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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 13, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. Arnold B. Lovell, Senior Pastor, Second Presbyterian Church, Knoxville, TN, offered the following prayer:

Eternal Father, strong to save; throughout the centuries You have guided the hands, hearts, and lives of the founders, leaders, and citizens of this Nation. We invoke Your presence and power today for those upon whom the mantle of leadership has fallen. As the Members of Congress gather this day, give them courage, clarity of vision, and compassionate hearts, that in their frailty as human beings they might carry out the enormous task of service to which they have been called.

May the decisions made in the deliberations of this day be governed by the common good, virtue, and the principles of participation, affirming the equality that all men and women have before You, O God. Give our representatives strength and honesty to avoid the politics of personal agendas, power, and partisanship, that they might serve the public good. And may all glory be given unto You, Almighty God. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. EDWARDS led the Pledge of Allegiance as follows:

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

WELCOMING THE REVEREND DR. ARNOLD B. LOVELL

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

Mr. DUNCAN. Mr. Speaker, our guest chaplain today is my friend, Dr. Arnold Lovell, pastor of the Second Presbyterian Church in Knoxville.

The Second Presbyterian is one of Knoxville's leading churches with approximately 1,000 members. Arnold has led that church as a senior pastor since 1997. Prior to that, he served for 10 years on the faculty of Union Theological Seminary in Richmond, VA, as a professor of evangelism. He still teaches there in summer programs.

Before that he was pastor of the first Presbyterian Church in South Charleston, WV. Dr. Lovell has two doctorates and is a leader in denominational activities of the General Assembly of the Presbyterian Church in the United States.

Before going into the ministry, he was a coach of football and other sports at West Davidson High School in North Carolina. He is a chaplain for the Knoxville Quarterback Club and an avid fan of NASCAR and U.T. football.

He and his wife Emily have two daughters, Carolyn and Catherine, and the Lovell women are here today in the gallery.

Arnold Lovell is a patriotic American, a leader in both Tennessee and the Nation, and I am fortunate to have him as a friend and as guest chaplain in the United States House of Representatives today.

THE RETURN OF ''DISCOVERY''

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

Mr. DELAY. Mr. Speaker, 2 years ago on a Saturday morning, the vessel and crew of space shuttle mission STS–107 were lost in the high skies over Texas.

That same day, even in mourning, America made a promise to the memory of the Columbia Seven that our journey in space will continue, that their legacy of discovery would survive them.

This afternoon at 3:51 on the east coast, the space shuttle *Discovery*, carrying as it will two women, five men, and the ancient hopes of an entire planet, will keep that promise by rocketing out of our atmosphere and into history.

Commander Eileen Collins and her crew, James Kelly, Andrew Thomas, Wendy Lawrence, Charles Camarda, Stephen Robinson, and Soichi Noguchi will pilot the safest, most sophisticated, and reliable spacecraft ever built back into low earth orbit to begin NASA's historic work realizing President Bush's bold new vision for space exploration.

That mission will command the physical and intellectual energies of some of America's brightest and bravest for years to come. The men and women of

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NASA, some of my constituents and some of my heroes, who devote their lives to doing the impossible for our Nation and our world, will spend the next decade and more on a technological and visionary quest: To send and resend the shuttle fleet into space to complete the International Space Station; to examine with unprecedented vigor and precision in the galaxy's preeminent laboratory the long-term exposure of the human body to microgravity and radiation; to design and construct the next generation of American spacecraft; to return to the moon; and to plot and endeavor a manned mission to Mars.

The exploration of the unknown is one of the innate motivating forces of our species. That universal and ancient yearning will be satisfied today by NASA's heroic ''corps of discovery'' in a mission not to conquer space, but to conquer human ignorance.

The darkness will be lighted, and this afternoon seven heroes will carry the torch of human discovery into the void.

Our future in space is still unknown and unknowable: The station remains incomplete, the moon is still years away, and Mars is still a red speck in the night sky, but today's launch is a step toward our destiny.

And like all steps into the unknown, the voyage of *Discovery*, T-minus 5 hours and 40 minutes, will prove the next giant leap in ''the most hazardous and dangerous and greatest adventure on which man has ever embarked.''

VETERAN FUNDING SHORTFALL

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

Mr. SALAZAR. Mr. Speaker, as a veteran, I have made a pledge to serve my country, and because of my desire to defend the ideals of democracy that I still cherish.

As part of our commitment, the Army promised all veterans a variety of benefits. In the past several years, I have seen some of those promises turn from honored commitments to veterans and their families to empty words that seem to be worth nothing more than the paper they are written on.

Mr. Speaker, 2 weeks ago, we were informed the Veterans Administration would fall short by more than a billion dollars of what is needed to provide critical services to veterans. I was angered and dismayed at this gross negligence and oversight and spoke before this very House in strong support of the emergency spending bill passed 2 weeks ago.

We will soon be seeing another request from the President to complete the needed funding for the health care of our Nation's veterans. I will support this measure too because I support our veterans, but it is absurd and it is a crying shame that the health of veterans boils down to bitter partisan fights.

As Democrats, we have repeatedly demanded full funding for our veterans' needs. It is our duty to fully fund the Veterans Administration and do it right the first time, not after three or four attempts.

WELCOMING ELIZABETH ALEXANDER

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

Mr. POE. Mr. Speaker, birth is a happy event for all peoples. We rejoice because we hope that child will make the world better. Every time a child is born, the Good Lord is making a bet on the future of mankind. We do not pick our parents, and we do not get to pick the country of our birth. And we who are born in the U.S.A. are the most fortunate of all people in the history of the world.

Last night in Waco, Texas, about the time the sun was going down, 8:29 p.m., Elizabeth Lenna Alexander was born, 7 pounds 3 ounces, July 12, 2005. The world she has been born into is full of the good and the not so good.

Our country must always be willing to protect the greatest resource, the innocent of our country, the soul of our future, our children.

It is my hope that her parents, Kara and Shane Alexander, will raise Elizabeth with a sense of justice and compassion, community, courage, and a deep sense and concern for liberty.

So Elizabeth, as your grandfather, I welcome you to the U.S.A. Make it a better place, a place of more freedom.

URGING CANDOR ON IRAQ

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

Mr. EMANUEL. Mr. Speaker, you cannot solve a problem if you do not acknowledge that you have a problem. In that light, I appreciate and applaud the comments of outgoing Under Secretary of Defense Doug Feith made to the Washington Post concerning the costly mistakes made in Iraq.

During a recent interview, Mr. Feith said, ''It is an extremely complex judgment to know whether the course that we chose with its pros and cons was more sensible.''

Further, he noted the transfer of power to Iraqis did not happen fast enough and that we were not able to train the Iraqis.

Mr. Feith's comments stand in contrast to the President's inability and unwillingness to acknowledge any errors made in the Iraq war effort.

The administration did a great job planning for a quick victory on the battlefield and for occupation, yet things have not turned out as planned. Some of today's challenges are a direct result of those mistakes made by the administration.

After 1,800 American lives, more than 10,000 wounded American GIs and $340 billion with no end in sight, now is the time to level with the American people. If we are going to be successful, we must work together, and to work together, you must be frank and honest.

