into the hands of civilians, and ready for an economic boom.

It has been Ray's collegial style and quiet diplomacy that has enabled him to navigate the difficult issues of military environmental stewardship. During times of tighter budgets but increased demands, Ray has done a masterful job of allocating resources where they can do the most public good. In that respect, we all should take a page out of Ray's rule book.

Today, I wish Ray Fatz the best in his well-deserved retirement. He can now improve his golf game, go fishing and spend more time with his family.

Mr. Fatz, I thank you, the Army thanks you, and your country thanks you for your extraordinary service.

RECOGNIZING STEVEN HAO

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. LOFGREN of California. Mr. Speaker, I rise today to recognize Steven Hao for his selection as a finalist in the USA Biology Olympiad, sponsored by the Center for Excellence in Education.

Steven was selected as one of twenty students from more than 5,400 who will compete in the National Finals. The four gold medalists from the National Finals will represent the United States at the International Biology Olympiad in Beijing, China. We hope that these students will achieve the outstanding success of the 2004 U.S. Team, who won an unprecedented four gold medals, a feat accomplished for the first time in Biology Olympiad history.

The Biology Olympiad promotes education and creativity in a way that is vital to a youth's development. These types of activities encourage students to explore the fields of science and engineering. This kind of innovation will drive the United States' economy into the future. As a Member of Congress from Silicon Valley, I fully understand the importance and impact that these studies have on America's prosperity.

I am proud to stand here today to recognize Steven for his accomplishments at the USA Biology Olympiad. Steven was also recently recognized for winning a prize at the 56th Intel International Science and Engineering Fair Project for his project on "The Effects of Oxidative Damage on Protein Translation Efficiency." I urge him and all students to continue to take an interest in these fields, so that the U.S. will continue to lead the world in scientific research.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes:

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2745, which focuses on reform at the United Nations. I do so not because I am against the mission of the U.N. To the contrary, I support the U.N.'s role in facilitating diplomacy, mediating disputes, keeping the peace and feeding the hungry. Moreover, I continue to advocate for a much larger role for

the U.N. in Iraq as a means of bringing U.S. troops home.

However, I believe that on the heels of the Oil for Food scandal, we must send a strong signal that reform at the U.N. must proceed. I am voting yes today because the current structure and operations of the U.N. must be reviewed, as just about every speaker on the floor today has acknowledged. Even the U.N. leadership itself has acknowledged the need for reform and, to its credit, has put forward a number of useful proposals for consideration.

Like many bills we consider in the House, I do not like every aspect of this legislation. I am particularly concerned for how it would affect peacekeeping activities. But this legislation importantly calls for a more focused and accountable U.N. budget, one that reflects what should be the true priorities of the organization. I am hopeful that the prospect of this bill will force the U.N. to implement the kinds of changes we all agree are necessary to make the body more effective and efficient.

Mr. Chairman, voting yes today sends a strong signal that we are serious about ensuring a strong United Nations for the future. I urge my colleagues to vote yes on H.R. 2745.

LITTLE RIVER COUNTY JUDGE CLYDE WRIGHT

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. ROSS. Mr. Speaker, today, I pay tribute to Little River County Judge Clyde Benton Wright. Judge Wright passed away on June 10, 2005 at the age of 63. I wish to recognize his legacy and lifetime of dedication to public service.

Judge Wright was born on October 30, 1941, in Little River County. Graduating from Foreman High School in 1959, he began a career in the United States Marine Corps with assignments that included Vietnam, Laos, and Cambodia. Judge Wright specialized in and instructed escape and evasion tactics and trained Navy Seals.

Following a distinguished career in the military, Judge Wright moved to Los Angeles and began a career that spanned over two decades with the Los Angeles Police Department, where he earned a prestigious Detective III rank. Following a special request from the government, Judge Wright also taught courses to new Federal Bureau of Investigation agents.

In 1984, Judge Wright returned with his family to Little River County. In 1988, he was elected to the post of Little River County Judge, and served in that post for more than eight consecutive terms. As Judge, he helped to secure funding for improvement of local roads and the hospital, and furthered industrial development in Little River County.

Judge Wright led a lifetime of devotion to his family, to public service, and to the betterment of the lives of others. I am honored to have known him and counted him as a friend.

I extend my deepest sympathies to his wife, Barbara Lampenfeld Wright, their sons, Lonnie Benton Wright of Little Rock and Marshall Alan Wright of Forrest City, their daughter-in-law, Kristen Collier Wright, and six-week old twin grandchildren, Collier and Syble, and his father, Bud Wright.

RECOGNIZING THE CONTRIBUTIONS OF JAIME CARDINAL SIN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life of Jaime Cardinal Sin, a leader of the Roman Catholic Church of the Philippines. Cardinal Sin was a great man, a strong leader, and a tireless fighter of injustice in his home country of the Philippines and throughout the world for decades. His passing is indeed a significant loss.

Born on August 31, 1928, Sin was ordained a priest in the Archdioceses of Jaro on April 3, 1954. He was appointed Coadjutor Archbishop of Jaro on March 15, 1972, and on October 8, 1972, he assumed the office of Archbishop of Jaro, thus assuming full control of the archdiocese. On January 21, 1974, Sin was appointed Archbishop of Manila, and on May 25, 1976, Sin became the youngest member of the College of Cardinals, a distinction which he held until 1983.

As the spiritual leader of the largest concentration of Catholics In Asia, Cardinal Sin held a great deal of influence over a substantial number of people. Rather than be content to simply influence the spiritual lives of his people, Cardinal Sin worked to affect change in the political and social arenas. Cardinal Sin was the central figure around whom the Philippine people rallied during both the People Power movement which restored democracy to the Philippines and the recent reformist movement. He was an outspoken critic, and his support of democratic reform helped to facilitate peaceful transition.

Despite his retirement on September 15, 2003, Cardinal Sin remained a popular and beloved figure in the Philippines. He was a leading voice against abortion and the death penalty. He was outspoken against inequality and immorality, and his three decades of service to the Philippine people have left an indelible mark in history.

Because of its geographic proximity and its large Filipino population, my district of Guam has traditionally held a very close relationship with the Philippines. I join the millions of Filipinos on Guam, in the Philippines, and throughout the world in mourning the passing of this great man.

INTRODUCTION OF LEGISLATION TO ESTABLISH AN INDEPENDENT COMMISSION TO REVIEW DETAINEE ABUSES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. WAXMAN. Mr. Speaker, it has been over a year since the photographs of prisoner abuse at Abu Ghraib shocked the nation and the world. Since then, the allegations of mistreatment, abuse, and torture of detainees in U.S. custody have multiplied.

In just the past few weeks, new evidence emerged of the desecration of the Koran at Guantanamo Bay, the involvement of Navy Seals in beating detainees in Iraq, and the gruesome, ultimately fatal torture of Afghans at the U.S. detention center at Bagram Airbase in Afghanistan.

The reports of detainee abuse are undermining one of our Nation's most valuable assets: our reputation for respect for human rights.

And they are endangering our armed forces and inciting hatred against the United States. As Senator JOE BIDEN said, Guantanamo is the "greatest propaganda for the recruitment of terrorists worldwide."

Our national interest demands a thorough independent review of the detention system. We need answers to basic questions: What happened? Who is responsible? And how do we move forward?

The Pentagon's internal investigations certainly do not meet this standard. The resulting reports have contained conflicting conclusions, and some have been little more than whitewashes.

And in Congress, we have ignored our fundamental constitutional responsibility to investigate.

When the Abu Ghraib photos surfaced, the House held a mere five hours of public hearings. The Senate review was more extensive but stopped far short of assessing individual accountability up the chain of command.

Our troops deserve better. Our nation deserves better.

Some of the allegations that have been replayed repeatedly around the world may not be true. President Bush calls them "absurd."

But we won't know what's true and what's not true unless we investigate. And when we refuse to conduct thorough, independent investigations, the rest of the world thinks we have something to hide.

The independent commission established by the bill we are introducing today would address this huge oversight gap. It would establish a 10-member bipartisan commission modeled on the successful 9–11 Commission.

The Commission would conduct a thorough review of the extent of the abuses, what individuals are responsible for the abuses, and what policies facilitated the abuses. The Commission would also make recommendations on legislative and executive actions necessary to prevent future abuses.

The bill already has 172 cosponsors, and it has the support of key leaders in Congress like NANCY PELOSI, the Minority Leader; STENY HOYER, the Minority Whip; IKE SKELTON, the ranking Democrat on Armed Services; and JANE HARMAN, the ranking Democrat on Intelligence. I commend these senior members for their leadership.

And I urge my other colleagues to join us in demonstrating that our system of checks and balances still works and that we are a nation committed to respect for human rights.

CONGRATULATING MARGARET ELLOR ON RECEIVING THE CONGRESSIONAL AWARD GOLD MEDAL

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to honor Margaret Ellor, who has earned The

Congressional Award Gold Medal. On June 22, 2005, Ms. Ellor will receive the award, which honors individuals who have completed over 400 hours of community service in a two year span, 200 hours of both personal development and physical fitness activities, and a four-night expedition or exploration. This award is bestowed upon only the most deserving of America's youth. Based on her record of personal and community service, Ms. Ellor certainly deserves this honor.

Eighteen-year-old Margaret began volunteering for the Girl Scouts in Naperville, Illinois when she was five years old. Motivated by a desire to aid her fellow Americans living in rural West Virginia, she led a thirty-person crew into her community to collect donations, clothing, books, sporting goods, and other items for West Virginians in need. She then went to The Mountain State to personally deliver the items. She also spent one week in each of the past three summers remodeling and rebuilding homes in poor communities closer to home.

When not helping others, Maggie has devoted time to improving her public speaking and musical abilities. In addition, she has undertaken intense training in Tae Kwan Do, swimming, and cross training. She undertook a three year study of the German language and culture, which included three weeks living abroad with a German family. She could have spent this time with friends or working in a local business. But instead, she sought to broaden her horizons while helping others.

Mr. Speaker, it is clear that Margaret Ellor is an exceptional young woman. Her warm heart and sharp mind have proven, at her young age, to be of great value to her fellow citizens. Her good deeds in her home town are the sign of a good spirit and an even better soul. As the late tennis champion Arthur Ashe once said, "True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others, at whatever cost." I can think of no better example of that heroic ideal than Ms. Margaret Ellor of Aurora, Illinois. I congratulate her on receiving The Congressional Award Gold Medal and I look forward to watching where her career takes her in the months and years to come.

TRIBUTE TO RENOUNED SCIENTIST JACK ST. CLAIR KILBY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with great honor and profound sadness that I rise to pay tribute to the life of Jack St. Clair Kilby of Dallas, Texas. After living a remarkably accomplished life that spanned 81 years, Dr. Kilby passed away on June 20, 2005.

Nobel laureate Jack St. Clair Kilby who set off the high-tech revolution with his invention of the semiconductor chip in 1958, graduated from University of Illinois at Urbana Champaign in 1947 with a bachelor's degree in Electrical Engineering.

Kilby joined Texas Instruments in 1958. That summer, the idea for the integrated circuit first came to him. Kilby and fellow TI officials put the first circuit to the test on September 12, 1958, marking the invention that transformed the industry.

Dr. Kilby held several engineering management positions at TI between 1960 and 1968 when he was named assistant Vice President. In 1970, he became Director of Engineering and Technology for the components group, before taking a leave of absence to become an independent consultant. Kilby officially retired from TI in 1983, but continued to do consulting work with the company.

In addition to his TI career, Kilby held the rank of Distinguished Professor of Electrical Engineering at Texas A&M University from 1978 to 1984. In 1990, he lent his name to The Kilby Awards Foundation, which commemorates "the power of one individual to make a significant impact on society." In addition to the Nobel Prize, Kilby received numerous honors and awards for his contributions to science, technology and the electronics industry.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. If this is the measure of worth in life, Dr. Kilby's family, colleagues and friends can attest to the success of the life he led.

Mr. Speaker, I ask all the Members of the House to join me in paying tribute to the life of Dr. Kilby. He touched our lives and our hearts, and he will be greatly missed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes:

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

The Defense Appropriations bill for fiscal year 2006 funds our military operations in Iraq and Afghanistan, among many other things. It is very similar to the Defense Authorization bill that I supported in the Armed Services Committee and on the House floor.