Mr. Feith, thank you for your recent candor. Mr. President, we can do it. We are here to help, but it starts with truth and candor.

UTILIZING THE MISSISSIPPI RIVER

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

Mr. SHIMKUS. Mr. Speaker, how do you haul corn, soybeans, fertilizer, petroleum products, coal and rock from Chicago, Illinois, to the port of New Orleans, or from the port of New Orleans up to Chicago, Illinois, without taking 870 tractor-trailer trucks over our highway system? That is 870 trucks that burn diesel fuel, 870 trucks that clog our interstate highway system, 870 trucks that made some of our roads less safe.

Mr. Speaker, you do it by the river, by the Mississippi River system. That is one of the best ways in which we can be an environmental steward, by getting all of these trucks off the road. That is one of the best ways that we can unclog our highway and transportation system. That is one of the best ways that we get a better return on investments and lower price fuels is by doing that.

The Water Resources Development Act, which we will take up on the floor this afternoon and tomorrow, is the best way to be a good environmental steward, energy security, and promote the well-being of all Americans. I ask Members support for passage.

VALERIE PLAME'S IDENTITY

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

Mr. McGOVERN. Mr. Speaker, when news broke early this week that Karl Rove was involved in the outing of CIA agent Valerie Plame, it was clear that either Karl Rove had been withholding his involvement from the White House, or that the White House knew of his involvement and falsely allowed the public to believe he had no role in the scandal.

This Congress should be outraged by Mr. Rove's involvement and should be demanding answers from both him and the White House. I would like to know when exactly, if ever, President Bush was told of Mr. Rove's involvement. If the President did indeed know, that means that the White House is involved in a coverup which should be investigated by this House.

Mr. Rove's actions are a major abuse of power. Valerie Plame was a covert

CIA agent stationed in many hot spots around the world. When someone in the White House decided to leak her name to reporters, they were not only jeopardizing Plame's life, but also the lives of other covert agents she has been in contact with.

Mr. Speaker, House Republicans should be concerned about whether or not this White House has been spreading this information. The only way we can get answers is by conducting a congressional investigation. It is time that this Congress do its job.

SPACE SHUTTLE LAUNCH

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

Mr. PRICE of Georgia. Mr. Speaker, 2 years ago, the Nation mourned the space shuttle *Columbia* tragedy. President Bush declared, ''This cause of exploration and discovery is not an option we choose, it is a desire written in the human heart.''

Today, seven more astronauts will take hold of that desire and follow their heart into space. This return to flight marks a new era of space travel with unparalleled safety measures. As the crew tests new safety techniques and delivers much-needed supplies to the International Space Station, we will all watch. We will watch with excitement and pride, and we will remember. We will remember and honor the lost crew of the space shuttle *Columbia*.

The *Columbia* crewmembers valiantly gave their lives pursuing knowledge in our name for space exploration and today, we continue our quest to get our shuttle program back.

Mr. Speaker, thanks to those who worked so hard to get that shuttle program back. To today's crewmembers, Eileen Collins, James Kelly, Charles Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas, may they be safe and may their mission be successful. We thank them for their dedication, their determination, and their courage. Godspeed.

□ 1015

SOCIAL SECURITY PRIVATIZATION

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

Mr. KUCINICH. Mr. Speaker, early this year the President said, ''There's no Social Security trust.'' Lately, some White House supporters in this Congress say they want to establish private accounts with money from the same trust fund which the President says does not exist. That way, when favored Wall Street interests take the money from the administration's private accounts and lose it in stock speculation, they can turn around and tell the American people, ''Hey, the money was never there to begin with.''

There is a line in the Bible which says, ''That which is crooked cannot be made straight.'' Think about that line when you think about Social Security privatization.

AMERICA'S FLOURISHING ECONOMY

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

Mr. WILSON of South Carolina. Mr. Speaker, Fridays are turning out to be a great day for American workers for more than one reason. Last Friday, the Department of Labor announced that over 146,000 new jobs were created for American workers in June. Over the last 25 consecutive months, 3.7 million Americans have gone to work due to President Bush's tax cuts. Additionally, the national unemployment rate has dropped over the past year to 5 percent, which represents the fastest decline in nearly a decade. More Americans are working now than ever before in our Nation's history and our tax receipts continue to rise as the Federal deficit continues to steadily decline. The Congressional Budget Office now predicts that our deficit may fall to under $325 billion. Friday's job reports continue to bring positive news for American families and prove that President Bush's tax cuts are moving the economy forward.

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

VETERANS HEALTH CARE FUNDING

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

Mr. EDWARDS. Mr. Speaker, it has now been 13 days since the House could have passed a $1.5 billion emergency VA health care spending bill to address the VA health care crisis in America. Unfortunately for millions of America's veterans, the House leadership refused to pass the bipartisan bill that the Senate had already passed by a vote of 96–0. We could have already had help on the way, but the House leadership said no.

Yesterday, the VA confirmed what House Democrats said on this floor 13 days ago, the House leadership-backed VA bill does not fully address the VA health care crisis. Every day that goes by is a day when veterans are either having their important health care delayed or canceled. The House Republican leadership caused this VA health care crisis by underfunding VA health care for 2 years. Now they have a responsibility to deal with it.

Now I hear the House leadership says we might be on vacation this Friday. What is more important, Members of the House taking a vacation this Friday or addressing the needs of America's veterans?

VETERANS HEALTH CARE FUNDING

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

Mr. BUYER. Mr. Speaker, I would say that my good friend from Texas's 1-minute is very unfortunate because, CHET, you and I are working together. We are working with your colleague, Chairman WALSH, to find the right number. And so to try to say that, gee, there is a bogeyman, there is a bad person here, that is false. What we are looking for, CHET, is to get the right number.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that they should address their remarks to the Chair and not to other Members either in the second person or by given name.

Mr. BUYER. I can address the Chair, but I think we know who we are talking to.

I am hopeful, Mr. Speaker, that the gentleman who just spoke will be very careful, because we are trying to work together to get the right number. I think it is an embarrassing moment. When we ask the administration for the number, they testify to a number, and then we find that it is not right potentially? We are trying to get the number right and to make sure that veterans are served properly on a bipartisan basis. Please, let us not erode that.

VA FUNDING SHORTFALL

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

Mr. EVANS. Mr. Speaker, 2 weeks ago the administration told Congress that the VA health care system did not need any more money. Then, feeling the heat, they said they needed an additional $975 million. Just yesterday, the Bush administration conceded that it had made another mistake. Now they say they need another $300 million. It is clear that either the administration cannot get it right or does not want to get it right. The nearly $1.3 billion that the administration now admits is necessary this year is the amount Democrats have been working hard for this last year. The Republican leadership has consistently fought adequate increases in the VA health care budget. Now, more than 50,000 veterans are coming to health care appointments and being denied care. It is time to stop nickel-and-diming veterans health care and give the veterans of this country what they need and deserve.

POSITIVE ECONOMIC NEWS

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

Mrs. BLACKBURN. Mr. Speaker, there is great economic news for American workers. The reason this economy is growing is because of small business. That is why we are celebrating Small Business Week. We found out from the Bureau of Labor Statistics last week, 25 months of consecutive economic growth, 146,000 jobs in June. We have unemployment at near historic lows. We are going to see the deficit $100 billion less than projected. The reason that is happening, the reason we have steady economic growth, is because the tax reductions are working. The tax reductions are working, and we are seeing higher Federal revenues.