In general, the bill fully funds military pay, benefits, the pay raise for the base force, and all military readiness programs, including all requested increases for Special Operations Forces.

The bill also includes $45.3 billion of unrequested emergency supplemental funding (the "bridge fund") to cover contingency operations and personnel costs during the first six months of the fiscal year that begins on October 1st. This comes on the heels of the $75.9 billion FY05 supplemental funding bill that the Congress passed only a month ago.

I think this is realistic and necessary, because we must support our men and women in uniform, but I also believe the administration must begin to take responsibility for the full cost of the war in Iraq and consider these costs through the regular appropriations process. There is no "emergency" here—we know that since this bridge fund would take us only halfway through FY06, we should be expecting another request of about $40 billion before the year is over. The American people deserve greater candor from the administration about both the predictable costs as well as the anticipated benefits of our undertakings in Iraq and Afghanistan.

Once this bill is signed into law, defense spending in FY06 will total about 55 percent of the entire Federal discretionary budget. Overall defense spending, in real terms, will be more than 20 percent higher than the average Cold War budget. The administration needs to clearly recognize these realities and be open with the American people about its spending priorities.

I want to briefly discuss a few other specific parts of the bill.

I am pleased that the bill does not include funding for earth-penetrating nuclear weapons, which a recent National Academy of Sciences report found would destroy military targets underground but also cause massive casualties above ground. The bill strikes a compromise, providing $4 million for the Air Force for work on a conventional (non-nuclear) version of the bunker buster.

Importantly, it also includes cost-containment measures on a number of weapons systems that have yet to be fully funded. This is critical at a time when costs of our military operations in Iraq and Afghanistan are also increasing exponentially.

In the area of operation and maintenance, the bill provides important funding for added fuel costs and body armor, and $147 million for Army National Guard recruiting. The measure contains $2.9 billion for various procurement accounts, including $170 million for up-armored Humvees, $20 million for bolt-on armor kits for trucks, and $35 million for roadside bomb jammers.

The bill also provides $8 billion in extra funding for military personnel accounts, including funds for incremental wartime costs of pays and allowances for active-duty and reserve personnel, for recruiting and retention, and for an expanded death gratuity.

I am pleased that the Appropriations Committee accepted and the House approved an amendment on the floor to lift the $500 million cap in the bill on training the Iraqi National Army. Since the timing of the draw-down of U.S. forces is linked to the ability of Iraqi troops to defend themselves and their country, we shouldn't impose an arbitrary limit on this funding.

I am also pleased that the bill provides the president's request of $416 million for the Cooperative Threat Reduction program, known as CTR or Nunn-Lugar, to assist in the denuclearization and demilitarization of the states of the former Soviet Union. The total is $6 million more than the current level.

Finally, I would like to comment on amendments offered by Representatives DUNCAN HUNTER and DAVID OBEY.

As it came to the floor, the bill included language approved by the full Appropriations committee expressing the sense of Congress that the expression of personal religious faith is welcome in the U.S. military, "but coercive and abusive religious proselytizing at the U.S. Air Force Academy by officers assigned to duty at the academy. . . . as has been reported, is inconsistent with the professionalism and standards required of those who serve at

the academy.'' The bill directed the Air Force to develop a plan to ensure that the academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing.

As a Coloradan and a Member of the Armed Services Committee, I have been following this matter closely and have noted that Lt. Gen. John Rosa, the Academy's superintendent, has said that the problem is ''something that keeps me awake at night,'' and estimated it will take 6 years to fix.

The good news is that several reviews of the situation at the Academy are underway, and a task force report is due this week. I am also appreciative that the Academy has already begun taking steps to address the issue by holding classes on religious tolerance. But it is important to remember that an unwillingness to tolerate other cultures and faiths is not only inconsistent with our constitutional principles, but detrimental to the mission of the Air Force and of the military in general. Our men and women in uniform need to work together to be successful, and can only inspire others to serve and serve well if they are able to demonstrate tolerance toward all.

Representative HUNTER's amendment removed the language calling for corrective action. His amendment appeared to downplay the seriousness of a problem that Air Force Academy officials themselves have acknowledged. In response, Representative OBEY offered an amendment that slightly revised the language adopted by the Appropriations Committee but retained its essential elements.

I voted for that Obey amendment, and regret that it was not approved and that the Hunter amendment prevailed. I hope that the Air Force does not make the mistake of concluding that adoption of the Hunter amendment means that they should lessen their efforts to respond to the problem they have identified.

CONGRATULATING MRS. DEBORAH BENJAMIN ON HER 50TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to join the Benjamin family of Glen Head, New York in celebration of the 50th birthday of Mrs. Deborah Benjamin, which will be commemorated this Saturday, June 25th, 2005 at Gotham Hall in Manhattan.

Deborah Ann Coyle Benjamin was born on June 28, 1955, in Peninsula Hospital in Rockaway Beach, New York. Deborah is the eldest of Ken and Gladys Coyle's three children. Her sister, Denise DeVita, and brother, Ken Coyle, Jr., both live on Long Island in New York.

Deborah spent her childhood and early adulthood in Rockville Centre, New York, where she attended Hewitt Grammar School, and graduated from South Side High School. After high school she attended Elizabeth Seton College in Westchester, New York.

In the years after college, Deborah worked for her father's insurance company, the Wheatley Agency, for 20 years and retired in 2000 as Vice President of Group Insurance Sales.

In 2000, Deborah married her long-time best friend, Alvin Benjamin of Glen Head, New York. Alvin is the Owner/President of Benjamin Development in Garden City, New York. They currently reside in Glen Head, Manhattan, and Highland Beach, Florida.

Since her retirement, Mrs. Benjamin has devoted much of her time to charitable organizations dedicated to improving the lives of children. She is most actively involved with the Fanconi Anemia Research Fund, which is dedicated to finding a cure for this rare, but serious blood disease. Additionally, Mrs. Benjamin has lent her support to Palm Beach County-based Kids In New Directions, which assists children in making positive life choices and developing leadership skills. Countless children in New York, Florida, and throughout our nation have benefited from Deborah Benjamin's philanthropy and her generosity of time and spirt.

Al and Deborah Benjamin enjoy spending time with their families, friends, traveling, giving to charities in the New York and Florida area, and remain lovingly devoted to one another after 5 years of marriage.