We are going to continue with this. It shows that the agenda laid forth by the majority leadership has worked for all Americans, and we are going to continue to work to reduce Federal regulations like the bills we did in dealing with OSHA to make the environment more friendly for small business to do what they do best, create those jobs. We look forward to continuing to create the environment for a great competitive American workplace.

WHITE HOUSE STONEWALLING ON ROVE

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

Ms. SCHAKOWSKY. Mr. Speaker, it has now been 2 days since we discovered Karl Rove told a Time magazine reporter that Ambassador Joe Wilson's wife was a CIA agent, and what is the response from the White House? Silence.

White House press secretary Scott McClellan has refused to take questions from reporters for the last 2 days on Karl Rove, citing an ongoing Federal investigation. However, McClellan had no trouble spreading erroneous information about Rove's supposed innocence.

On October 1, 2003, McClellan was asked about Rove's involvement; and after first stating that there was an ongoing investigation taking place, McClellan continued by stating, ''It's simply not true that he was involved in leaking classified information.''

Nine days later in reference to another question about Rove, McClellan began by reminding reporters of an ongoing investigation, but then continued by stating that Rove had assured him he was not involved.

It now turns out that everything the White House was saying was false. Mr. Speaker, the ongoing investigation is not what is keeping the Bush White House from commenting. They are stonewalling because they cannot explain these falsehoods away. It is time for the stonewalling to end.

THE ECONOMY

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

Mr. CHOCOLA. As we have heard, Mr. Speaker, last week our country did receive more good economic news. The jobless rate fell to 5 percent in June, the lowest rate since September of 2001. Economic growth has continued to average a strong and steady 4 percent. The deficit is down by over $100 billion to its lowest point in 3 years. And tax receipts have skyrocketed this year.

That news should send a clear signal to Members of this body, it is time to give the tax cuts of 2003 the credit that they deserve. Time and again we have learned that the best way to achieve growth and create jobs is for hard-working people to keep more of their own money in their own pockets.

Mr. Speaker, I urge my colleagues to help sustain this growth and help eliminate the deficit by controlling spending and making the 2003 tax cuts permanent.

VA BUDGET SHORTFALL

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

Ms. BERKLEY. Mr. Speaker, once again the administration is forced to admit that it failed to acknowledge the full extent of the VA's budget shortfall. In June, the administration submitted a request for $975 million to keep the VA ship afloat. This number was a joke. Democrats, myself included, protested that at least $1.3 billion would be required to meet the VA's obligation to our Nation's veterans.

Former VA Secretary Anthony Principi, then Chairman Chris Smith and Ranking Member EVANS, the Independent Budget, the American Legion, and countless veterans wrote Members of Congress and warned us that the VA could not operate with the budget request submitted by the administration. As usual, the administration stubbornly clung to its ridiculously low figure. Once again, the administration was wrong.

Now that the administration acknowledges its billion-dollar shortfall, let us make sure our veterans are provided for and that no veteran in this country goes without the best health care we can provide to these great Americans.

NEED TO MONITOR FEMA

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express my condolences to Floridians in the wake of Hurricane Dennis. Hurricane Dennis blasted into Florida as a category 3 storm and is estimated to have caused about $1 billion worth of damage and the loss of seven lives. I share my fellow Floridians' anguish over their losses. This hurricane unfortunately is just the first of many that will assail Florida's coasts.

Last year, FEMA bungled cleanup efforts in the aftermath of four terrifying hurricanes by refusing to pay for debris removal on private roads, slow reimbursement, and exorbitant overpayments in the Miami-Dade area.

I urge FEMA to respond quickly to this latest hurricane so that the 2004 debacle is not repeated.

ROVE NEEDS TO BE STRAIGHTFORWARD ABOUT HIS INVOLVEMENT IN VALERIE PLAME SCANDAL

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

Ms. WATSON. Mr. Speaker, Karl Rove needs to stop hiding behind his attorney and be straightforward with the American people about his involvement in the Valerie Plame scandal. Whether or not Karl Rove is the only administration official who leaked information to reporters remains to be seen. What is clear today is that Karl Rove has not been up-front with the American people. He has consistently denied any involvement in the case despite the revelation on Monday through his attorney that he did indeed tell a Time magazine reporter that Joseph Wilson's wife was a CIA agent. This is a serious breach of trust on Karl Rove's part. Truth and trust are devalued when this happens.

Larry Johnson, a former CIA operative who worked with Plame, explained how serious Rove's actions were, and I am quoting: ''The fact that she's been undercover for 3 decades and has been divulged is outrageous because she was put undercover for certain reasons. One, she works in an area where people she meets with overseas could be compromised.''

He needs to step down.

LONDON BOMBING

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

Mr. GINGREY. Mr. Speaker, I rise today to offer my deepest condolences to our friends in London who suffered a heinous attack of terrorism last week when several bombs tore through their public transit system. Events like the London bombing remind us how absolutely important it is to stand firm against terrorism wherever it rears its hideous head. We must never let down our guard.

Next week, the House is slated to take up legislation to reauthorize 16 provisions in the PATRIOT Act. Those in Congress acted quickly in the wake of September 11 to get this strong legislation passed to help safeguard our Nation from the agony of another terrorist attack.

So far, we have been successful. The PATRIOT Act has helped our intelligence and law enforcement officials

prevent another attack from occurring on American soil. But last week's London bombings remind us that we are still in the middle of a fierce battle. Our safety depends on our intelligence and law enforcement officials having the tools they need to track terrorists and to prevent terrorism, at home and abroad. Indeed, this is not the time to let down our guard.

□ 1030

SUPPORT THE FLAKE-BLUMENAUER AMENDMENT TO ENSURE THAT THE UPPER MISSISSIPPI RIVER LOCK AND DAM EXPANSION IS JUSTIFIED

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

Mr. BLUMENAUER. Mr. Speaker, we heard earlier today that there is a need to have a massive investment in the lock system in the Mississippi River to avoid having product move up and down in trucks. That is not the issue.

The problem that we are facing now is that more and more of the grain and other agricultural product are being shipped by truck and rail because it needs to get to locations not served by the Mississippi River system. This has been shown by the Congressional Research Service and the National Academy of Science.

The bill that is coming before us for a vote next week would be the Nation's most expensive waterway project and would siphon off 10 to 15 percent of all core construction funding for years, perhaps decades, to come, for an area where the barge traffic is actually going down.

I strongly urge my colleagues to support the amendment that the gentleman from Arizona (Mr. FLAKE) and I are offering that would allow the project to go forward only if the minimum standards that make it economically viable are, in fact, met over the next 3 years.

TAXES AND BUDGET

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

Mr. MCHENRY. Mr. Speaker, since President Bush took office in January 2001, America has seen a recession that began before the administration was really up and running, the worst terror attacks in the history of the world, scandals that rocked the Fortune 500 companies and our financial markets, a war in Afghanistan, a war in Iraq, and the highest energy prices in recent memory.

We have faced enormous economic challenges that should have devastated the United States; but, instead, we have seen 4 years of economic growth, the best housing market in American history, all more evidence that tax relief benefits the economy. And getting the government off the backs of the taxpayers actually helps our economic engine.

The 2001 tax cuts and the 2003 cuts on capital gains and dividends have been the linchpin to our economic rebound. Federal tax receipts are up this year. State tax receipts are up this year. The economy is turning around, and we have reduced the deficit by $100 billion this year alone, all the work of tax relief and tight budgets, what we as Republicans believe, what we are fighting for, and they work.

TRUTH, TRUST, AND ACCOUNTABILITY

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

Mr. MORAN of Virginia. Mr. Speaker, truth, trust, and accountability should be the defining characteristics of the American Presidency.

President Bush's press secretary, in October of 2003, Scott McClellan, told the White House press corps and, through them, the world at large that Karl Rove and two other high-level administration officials had assured him that they were not involved in outing CIA covert agent Valeria Plame. He said that unequivocally.

Now we find that Karl Rove has sat back in timid silence while he has watched two reporters go through the costly, torturous experience of legal prosecution, all to protect his identity.

Mr. Speaker, the 41st President of the United States, George Bush, for whom the CIA headquarters is named, said that what Karl Rove did was an act of treason. Mr. Speaker, it is time to hear from the President of the United States.

STOPPING THE SPREAD OF TERROR

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

Ms. FOXX. Mr. Speaker, I rise today in support of the pledge made by Prime Minister Tony Blair. He said that we must ''defeat terror and emerge from this horror with our values, our way of life, our tolerance and respect for others undiminished.'' I support that pledge.

The attacks on London show that the war on terror is not over, nor is it confined to a specific geographical domain. Securing our homeland is only one facet of the war. Spreading democracy in the savage lands where terrorism is allowed to propagate is another.

In the face of terrorism, a united front is one of the strongest weapons. A terrorist network that believes a nation so tested will fold under pressure of a few horrific acts may capture its attention, but will not achieve its submission. The terrorists who attacked Great Britain have underestimated the resolve of an alliance that shares the ideals of freedom and democracy.

Those of us who thought the threat of terrorism receded with time now look no further than the horror visited on our closest allies. Complacency only allows the waves of terror crashing over the Western World to cause erosion. None of us in either country should be content to live under this constant threat. We must instead insure ourselves against such terror by allowing democracy to spread and flourish.

VETERANS HEALTH CARE

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

Mr. DEFAZIO. Mr. Speaker, talk is cheap, but health care is very expensive; and for the last 5 years, the Bush administration has offered our veterans empty rhetoric while denying them access to needed health care.

As veterans groups and Democrats fought to increase the veterans budget for the last 3 years, the Republican majority and the White House have been in deep denial. But I get weekly reports, and I bet you do too, from my veterans rep who tells me that people's treatment has been delayed, denied, people who cannot even get in the door for 6 months.

Now, 2 weeks ago, the administration admitted, well, I guess we need another $1 billion for health care for veterans this year. Today they said it is $3 billion more; but they say, oh, you know, we just could not have known, we could not have anticipated there would be veterans coming home from Iraq or Afghanistan who are wounded and injured and need services. They did not know there was a war going on. And they also said they could not anticipate the aging of the World War II and Korean veterans. They did not build that into the budget. They just did not know.

But they had a chairman on that side for a couple of years who told us he did know. He told us we needed more money, and they fired him from that job. At least a few Republicans are standing up for what is right.

TIME FOR KARL ROVE TO COME CLEAN

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

Mr. PALLONE. Mr. Speaker, I guess the Republican leadership is now condoning Karl Rove's behavior, but think about what the previous President Bush said about this.

On September 30, 2003, and I am quoting President Bush, this is the current President Bush, ''If there is a leak out of my administration, I want to know who it is, and if the person violated the law, the person will be taken care of.''

Well, that was nice talk then, but now it appears that it was all talk. The

Republican leadership has no problem condoning Karl Rove's behavior and his leak. On Monday we learned that Karl Rove leaked Valeria Plame's identity, an act that Bush's father called treasonous.

Rove's actions were an outrageous abuse of power, but the longer President Bush allows him to remain on the job, the more it looks like the President is condoning activity that his own father called treasonous. It is amazing to me that the Republican leadership is now willing to come to the floor and say that that is okay. It is outrageous.

Listen to what the previous President Bush said: ''Don't let this stonewall continue on the part of the White House.''

It is time that Karl Rove come clean. It is time that the President force him to resign.

ECONOMY AND JOBS

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

Mr. HENSARLING. Mr. Speaker, thanks to President Bush's economic growth plan passed by Republicans in Congress, I am very pleased to relay even more good news about America's expanding economy, growing jobs gains, and shrinking Federal deficit.

First, our economy grew at 3.8 percent in the first quarter. This is the 14th consecutive quarter of growth and one of the strongest growth performances in years. Secondly, a recent Congressional Budget Office report shows yet another decline in the Federal deficit due to this economic growth. The deficit is down about $100 billion. More good news. The unemployment rate has now declined to 5 percent, the lowest level since that tragic day on 9/11.

Over the last 2 years, more than 3.7 million new jobs for the future have been created in America. These encouraging reports show once again that the tax relief for families and small businesses which President Bush and the Republican Congress passed is paying dividends: more jobs, higher incomes, and a lower deficit.

THE BUSH LEGACY: LARGEST NATIONAL DEBT IN HISTORY

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

Mrs. MALONEY. Mr. Speaker, today the administration is telling us that the Federal budget deficit for this year will not be as large as they were predicting it would be back in January. Some are taking this as evidence of some type of supply-side miracle, but nothing could be further from the truth.

As analysts at Goldman Sachs have pointed out today, this year's large increase in tax receipts stems from temporary factors that are unlikely to be repeated, and some short-term improvement does not change the big picture.

The Bush administration has given us a record: the largest national debt in history, over $7 trillion; and they have raised the ceiling, the debt ceiling three times. This breaks down to each citizen's share being over $26,000. And they still have a record trade deficit, another record: the largest in history.

The administration may have another excuse to ignore the long-term structural budget problems of this Nation, but the American people deserve to know the truth: $7 trillion, a debt that our children will have to pay.

TIME FOR THE WHITE HOUSE TO CLEAN UP ITS HOUSE

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

Mr. MENENDEZ. Mr. Speaker, raising questions about national security is not partisanship; it is patriotism.

Now that we know that Karl Rove, the Deputy Chief of Staff at the White House outed a CIA agent, Republicans have begun to try to forgive the unforgivable, to explain the unexplainable. And to suggest that Karl Rove was simply trying to set a news story straight as a reason for outing a CIA agent is unacceptable.

CIA agents operate in secret so they can protect America from its enemies, from terrorism here at home. When their identity is revealed, not only are they put at risk, but America is also put at risk.

Whether Karl Rove violated the law or not is a question for the special prosecutor; but the White House said they had a higher standard, and it is the standard that should be enforced with Mr. Rove.

Former CIA agents have said that if this is not treacherous, it might very well be treasonous. Either way, it is time for the White House to clean up its house.