Mr. Speaker, I ask the entire House of Representatives to join me now in thanking Deborah Benjamin for her selfless contributions to society, in congratulating her on her 50th birthday, and in extending our best wishes for her future success and happiness as she marks this important and joyous milestone.

DEMAND FOR FREEDOM ALIVE IN PUNJAB, KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. TOWNS. Mr. Speaker, I rise today to take note of the demonstrations in Punjab, Khalistan that surrounded the 21st anniversary of the Indian government's attack on the Golden Temple. Groups such as Dal Khalsa and others marched through the streets of Amritsar, converging at the Golden Temple for a big rally, according to The Times of India. They carried posters of Sant Jarnail Singh Bhindranwale, a Sikh freedom leader killed in the Golden Temple attacks, as well as posters of the demolished Golden Temple.

As you know, the Indian government also attacked 125 other Gurdwaras—Sikh places of worship—at the same time. Over 20,000 Sikhs were killed. The Sikh holy book, the Guru Granth Sahib, was shot full of bullet holes. Sikh boys between the ages of 8 and 13 were shot on the premises.

Former Member of Parliament Simranjit Singh Mann said that the only way to assuage the wounds of the attack is by freeing Khalistan, the Sikh homeland. Another speaker said that the movement to free Khalistan is by peaceful means. Khalistan declared its independence from India in 1997. That is now eight years ago.

Police and intelligence operatives were surreptitiously watching this peaceful demonstration. Apparently, 21 years after the Golden Temple attack, the Sikhs' demand for freedom still frightens them.

India claims it is democratic, Mr. Speaker, yet it sends police to spy on a peaceful demonstration. In January, 35 Sikhs were arrested for raising the Sikh flag and making speeches. The Movement Against State Repression reports that over 52,000 Sikhs are political prisoners in ''the world's largest democracy.'' More than a quarter of a million Sikhs have been murdered, according to figures compiled from the Punjab State Magistracy.

Sikhs are only one of India's targets. Other minorities such as Christians, Muslims, and others have also been subjected to tyrannical repression. More than 300,000 Christians have been killed in Nagaland, and thousands elsewhere in the country. Over 900,000 Kashmir Muslims, at least 2,000 to 5,000 Muslims in Gujarat, and thousands of other Muslims, have been victims of India's tyranny. And tens of thousands of people in Assam, Bodoland, Manipur, Tamil Nadu, and around the country, as well as countless Dalit ''Untouchables'' have been killed as well.

Mr. Speaker, this is unacceptable. We must take a stand for freedom for all, as the President committed us to doing in January. The time has come to stop all our aid and trade with India, to end our burgeoning military cooperation, and to demand the peaceful resolution of the situation in South Asia through a free and fair plebiscite for all the national groups there.

Mr. Speaker, I would like to put the Times of India article about the demonstration into the RECORD at this time.

[From the Times of India, Jun. 6, 2005]

KHALISTAN DEMAND RAISED ON GENOCIDE DAY

(By Yudhvir Rana)

Amritsar.—The pent up secessionist emotions of Sikh radicals whipped up on the Genocide Day observed as Ardas Divas at Akal Takht on Monday, as a large number of Sikh youth including women brandishing naked swords raised slogans for Sikh's independent state Khalistan while passing pejorative remarks against SAD-Badal president Parkash Singh Badal and SGPC president Bibi Jagir Kaur for not coming up to the aspirations of Sikhs and addressing their problems.

The ferocity of slogans multiplied after Sikh radical leader Simranjit Singh Mann, president of SAD (Amritsar) announced that Sikhs's hurt feelings could only be assuaged when Sikhs independent state Khalistan comes into existence. He suggested that Khalistan could be created on the buffer zone between India and Pakistan.

Baba Harnam Singh, 15th chief of Damdami Taksal joined Simranjit Singh Mann with his arms wielding supporters and announced to observe the martyrdom day of Sant Jarnail Singh Bhinderanwalae at Taksal's headquarters at Gurdwara Gurdarshan Parkash, Chowk Mehta on June 12.

The radical activists including from Dal Khalsa, Dal Khalsa, SAD(A), Damdami Taksal, Sikh Students Federation (Bittu), Akal Federation jointly put up the board of Shaheedee Gallery at the gallery situated outside Akal Takht against the wishes of SGPC. A large number of Sikhs and converged at Akal Takht on the 21st anniversary of Operation Bluestar.

Posters of demolished Akal Takht, Sikh militant leaders and pamphlet on the life of Jarnail Singh Bhinderanwalae were distributed among Sikh sangat.

A large number of policemen in plain clothes and sleuths of various intelligence agencies were hovering around the Akal Takht and its surrounding. A police officer of DSP rank remained present among Sikh sangat sitting in front of Akal Takht during the ceremony.

Earlier Parkash Singh Badal and Bibi Jagir Kaur condemned congress government for rubbing salt to the wounds of Sikhs. About the postponement of foundation stone alying ceremony of Yadgara-e-Shaheedan, Badal said the foundation stone would be laid once its design was approved.

Justifying the demand of Khalistan, Jagjit Singh Chauhan, a Khalistan ideologue said that they would peruse their mission through peaceful democratic means.

Jathedar of Akal Tkaht, Giani Joginder Singh Vedanti presented siropas's to Ishar Singh, Mata Pritam Kaur son and wife of Jarnail Singh Bhinderanwalae and relatives of other martyrs. Earlier addressing the gathering he said it was unfortunate that even after 21 years of Operation Bluestar, the central government has not condemned the incident nor those responsible for the 1984 anti Sikh riots have been brought to books and Operation Bluestar was a black chapter in the history of Independent India. The Sikhs had laid down their lives under the aegis of Sant Jarnail Singh Bhinderanwalae to protect the sanctity of gurdhams.

Meanwhile Damdami Taksal presented photographs of Jarnail Singh, Amrik Singh, Shubeg Singh and Thara Singh to Jathedar of Akal Takht Giani Joginder Singh Vedanti for displaying them in the gallery. Vedanti however asked them to contemplate over their request. Meanwhile chief spokesperson of Damdami Taksal. Bhai Mohkam Singh said that they also performed ardas at the gallery's gate. He said panth would decide if there was no desirable reply from Jathedar.