FUNDING FOR VETERANS

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

Ms. KAPTUR. Mr. Speaker, the cornerstone at the Department of Veterans Affairs from the time of Abraham Lincoln has read: ''To care for them who shall have borne the battle, their widows, and their orphans.'' Why can this administration not keep that promise?

Veterans who have served our country and are now coming home, and the World War II, Korean, Vietnam and Persian Gulf War vets who are aging, are lined up, over 50,000 currently waiting to get into the system. Our doctors and nurses are stressed out.

We know we need $1 billion additional funds for veterans health care. We seem to be able to find money for everything else in the world, but the administration cannot get it right, or does not want to get it right on veterans care. A couple of weeks ago they said they did not need any more money. Then, yesterday, they said, oh, wait, maybe we need $300 million, when their own chairman that they took off the committee 2 years ago, robbing him of his distinguished career here in public service to veterans, told us we needed $1 billion, and they ripped him off the committee.

That is really wrong. It is not meeting our commitments to those on whom our freedom rests. And do my colleagues know what? It is having a major impact on our ability to recruit in our Guard, Reserve and Army, because they do not believe that this country will keep the promise that we have had enshrined since Lincoln . . . to care for those who have borne the battle.

□ 1045

VETERANS HEALTH CARE SHORTFALL

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

Ms. HERSETH. Mr. Speaker, I rise today to express my concern shared by many of my colleagues this morning regarding the veterans affairs health care budget shortfall.

I am afraid this shortfall is further evidence that the misgivings many Members of Congress, veterans, and veterans service organizations have had about the VA health care budget have been justified.

The bottom line, in recent years veterans health care has not been given sufficient consideration when it comes time to write the budget. Providing the benefits earned by veterans, yesterday's heroes and today's, is part of the Federal Government's responsibility to provide for the common defense, a responsibility that should direct our funding priorities.

The necessity to reprogram $1.27 billion to the medical services account for fiscal year 2005 and possibly up to $1.7 billion, not factoring in $600 million for enrollment fees and increased co-payments that will not be accepted by Congress, over the President's request for fiscal year 2006 is an obvious signal that VA health care is not suitably funded to meet the needs of our veterans.

However, this is not the first indication that the problem existed. It is not a problem that has crept into the system in the last few months. It is a problem that has existed for many years. I am pleased that we are now working to solve the shortfalls of fiscal year 2005 and 2006 and to ensure effective methodologies that can produce reliable projections regarding adequate levels of funding in the future.

HONOR OUR TROOPS

(Mr. FARR asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, the President asked this Nation to fly the flag for our troops over the Fourth of July holiday. But while the Nation supports the active duty men and women in uniform serving in harm's way, the President is shortchanging the soldiers who are now serving and will be veterans in the future.

Mr. Speaker, I serve on the appropriations subcommittee most ably led by the ranking member, the gentleman from Texas (Mr. EDWARDS), who has led the battle of pointing out the underfunding of the Veterans Administration for health care. We now see it is a fact.

Both the Republican leadership in the House and the Senate made a quick fix. The Democrats have said this fix is not enough, claiming that we will have a greater shortfall as the veteran soldiers from Iraq come home.

If you truly want to honor those serving, you have to pledge to honor them in the future. Fully funding veterans health care is the most patriotic way we can honor our troops, all of whom will some day be veterans.

SUPPORT OUR TROOPS—GIVE VETERANS BETTER HEALTH CARE

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

Mr. FILNER. Mr. Speaker, this morning in ''CQ Today'' we see: ''Shortfall in Veterans Funds Widened.''

The chairman of our committee says, well, we have to find the right number somewhere; we have to find the right number.

Well, I tell you, we had a process where we had the right number. The veterans service organizations through this Independent Budget said exactly what was needed and what we should have both for this year and for the coming year. But did we listen to them? No.

The Democrats on the Committee on Veterans' Affairs, the Democrats on this floor tried to amend the appropriations bills so we would get the money that veterans need. They were voted down by a strict party-line vote: all the Democrats voting for the veterans, all the Republicans voting against.

We are at war, Mr. Speaker. The way that we win a war is to make sure that the troops when they come home have sufficient funding for health care. I have a thousand veterans on the waiting list at my veterans hospital in San Diego. The brave young men and women who are returning from Iraq and Afghanistan will have a high probability of having post-traumatic stress disorder, PTSD.

Will they get the treatment they need? No. Will they have to wait a year for a dental appointment? Yes.

Let us support our troops by supporting them when they come home with proper VA health care funding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1220) to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1220

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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2005''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2005, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amounts in effect under section 1311(b) of such title and paragraph (1) of section 1311(f) of such title (as redesignated by subsection (e) of this section).

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) BASE FOR INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2005.

(2) PERCENTAGE OF INCREASE.—Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2005, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) ROUNDING.—Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) DESIGNATION CORRECTION.—Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2006, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

SEC. 4. CODIFICATION OF FISCAL YEAR 2005 COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 108–363.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$106'' and inserting ''$108'';

(2) in subsection (b), by striking ''$205'' and inserting ''$210'';

(3) in subsection (c), by striking ''$316'' and inserting ''$324'';

(4) in subsection (d), by striking ''$454'' and inserting ''$466'';

(5) in subsection (e), by striking ''$646'' and inserting ''$663'';

(6) in subsection (f), by striking ''$817'' and inserting ''$839'';

(7) in subsection (g), by striking ''$1,029'' and inserting ''$1,056'';

(8) in subsection (h), by striking ''$1,195'' and inserting ''$1,227'';

(9) in subsection (i), by striking ''$1,344'' and inserting ''$1,380'';

(10) in subsection (j), by striking ''$2,239'' and inserting ''$2,299'';

(11) in subsection (k)—

(A) by striking ''$82'' both places it appears and inserting ''$84''; and

(B) by striking ''$2,785'' and ''$3,907'' and inserting ''$2,860'' and ''$4,012'', respectively;

(12) in subsection (l), by striking ''$2,785'' and inserting ''$2,860'';

(13) in subsection (m), by striking ''$3,073'' and inserting ''$3,155'';

(14) in subsection (n), by striking ''$3,496'' and inserting ''$3,590'';

(15) in subsections (o) and (p), by striking ''$3,907'' each place it appears and inserting ''$4,012'';

(16) in subsection (r), by striking ''$1,677'' and ''$2,497'' and inserting ''$1,722'' and ''$2,564'', respectively; and

(17) in subsection (s), by striking ''$2,506'' and inserting ''$2,573''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$127'' and inserting ''$130'';

(2) in subparagraph (B), by striking ''$219'' and ''$65'' and inserting ''$224'' and ''$66'', respectively;

(3) in subparagraph (C), by striking ''$86'' and ''$65'' and inserting ''$88'' and ''$66'', respectively;

(4) in subparagraph (D), by striking ''$103'' and inserting ''$105'';

(5) in subparagraph (E), by striking ''$241''and inserting ''$247''; and

(6) in subparagraph (F), by striking ''$202'' and inserting ''$207''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$600'' and inserting ''$616''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$967'' and inserting ''$993''; and

(B) in paragraph (2), by striking ''$208'' and inserting ''$213''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	Monthly rate
E–1	$993
E–2	$993
E–3	$993
E–4	$993
E–5	$993
E–6	$993
E–7	$1,027
E–8	$1,084
E–9	[1]$1,131
W–1	$1,049
W–2	$1,091
W–3	$1,123
W–4	$1,188
O–1	$1,049
O–2	$1,084
O–3	$1,160
O–4	$1,227
O–5	$1,351
O–6	$1,523
O–7	$1,645
O–8	$1,805
O–9	$1,931
O–10	[2]$2,118

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,221.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,272.''.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$241'' and inserting ''$247'';

(B) in subsection (c), by striking ''$241'' and inserting ''$247''; and

(C) in subsection (d), by striking ''$115'' and inserting ''$118''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$410'' and inserting ''$421'';

(B) in paragraph (2), by striking ''$590'' and inserting ''$605'';

(C) in paragraph (3), by striking ''$767'' and inserting ''$787''; and

(D) in paragraph (4), by striking ''$767'' and ''$148'' and inserting ''$787'' and ''$151'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$241'' and inserting ''$247'';

(B) in subsection (b), by striking ''$410'' and inserting ''$421''; and

(C) in subsection (c), by striking ''$205'' and inserting ''$210''.

SEC. 5. DEMONSTRATION PROJECT TO IMPROVE BUSINESS PRACTICES OF VETERANS HEALTH ADMINISTRATION.

(a) DEMONSTRATION PROJECT REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a demonstration project under this section for the improvement of business practices of the Veterans Health Administration.

(2) PERFORMANCE-BASED CONTRACT.— To carry out the demonstration project, the Secretary shall enter into a performance-based contract for a contractor to carry out the functions specified in subsection (e).

(3) COST LIMITATION.—The total amount paid to the contractor under the contract may not exceed $10,000,000.

(b) COMMENCEMENT AND DURATION OF PROJECT.—The demonstration project shall be conducted during the two-year period beginning on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

(c) SITES FOR CONDUCT OF PROJECT.—The Secretary shall conduct the demonstration project at two facilities, at least one of which shall be a medical center, of the Veterans Health Administration within the same service area (referred to as a Veterans Integrated Service Network) of the Veterans Health Administration. The two facilities at which the project is conducted shall be selected by the Secretary from among facilities that the Secretary determines have relatively low performance for recovery or collection of indebtedness from third-party payors under section 1729 of title 38, United States Code.

(d) SELECTION OF CONTRACTOR.—The Secretary shall carry out the process for selection of the contractor for the demonstration project so that the contractor to perform the contract is selected, and the contract is awarded, not later than three months after the date of the enactment of this Act. The contractor shall be an entity or organization that has significant experience in the administrative processing of health care charges and claims.

(e) FUNCTIONS OF CONTRACTOR.—The Secretary shall provide in the contract for the following functions of the contractor with respect to each facility at which the demonstration project is conducted:

(1) Detailed specification of existing business processes that the contractor determines are relevant to the capability of the facility to recover or collect indebtedness from third-party payors under section 1729 of title 38, United States Code.

(2) Reengineering of the business processes identified under paragraph (1), including provision for standardized application of such reengineered processes throughout the facility.

(3) Establish and implement a plan to transition from the business processes identified under paragraph (1) to the reengineered and standardized businesses established pursuant to paragraph (2).

(4) Establishment of a comprehensive database containing third-party payor information for veterans receiving health care and services at the facility.

(f) VHA PROJECT MANAGER.—As part of the demonstration project, the Secretary shall ensure that a Veterans Health Administration employee is designated to be the full-time project manager for the project and that such employee's duty station is at one of the facilities at which the project is conducted, with provision for visits as needed to the other facility at which the project is conducted.

(g) EMPLOYEE PROTECTION.—The Secretary shall administer the demonstration project so that during the period of the conduct of the demonstration project there is no reduction in active full-time equivalent employees of the Department of Veterans Affairs at the facilities at which the project is conducted that is attributable to the conduct of the demonstration project.

(h) REPORTS TO CONGRESS.—

(1) PERIODIC PROGRESS REPORTS ON PROJECT IMPLEMENTATION.—

(A) REPORTS REQUIRED.—The Secretary shall submit to Congress progress reports on the implementation of the demonstration project.

(B) TIME FOR PROGRESS REPORTS.— Such reports shall be submitted as expeditiously as feasible after the end of—

(i) the 60-day period and the 90-day period beginning on the date of the enactment of this Act; and

(ii) the 60-day period, the 90-day period, and the 180-day period beginning on the date of the award of the contract under subsection (d).

(C) MATTER TO BE INCLUDED.—Each report under this paragraph shall set out the progress to date of the demonstration project, including—

(i) before the contractor has been selected, progress toward selection of the contractor (identified by the steps in the acquisition process that have been accomplished and that remain to be accomplished); and

(ii) after the contractor has been selected—

(I) the contractor's progress in initiating and carrying out the demonstration project in accordance with the requirements of this section; and

(II) a copy of each contract under the demonstration project and any change order or modification to any such contract.

(2) INTERIM REPORTS ON PROJECT OPERATION.—After the completion of the first 12 months, and after the completion of the first 18 months, of the demonstration project, the Secretary shall submit to Congress an interim report on the operation of the demonstration project to that date. Each such report shall include the following:

(A) The assessment of the Secretary as to whether the rate of recovery or collection of indebtedness owed the United States from third-party payors has improved by reason of the project.

(B) The assessment of the Secretary as to the performance of the contractor.

(3) FINAL REPORT.—

(A) REQUIREMENT.—After the conclusion of the demonstration project, the Secretary shall submit to Congress a final report on the project.

(B) CONTENT.—The Secretary shall include in that report—

(i) the matters specified in paragraph (2);

(ii) the Secretary's estimate of cost savings to the Department attributable to the reengineered business processes implemented under the demonstration project, with supporting evidence and documentation for such estimate; and

(iii) the Secretary's recommendation for implementing on a permanent basis the recovery or collection system demonstrated in the project and expanding the project to other facilities of the Veterans Health Administration.

(C) SUBMISSION.—The final report shall be submitted not later than 90 days after the conclusion of the demonstration project.

(i) COMPTROLLER GENERAL REVIEW AND REPORTS.—

(1) REVIEW.—The Comptroller General shall review the demonstration project on an ongoing basis.

(2) REPORTS.—The Comptroller General shall submit to Congress a report on the Comptroller General's findings and recommendations concerning the demonstration project—

(A) after the operation of the demonstration project for a period of one year; and

(B) after the operation of the demonstration project for a period of two years.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the conduct of the demonstration project under this section the sum of $10,000,000.

SEC. 6. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7329. Parkinson's Disease research, education, and clinical centers

''(a) The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this section, shall designate six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this section.

''(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall—

''(1) designate each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center unless (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

''(2) assure appropriate geographic distribution of such facilities.

''(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals which have met the highest competitive standards of scientific and clinical merit, and the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(1) An arrangement with an accredited medical school which provides education and training in neurology and with which such facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's disease.

''(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(3) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

''(4) The capability to conduct effectively evaluations of the activities of such center.

''(5) The capability to coordinate, as part of an integrated national system, education, clinical, and research activities within all facilities with such centers.