On the other hand SAD(A) had demanded to display the photograph of Jarnail Singh Bhinderanwalae at central Sikh Museum, handing over of personal belongings of Bhinderanwale by his family, Taksal and Army to panth without any conditions, naming the road between Sri Guru Arjun Dev Niwas to Sri Hargobind Niwas on Sant Jarnail Singh Marg, setting up of a Sant Jarnail Singh Dharmik Vidya Kendar and beginning of Shaheed Bhai Amrik Singh Award for those schools helping to check apostism among Sikhs and General Shubeg Sigh Award to promote traditional sports.

JUSTICE DELAYED, BUT JUSTICE FINALLY SERVED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor the memory of three heroic young men James Chaney, Andrew Goodman, and Michael Schwerner, brutally killed in Mississippi exactly 41 years ago today and to welcome today's verdict of the Mississippi jury that found Edgar Ray Killen guilty of three counts of manslaughter in their deaths. I would have preferred the murder convictions sought by Neshoba County district Attorney Mark Duncan in the deaths of these three brave civil rights activists but I recognize the important step Mississippi has taken in finally convicting Killen of the crimes he proudly and publicly took credit for after a jury was deadlocked in his 1964 Federal Civil Rights trial.

Killen was a recruiter and organizer for the Neshoba County Chapter of the Ku Klux Klan during the ''freedom summer'' in 1964 when Goodman and Schwerner came from New York to work with James Chaney and other civil rights activists in Mississippi to register African-American voters. Schwerner had been in Mississippi but returned with Goodman when he heard of the burning of an African-American Church and beatings of members of the congregation. The night Chaney, Goodman and Schwerner died they had been jailed for speeding by Neshoba County Deputy Sheriff Cecil Price. By the time they were released at 10 p.m., the plan formulated by Killen to kill them and bury their bodies in an earthen dam was in place.

The Klan had used fear, intimidation and murder to brutally oppress over African-Americans who sought justice and equality and it sought to respond to the young workers of the civil rights movement in Mississippi in the same way. The murders of Chaney, Goodman and Schwerner were intended as a message to civil rights activists that the Klan was to be feared in Mississippi. It was a message to stay out of Mississippi. The failure of the State of Mississippi and the local district attorney's office to charge a single person in the killings of Chaney, Goodman and Schwerner offered the same message and another even more chilling message. Not only was the state uninterested in killings of African-Americans, a fact well known in that state, but it was uninterested in the killings of white people trying to help them. The failure of the State of Mississippi to prosecute Killen and others was a sign of the influence of the Klan in the state.

Everyone involved in reopening and retrying this case should be proud of this success. I would particularly like to thank Representative BENNIE THOMPSON of Mississippi for his leadership in the House on this issue. Hopefully, the parents and families of Chaney, Goodman and Schwemer will find solace in the fact that, in the end, justice has defeated intimidation and fear.

While the verdict is an important sign that this Nation can and will face the ugliness of its past, it is also a reminder that we have far to go in creating a just and equal society. The verdict today shows Mississippi is changing. I agree with Ben Chaney, brother of James Chaney, that today's verdict is ''recognition of the terrible thing that happened.'' I hope, as he does, that this conviction helps ''shine some light'' on what has happened in Mississippi. However, I also agree with Rita Schwemer Bender, widow of Michael Schwemer when she said: ''I would hope that this case is just the beginning and not the end.''

This Congress should lead the effort to reverse the centuries of discrimination and racism that has so long held us back and apart. We should close the inequalities in education, employment, civil rights and health care that impacts the poor and minorities of this country on a daily basis. We should not take another 41 years to achieve justice for all Americans.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2475, Intelligence Authorization Act for FY 2006.

House Committee ordered reported the following appropriations for Fiscal Year 2006: Foreign Operations, Export Financing, and Related Programs; and the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies.

Senate

Chamber Action

Routine Proceedings, pages S6871–S6978

Measures Introduced: Eleven bills were introduced, as follows: S. 1274–1284. **Pages S6909–10**

Measures Passed:

INTELSAT: Senate passed S. 1282, to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT. **Pages S6977–78**

Energy Policy Act: Senate continued consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, taking action on the following amendments proposed thereto: **Pages S6871–S6905**

Adopted:

By 66 yeas to 29 nays (Vote No. 144), Hagel Amendment No. 817, to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems in the United States. **Pages S6878, S6880–92**

DeWine/Kohl Amendment No. 788, to amend the Sherman Act to make oil-producing and exporting cartels illegal. **Pages S6898–S6900**

By 92 yeas to 1 nay (Vote No. 145), Voinovich Amendment No. 799, to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines. **Pages S6900–04**

Rejected:

By 44 yeas to 52 nays (Vote No. 143), Martinez (for Nelson (FL)) Amendment No. 783, to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources. **Pages S6871–78**

Withdrawn:

Dayton Amendment No. 790, to require that gasoline contain 10 percent ethanol by volume by 2015. **Pages S6878–80**

Pending:

Wyden/Dorgan Amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions. **Page S6871**

Schumer Amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits. **Page S6871**

McCain/Lieberman Amendment No. 826, to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States. **Pages S6892–98**

Reid (for Lautenberg) Amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison. **Page S6904**

A unanimous-consent-time agreement was reached providing that Senator Feinstein be recognized to offer an amendment relating to liquified natural gas;

that there be 60 minutes equally divided for debate with no second-degree amendments in order prior to a vote in relation to the Feinstein amendment; that following debate on the Feinstein amendment, Senator Byrd be recognized to offer an amendment related to rural gas prices; that when the Senate resumes debate on the McCain/Lieberman Amendment No. 826 (listed above), there be three additional hours for debate with Senator McCain, or his designee, in control of 90 minutes, Senator Domenici in control of 30 minutes, and Senator Inhofe in control of the remaining 60 minutes, that following that debate, Senate vote in relation to the McCain/Lieberman Amendment No. 826 with no second-degree amendments in order prior to the vote.