''(6) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease, and other movement disorders, at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health care system.

''(7) The capability to develop a national repository for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders in the health care system.

''(d)(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

''(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

''(B) Members of the panel shall serve as consultants to the Department for a period of no longer than two years except in the case of panelists asked to serve on the initial panel as specified in subparagraph (C).

''(C) In order to ensure panel continuity, half of the members of the first panel shall be appointed for a period of three years and half for a period of two years.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) Before providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

''(f) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's disease and other movement disorders.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new item:

''7329. Parkinson's Disease research, education, and clinical centers.''.

(b) EFFECTIVE DATE.—Section 7329 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

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

Mr. Speaker, H.R. 1220, as amended, is one of the more important bills the committee brings to the floor each year. This bill, as amended, would authorize the cost-of-living adjustment effective December 1, 2005 for veterans with service-connected disabilities and their survivors.

The projected increase is 2.3 percent, but may be higher or lower depending on changes in the consumer price index. After our ranking member, the gentleman from Illinois (Mr. EVANS), speaks, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the Subcommittee on Disability Assistance and Memorial Affairs, will provide a more detailed description of this provision.

H.R. 1220, as amended, will also authorize a demonstration project to improve the ability of the Veterans Health Administration to collect funds from third party insurance companies. Under certain circumstances, the VA may bill insurance companies for the treatment of conditions that are not a result of injuries or illnesses incurred or aggravated during military service. Despite improvements, weaknesses in VA's billing and collection process still exist. Every dollar rightfully owed to the VA and not collected is a dollar less to veterans care.

We are working to ensure the VA can accurately forecast health care demand. We must also ensure that the system is able to collect a just debt. I expect that all revenue collected from the project will be returned to the VA medical center where the pilot occurs and not be subjected to appropriations offsets.

Finally, the bill would permanently authorize six Parkinson's disease research, education and clinical centers. Parkinson's disease affects as many as 1.5 million Americans. While treatment exists, we are still in search of a cure.

Currently, the VA has six of these centers. They provide researchers the ability to see results rapidly and put their knowledge to use in helping patients. These centers, working with other VA clinicians, treat tens of thousands of veterans with Parkinson's disease. This section will ensure that the VA continues this invaluable research and treatment.

I want to thank my ranking member, the gentleman from Illinois (Mr. EVANS), for his work on this part of the bill.

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

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

Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. BUYER) for his help and his work on this; the ranking member, the gentleman from Illinois (Mr. EVANS), as always; and subcommittee chairman, the gentleman from Florida (Mr. MILLER), for their continued efforts to ensure the value of veterans benefits does not erode as the cost of living increases.

H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act of 2005 will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2006. Although we do not know at this time the amount of the increase until the consumer price index is calculated in October, I believe this bill will help VA beneficiaries keep the value of their benefits. No amount of money can adequately compensate our veterans for the loss of their health and families for the loss of loved ones. It is important that the benefits which our Nation provides to partially compensate for such losses do not lose their value over time.

In 2004, over 28,000 veterans in Nevada received disability benefits compensation or pension payments from the VA,

and thousands of Nevada family members and survivors received VA cash benefits. The actions we are taking here today will help Nevada veterans and families who depends on these VA benefits.

I am particularly pleased that the bill contains an amendment that I was pleased to offer to include the transitional DIC benefit in the COLA. Without the amendment, the value of the $250 transitional benefit paid to surviving spouses with minor children for their first 2 years of eligibility would have eroded in value by 2006.

Mr. Speaker, this is the least we can do for our Gold Star wives and their children.

I am also pleased to note that the bill contains authority for six VA Parkinson's disease centers. I believe that the research conducted at those centers will improve the lives not only of the veterans with Parkinson's, but of many thousands of other Americans.

Veterans in Las Vegas are already reaping the benefits of the local VA's affiliation with the Southwest Center in West Los Angeles. I want to thank the gentleman from Illinois (Mr. EVANS) in particular for bringing this to our attention and making sure that it was a top priority for the VA committee.

The bill also contains provisions for a demonstration project to improve VA's procedure for collecting money owed by third parties such as insurance companies when VA provides medical care for veterans with nonservice-connected conditions.

H.R. 1220 will receive my full support. It deserves the full support of all Members of this House.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I am proud that H.R. 1220, in addition to providing veterans with needed health care, includes the cost-of-living adjustment as well. This will permanently authorize VA Parkinson's centers as well. Some 42,000 veterans with Parkinson's receive care at the VA.

In 5 years, an estimated 39,000 older veterans will have the disorder. Treatments exist for Parkinson's, but research continues to improve treatments and to search for a cure.

VA is on the cutting edge of research and treatment because of these centers. Veterans service organizations and Parkinson's advocates all support the permanent authorization of these centers.

While the bill does not also authorize VA's two multiple sclerosis centers, I continue to support the centers and hope they can work so we can get them properly authorized.

Authorizing the centers will make sure that the VA will continue to be a model of innovation in the delivery of health care and research for this chronic disease. This bill offers hope to veterans and others with Parkinson's. I ask my colleagues for their support.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership in this effort.

Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans' Compensation Cost-of-Living Act of 2005. I believe that this is a good bipartisan bill. Each year we pass the COLA for veterans. This ensures that veterans benefits maintain their value as the cost of living goes up. These benefits were earned by the men and women who have served our country and their families, and they should not be allowed to diminish.

These benefits are critical to helping many veterans and their families make ends meet. I would also like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

Last Congress in response to the VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC benefits for surviving spouses with children under 18 years of age for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of our brave men and women giving their lives in Afghanistan and Iraq, the provision in today's bill is extremely important and will ensure that this benefit maintains its value over time.

Finally, I am pleased that this legislation will allow the VA to continue its important work on Parkinson's disease research. I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership in this very important legislation.

This is a good bill to help veterans and their families across the country. I urge my colleagues to support it.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the full committee and for their good work in shepherding this bill to the floor today. I would like to thank the gentleman from Florida (Mr. MILLER) and the ranking member, the gentlewoman from Nevada (Ms. BERKLEY) of the Subcommittee on Disability Assistance and Memorial Affairs, for their hard work and bipartisan leadership.

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Mr. Speaker, I support this legislation and am a proud cosponsor of the bill because it is an important way we can keep our Nation's promise to the veterans who have served. This legislation is aimed at improving the quality of life for disabled veterans and their families whose sacrifices and contributions to our great country should not be forgotten. I believe the way we treat our veterans is a moral issue and we need to do the right, moral, honorable thing with respect to disabled veterans and their families.

There are more than 3,000 veterans in my home State of South Dakota who received disability compensation last year, and tens of thousands more nationwide who rely on this annual cost of living increase to help support a dignified quality of life. With wounded young servicemen and women returning home by the thousands from battlefields in Iraq and Afghanistan, we know there is a new and growing generation that is equally deserving of this modest increase to reflect a rising cost of living. It is imperative we work to provide this newest generation of veterans and their families with the benefits they have earned and deserve.

This bill will provide continuing assistance for these brave men and women who will forever live with the scars of their sacrifice. We must honor their service by considering veterans' care to be an ongoing cost of war.