Page S6904

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, June 23, 2005. **Pages S6904–05**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, June 22, 2005. **Page S6978**

Messages From the House: **Page S6908**

Measures Referred: **Page S6909**

Measures Placed on Calendar: **Page S6909**

Executive Communications: **Page S6909**

Additional Cosponsors: **Pages S6910–11**

Statements on Introduced Bills/Resolutions: **Pages S6911–34**

Additional Statements: **Pages S6907–08**

Amendments Submitted: **Pages S6934–77**

Notices of Hearings/Meetings: **Page S6977**

Authority for Committees to Meet: **Page S6977**

Privilege of the Floor: **Page S6977**

Record Votes: Three record votes were taken today. (Total—145) **Pages S6877–78, S6891, S6902**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:58 p.m. until 9:30 a.m., on Wednesday, June 22, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6978.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: COMMERCE/JUSTICE/SCIENCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies approved for full Committee consideration H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

APPROPRIATIONS: AGRICULTURE PROGRAMS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies approved for full Committee consideration H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

IED

Committee on Armed Services: Committee met in closed session to receive a briefing on the nature of the evolving Improvised Explosive Devices (IEDs) threat and the Department of Defense's approach to addressing this threat from General Richard A. Cody, USA, Vice Chief of Staff, United States Army, Brigadier General Joseph L. Votel, USA, Director, Joint IED Task Force, and Robert Buhrkuhl, Director of the Joint Rapid Acquisition Cell, all of the Department of Defense.

REGULATORY RELIEF

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine proposals to reduce unnecessary regulatory burden on depository institutions insured by the Federal Deposit Insurance Corporation, after receiving testimony from John M. Reich, Vice Chairman, Federal Deposit Insurance Corporation; Julie L. Williams, Acting Comptroller, Office of the Comptroller of the Currency, and Richard M. Riccobono Acting Director, Office of Thrift Supervision, both of the Department of the Treasury; Mark W. Olson, Member, Board of Governors of the Federal Reserve System; JoAnn M. Johnson, Chairman, National Credit Union Administration; Eric McClure, Missouri Division of Finance, Jefferson City, on behalf of the Conference of State Bank Supervisors; Steve Bartlett, Financial Services Roundtable, Carolyn Carter, National Consumer Law Center, and Travis Plunkett, Consumer Federation of America, all of Washington, D.C.; Arthur R. Connelly, South Shore Savings Bank, South Weymouth, Massachusetts, on behalf of the America's Community Bankers; Chris Loseth, Potlatch No. 1 Federal Credit Union, Lewiston, Idaho, on behalf of the Credit Union National Association, Inc.; David Hayes, Security Bank, Dyersburg, Tennessee, on behalf of the Independent Community Bankers of America; Edward Pinto, Courtesy Settlement Services

LLC, Sarasota, Florida, on behalf of the National Federation of Independent Business; Bradley Rock, Bank of Smithtown, Smithtown, New York, on behalf of the American Bankers Association; Christopher A. Korst, Rent-A-Center, Inc., Plano, Texas; Eugene F. Maloney, Federated Investors, Inc., Pittsburgh, Pennsylvania; and Michael Vadala, The Summit Federal Credit Union, Rochester, New York.

DEEPWATER IMPLEMENTATION PLAN

Committee on Commerce, Science, and Transportation: Subcommittee on Fisheries and the Coast Guard concluded a hearing to examine the Coast Guard's revised deepwater implementation plan to secure America's waterways, focusing on preliminary observations on the condition of deepwater legacy assets and acquisition management challenges, after receiving testimony from Admiral Thomas H. Collins, Commandant, and Rear Admiral Patrick M. Stillman, Program Executive Officer, Deepwater Program, both of the U.S. Coast Guard, Department of Homeland Security; Margaret T. Wrightson, Director, Homeland Security and Justice, Government Accountability Office; and Ronald O'Rourke, Specialist in National Defense, Congressional Research Service, Library of Congress.

U.S.-RUSSIA POLICY

Committee on Foreign Relations: Committee concluded a hearing to examine the United States policy toward Russia, focusing on the fate of democracy, human rights, and the rule of law, energy issues, economic investment, and the spread of HIV/AIDS, receiving testimony from Patricia M. Cloherty, The U.S. Russia Investment Fund, New York, New York; Frank A. Verrastro and Celeste A. Wallander, both of the Center for Strategic and International Studies, Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Larry Miles Dinger, of Iowa, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati; Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia; and Emil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam, after the nominees testified and answered questions in their own behalf.

JUVENILE DIABETES

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine issues relating to juvenile diabetes, focusing on the personal toll on families, financial costs to the Federal health care system, and research progress toward a cure, after receiving testimony from Allen M. Spiegel, Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Department of Health and Human Services; Mary Tyler Moore, Juvenile Diabetes Research Foundation (JDRF), New York, New York; Douglas Wick, Red Wagon Entertainment, Los Angeles, California; Gary Hall, Jr., Miami, Florida; and certain representatives of the JDRF Children's Congress.

VOTING TECHNOLOGY

Committee on Rules and Administration: Committee concluded a hearing to examine the issue of voter verification in the Federal elections process, focusing on Direct Recording Electronic (DRE) voting machine security, and Voter Verifiable Paper Audit Trail (VVPAT), after receiving testimony from Senator Ensign; Conny McCormack, Los Angeles County Registrar Recorder, Norwalk, California; James C. Dickson, American Association of People with Disabilities, Washington, D.C.; David L. Dill, Stanford University Department of Computer Science, Stanford, California; and Ted Selker, Massachusetts Institute of Technology (MIT) Media Lab, Cambridge, on behalf of the Caltech/MIT Voting Technology Project.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 3003–3009, 3011–3019; and 2 resolutions, H. Res. 335–336 were introduced.

Pages H4895–96

Additional Cosponsors: Pages H4896–97

Reports Filed: Reports were filed today as follows:

H.R. 1492, to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, amended (H. Rept. 109–142);

H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and

Education, and Related Agencies for the fiscal year ending September 30, 2006 (H. Rept. 109–143); and

H. Res. 334, providing for the consideration of H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006 (H. Rept. 109–144). **Page H4895**

Speaker: Read a letter from the Speaker wherein he appointed Representative McMorris to act as Speaker pro tempore for today. **Page H4805**

Recess: The House recessed at 9:09 a.m. and reconvened at 10 a.m. **Page H4806**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the 100th anniversary of FarmHouse Fraternity, Inc: H. Res. 207, recognizing the 100th anniversary of FarmHouse Fraternity, Inc; **Pages H4808–10**

Sense of the House in remembrance of the servicemen who perished in the April 24, 1980 rescue attempt of the American hostages in Iran: H. Res. 256, amended, 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; **Pages H4810–13**

Agreed to amend the title so as to read: expressing the sense of the House of Representatives in remembrance of the members of the Armed Forces who perished in the April 24, 1980, rescue attempt of the American hostages being held in Iran and commending all special operations forces personnel currently in service. **Page H4813**

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003: H.J. Res. 52, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, by a ⅔ yea-and-nay vote of 423 yeas to 2 nays, Roll No. 291; **Pages H4813–17, H4858–59**

Recognizing the historical significance of Juneteenth Independence Day: H. Con. Res. 160, recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future, by a ⅔ yea-and-nay vote of 425 yeas with none voting "nay", Roll No. 292; and **Pages H4817–20, H4859–60**

Supporting initiatives developed by the Firefighter Life Safety Summit: H. Con. Res. 180, to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new "Everyone Goes Home" campaign to make firefighter safety a national priority, and to support the goals of the national "stand down" called by fire organizations. **Pages H4820–23, H4860**

Constitutional Amendment to Prohibit Flag Desecretion—Rule for Consideration: H. Res. 330, the rule providing for consideration of H.J. Res. 10, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecretion of the flag of the United States, by voice vote. **Pages H4823–29**

Intelligence Authorization Act for FY 2006: The House passed H.R. 2475, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea-and-nay vote of 409 yeas to 16 nays, Roll No. 290. **Pages H4840–58**

Rejected the Waxman motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with an amendment, by a yea-and-nay vote of 197 yeas to 228 nays, Roll No. 289. **Pages H4855–58**

Adopted the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence, as modified by the manager's amendment printed in part A of H. Rept. 109–141. **Page H4841**

Agreed to:

Maloney amendment (printed in part B of H. Rept. 109–141), as modified by unanimous consent agreement, that requires the President, if the National Counterterrorism Center is not fully operational by June 17, 2005, to provide Congress written justification as to why the Center is not fully operational. **Pages H4852–54**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4858**

H. Res. 331, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 201 nays, Roll No. 288. **Pages H4829–40**

Senate Message: Message received from the Senate today appears on page H4888.

Senate Referrals: S. 1282 was referred to the Committee on Energy and Commerce. **Page H4894**

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of today and appear on pages H4840, H4857–58, H4858, H4859, and H4859–60. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:15 p.m.

Committee Meetings

FOREIGN OPERATIONS/ TRANSPORTATION–TREASURY–HUD APPROPRIATIONS FISCAL YEAR 2006; SUBALLOCATIONS OF BUDGET ALLOCATIONS FISCAL YEAR 2006

Committee on Appropriations: Ordered reported the following appropriations for Fiscal Year 2006: the Foreign Operations, Export Financing, and Related Programs; and the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies.

The Committee also approved revised 302(b) Suballocations of Budget Allocations for Fiscal Year 2006.

MARINE CORPS FORCE PROTECTION

Committee on Armed Services: Held a hearing to review Marine Corps force protection. Testimony was heard from the following officials of the U.S. Marine Corps, Department of the Navy: GEN William L. Nyland, USMC, Assistant Commandant; and BG William D. Catto, USMC, Commanding General, Marine Corps Systems Command.

U.N. OIL-FOR-FOOD PROGRAM

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''The United Nations Oil-For-Food Program: A Review of the 661 Sanctions Committee.'' Testimony was heard from Thomas A. Schweich, Chief of Staff, United States Mission to the United Nations, Department of State.

FAITH-BASED AND COMMUNITY INITIATIVE

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''Authorizing the President's Vision: Making Permanent The Faith-Based and Community Initiative—H.R. 1054, Tools for Community Initiatives Act.'' Testimony was heard from Representatives Green of Wisconsin and Scott of Virginia; David Kuo, former Deputy Director of the White House Faith-Based Initiative; Bobby Polito, former Director, Center for Faith-Based Community Initiatives, Department of Health and Human Services; and public witnesses.

IRAG RECONSTRUCTION

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''The Development Fund for Irag: U.S. Management of Irag Oil Proceeds and Compliance with U.N. Security Council Resolution 1483.'' Testimony was heard from the following officials of the Department of Defense: Stuart W. Bowen, Jr., Special Inspector General, Irag Reconstruction; William Reed, Director, Defense Contract Audit Agency; COL Emmett H. Du Bose, Jr., Deputy Commander and Engineers, U.S. Army Corps of Engineers, Department of the Army; Joseph A. Benkert, Defense Reconstruction Support Office, Office of the Secretary; David Norquist, Under Deputy Secretary (Financial Management); and public witnesses.

OPEN–SOURCE INFORMATION—EFFECTIVE USE

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''Using Open-Source Information Effectively.'' Testimony was heard from public witnesses.

NUCLEAR MATERIAL DETECTION TECHNOLOGY

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing entitled ''Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?'' Testimony was heard from Gene Aloise, Director, Natural Resources and Environment, GAO; Vayl Oxford, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security; Michael K. Evenson, Acting Director, Combat Support Directorate, DTRA, Department of Defense; David Huizenga, Assistant Deputy Administrator, International Materials Protection and Cooperation, National Nuclear Security Administration, Department of Energy; Richard L. Wagner, Jr., Senior Staff Member, Los Alamos National Laboratory; and Bethann Ronney, Manager, Port Security, Port Authority of New York and New Jersey; and a public witness.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Europe and Emerging Threats approved for full Committee action the following measures: H. Res. 326, amended, Calling on free and fair parliamentary elections in the Republic of Azerbaijan; H. Res. 328, amended, Recognizing the 25th anniversary of the workers' strikes in Poland in 1980 that led to the

establishment of the Solidarity Trade Union; and H. Con. Res. 155, Urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections.

BRIEFING—MIDDLE EAST DEMOCRACY

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a briefing on Democracy in the Middle East: Toward an Inter-Arab Democratic Charter. The Subcommittee was briefed by A. A. El-Eryani, former Prime Minister of Yemen.

OVERSIGHT—MUSIC LICENSING REFORM; FEDERAL CONSENT DECREE FAIRNESS ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on Copyright Office Views on Music Licensing Reform. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress.

The Subcommittee also held a hearing on H.R. 1229, Federal Consent Decree Fairness Act. Testimony was heard from Representative Blunt; David Goetz, Commissioner, Department of Finance and Administration, State of Tennessee; and public witnesses.

OVERSIGHT—WORKSITE ENFORCEMENT AND EMPLOYER SANCTIONS

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on the Lack of Worksite Enforcement and Employer Sanctions. Testimony was heard from Richard M. Stana, Director, Homeland Security and Justice Issues, GAO; and public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS FISCAL YEAR 2006

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill). The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Jo Ann Davis of Virginia, Flake, Baird and Tierney.

VETERAN'S ACCESS TO CAPITAL

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on Veteran's Access to Capital. Testimony was heard from Bill Elmore, Associate Administrator, Office of Veterans Business Development, SBA; Patrica Kerr, Veterans Ombudsman, State of Missouri; and public witnesses.

UNION SALTING

Committee on Small Business: Subcommittee on Workforce, Empowerment, and Government Programs held a hearing entitled ''Union Salting—Organizing Against Small Business.'' Testimony was heard from Representative King of Iowa; and public witnesses.

OVERSIGHT—DEEPWATER IMPLEMENTATION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on Deepwater Implementation. Testimony was heard from VADM Thad W. Allen, USCG, Chief of Staff, U.S. Coast Guard, Department of Homeland Security.

OVERSIGHT—JUDICIARY'S SPACE NEEDS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on The Judiciary's Ability to Pay for Current and Future Space Needs. Testimony was heard from Mark Goldstein, Director, Physical Infrastructure Issues, GAO; F. Joseph Moravec, Commissioner, Public Buildings Service, GSA; the following officials of the Judicial Conference of the United States: Jane R. Roth, Judge, U.S. Court of Appeals, Third Circuit, Chairman Security and Facilities; and Leonidas Ralph Mecham, Director, Administrative Office of the United States Courts, Secretary to the Judicial Conference.

VETERANS MEDICAL CARE REVENUE ENHANCEMENT ACT OF 2005

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations approved for full Committee action H.R. 2988, Veterans Medical Care Revenue Enhancement Act of 2005.

SOCIAL SECURITY—PROTECTING AND STRENGTHENING

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Protecting and Strengthening Social Security. Testimony was heard from Douglas Holtz-Eakin, Director, CBO; and public witnesses.

Hearings continue June 23.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 22, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nomination of Richard A. Raymond, of Nebraska, to be Under Secretary of Agriculture for Food Safety, 10 a.m., SR–328A.

Full Committee, to hold hearings to examine the Livestock Mandatory Reporting Act of 1999, 10:30 a.m., SR–328A.

Committee on Foreign Relations: business meeting to consider the nominations of Ronald E. Neumann, of Virginia, to be Ambassador to the Islamic Republic of Afghanistan, Gregory L. Schulte, of Virginia, to be U.S. Representative to the Vienna Office of the United Nations, with the rank of Ambassador, and to be U.S. Representative to the International Atomic Energy Agency, with the rank of Ambassador, Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development in the Bureau of Democracy, Conflict and Humanitarian Assistance, Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs, Larry Miles Dinger, of Iowa, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia, Emil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management, Time to be announced, S–116, Capitol.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S.662, to reform the postal laws of the United States, S.457, to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, S. 611, to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, S. 37, to extend the special postage stamp for breast cancer research for 2 years, and the nominations of Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget, Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals, and several post office naming bills, 10 a.m., SD–562.

Committee on Indian Affairs: to hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al, 9:30 a.m., SH–216.

Select Committee on Intelligence: to hold a closed briefing on certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to Review the Centennial of the USDA Forest Service, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on The Department of Homeland Security, hearing on U.S. Coast Guard, Deepwater Program, 10 a.m., 2362–A Rayburn.

Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on United Nations Task Force, 10 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on Afghanistan: Operations and Reconstruction, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Budgeting in the Congress, Reflections on How the Budget Process Functions, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, to mark up H.R. 2830, Pension Protection Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, to mark up H.R. 1132, National All Schedules Prescription Electronic Reporting Act of 2005; followed by a hearing entitled "Medicaid Prescription Drugs: Examining Options for Payment Reform," 2 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Combating Trafficking in Persons: An International Perspective," 2 p.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Wasted Space, Wasted Dollars: The Need for Federal Real Property Management Reform," 10 a.m., 2154 Rayburn.

Subcommittee on Government Management, Finance, and Accountability, to consider pending business; followed by a hearing entitled "The Evolution of Federal Financial Management—A Review of the Need to Consolidate, Simplify, and Streamline," 2 p.m., 2247 Rayburn.

Committee on Homeland Security, Subcommittee on Economic Security, Infrastructure, Protection, and

Cybersecurity, hearing entitled ''Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents,'' 11 a.m., 2257 Rayburn.

Committee on International Relations, hearing on Sudan: Consolidating Peace While Confronting Genocide, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, hearing on The EU Constitution and U.S.-EU Relations: The Recent Referenda in France and the Netherlands and the U.S.-EU Summit, 2:15 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Water and Power, oversight hearing entitled ''Environmental Regulations and Water Supply Reliability,'' 10 a.m., 1324 Longworth.

Committee on Rules, to consider the Department of Labor, Health and Human Services, Education, and Related Agencies Appropriations for Fiscal Year 2006, 6 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, to mark up H.R. 2864, Water Resources Development Act of 2005, 11 a.m., 2167 Rayburn.

Subcommittee on Aviation, oversight hearing on Airline Pensions: Avoiding Further Collapse, 2 p.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 22

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 6, Energy Policy Act, where Senator Feinstein will be recognized to offer an amendment relative to liquified natural gas, with a vote to occur thereon; following which, Senator Byrd will be recognized to offer an amendment relative to rural gas prices, and the Senate then continue consideration of McCain/Lieberman Amendment No. 826, with a vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 22

House Chamber

Program for Wednesday: Consideration of H.J. Res. 10, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecretion of the flag of the United States (structured rule, two hours of debate). Consideration of H.R. 2985, Legislative Branch Appropriations Act for Fiscal Year 2006 (subject to a rule).

Extensions of Remarks, as inserted in this issue.

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