I would like to thank the gentlewoman from Nevada (Ms. BERKLEY) for an amendment she offered in committee, which was passed and included in this bill to provide a cost of living adjustment in fiscal year 2006 for the additional payment of $250 per month for the first 2 years of dependency indemnity compensation eligibility to surviving spouses with minor children.

I also would like to thank the gentleman from Illinois (Mr. EVANS) for his work to include a provision to provide for the establishment of Parkinson's Disease Research Education Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs.

Again, I am proud to support H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, and urge my colleagues to do the same.

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise in support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2005. H.R. 1220, as amended, would provide a cost-of-living adjustment, in the same amount as given to Social Security recipients, to disabled veterans and their surviving spouses. Veterans who receive disability compensation and survivors of certain veterans would receive a full COLA beginning on December 1 of this year. Congress has provided for these increases every fiscal year since 1976.

This bill would also codify the current amounts of disability compensation and dependency and indemnity compensation. More than 2.6 million American veterans are receiving service-connected disability compensation. Many of them reside in my Congressional District. These benefits are paid monthly and range from $108 per month for a 10 percent disability to $2,299 for a 100 percent disability.

Additional monetary benefits are available for our most severely disabled veterans as well as those with dependents. Spouses of veterans who died on active duty or as a result of a service-connected disability likewise are entitled to monetary compensation. Additional amounts are paid to survivors who are housebound or in need of aid and attendance or who have minor children.

Currently, more than 336,000 surviving spouses and children are receiving survivor benefits. The administration's fiscal year 2006 budget projects a 2.3 percent cost-of-living increase, but it may be higher or lower, depending on changes in the Consumer Price Index. The exact percentage will be calculated as of September 30 of this year.

I certainly want to thank the subcommittee's chairman and ranking member, the gentleman from Florida (Mr. MILLER), and the gentlewoman from Nevada (Ms. BERKLEY), respectively, for their work on H.R. 1220, as amended. I also want to commend the chairman of the committee, the gentleman from Indiana (Mr. BUYER), and ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership in bringing the bill to the floor today, as well as the subcommittee staff on both sides of the aisle for their hard work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 1220, as amended.

Ms. BERKLEY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Nevada has 12 minutes remaining.

Ms. BERKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her outstanding, consistent leadership on behalf of our veterans. It is incredibly important.

I rise in full support of this increase of benefits of an across-the-board cost-of-living adjustment, but I rise particularly to speak about the authorization for the permanent Parkinson's disease research education. As the founder and co-chair of the Parkinson's Task Force, this is critically important. Many of our veterans, because of exposure to toxic elements, suffer from Parkinson's. This research is important. Some of their breakthroughs in these veterans' research facilities have led to cures.

I rise in strong support of the overall bill and for this particular aspect that will help many veterans and many Americans across our Nation.

Ms. BERKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on veterans' issues.

I too rise in support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, and I would just like to speak briefly about two provisions in it.

This bill will, in December, provide a cost-of-living adjustment to the disability compensation received by our Nation's veterans, and to compensation received by their widows. A transitional benefit to widows with minor children, who will receive an extra $250 per month for 2 years, is specifically included in this cost-of-living increase.

The compensation that veterans and their widows receive does not adequately compensate them for their losses, but we hope it will ease their burden and let them know our Nation is grateful. It is important this compensation keep abreast of the rising cost of living.

Another provision of the bill establishes, subject to appropriations, a Parkinson's Disease Research Educational and Clinical Center in six VA health care facilities, with appropriate geographical distribution of these centers. These centers would cooperate with an accredited medical school, one that provides education and training in neurology and attracts the participation of scientists who are capable of ingenuity and creativity in their research efforts.

The centers would provide the opportunity for VA clinicians to more fully understand Parkinson's Disease and collaborate on innovative treatments. The findings would be shared with facilities without research centers in order to ensure access to state-of-the-art information through our VA health care system. I am especially supportive of the provision which would advance our knowledge of Parkinson's Disease and would provide new treatments to those who are suffering.

So let us support H.R. 1220, but let us not get too self-congratulatory about this bill. It is a necessary bill. It is already provided for in the appropriations process, but the amount of money we are talking about in this bill is very, very small compared to the shortfall in the health care budget of the VA that we have been informed about by our new Secretary of VA.

Mr. Speaker, we are being irresponsible by not approving an adequate health care budget for our veterans. While today we approve the Disability Compensation COLA, we are still leaving our veterans health care short by billions of dollars, both in this year's and next year's budget.

And for those who say, well, we did not know about it, or it was a bad mathematical model that was used, these are rather ridiculous statements. The Independent Budget, which has been formulated by our veterans' service organizations in a very professional, a very detailed way, forecast the exact amount that we would need in the health care budget. While the chairman of our committee is going around searching for a right number, the number was right here in the independent budget.

And, in fact, Mr. Speaker, the Democrats in this House tried to get this budget number into our budget. But were we allowed to? No, we were not allowed to vote on it in our committee. We were not allowed to vote on it on the floor. There were attempts to do that by the gentleman from Texas (Mr. EDWARDS) and the gentlewoman from Oregon (Ms. HOOLEY). I had an amendment on the floor to put the required money in the budget that we were lacking for our veterans, and I was ruled out of order. Out of order to help our veterans? I will tell you what was out of order, and that was the process that the majority party set up.

Mr. Speaker, I have a thousand veterans in San Diego, California, who are on a waiting list to get into the VA health system. Does that sound like we were adequately funding our health care? We will have thousands of returning Veterans from Iraq and Afghanistan, many with PTSD, post-traumatic stress disorder, who will not be able to get the required counseling at our VA centers. They will have to wait a year for a dental appointment. Is this supporting our troops? Is this showing how much we care about them?

Mr. Speaker, the way to show that we support our troops is to treat them well when they return home. We already have unsettling reports of veterans returning from Iraq and Afghanistan. We have reports of veterans who suffer from PTSD probably, who are committing domestic violence, who have not gotten help from the VA and who may be on the streets already. We know what happens to the troops when they do not get the proper help. Half of the homeless on the streets today are Vietnam vets.

That is a tragedy, that is a disgrace, and an incredible immoral act that we have allowed this country to commit, to put our veterans on the streets. But the same thing is going to happen again. The same thing is going to happen again if we do not adequately fund this budget.

This House voted a week ago to put $900 million into this year's budget. The Senate appropriated 1.5 billion. And the Veteran's Committee chairman said, oh, I do not know how they got their number. Well, that is the right number. We should vote for the Senate number. We can get this passed for veterans immediately, and then we can fix the 2006 budget in our regular appropriations process.

Mr. Speaker, when the President says support our troops, support our troops, support our troops, and then does not provide the adequate funding when those troops come home, we are not doing the job that we should be doing to thank the veterans for their service. It is time to adequately fund the health care budget. It is time to listen to the Independent Budget. It is time for the chairman to listen to those who have been saying this for years. It is time to show proper respect for the veterans who have given us our freedom today.

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

Mr. Speaker, I would urge everybody to support H.R. 1220, everyone in this body. I do not think there is a reason why anybody should be voting against it. It is a very important piece of legislation. But I would like to echo what the gentleman from California (Mr. FILNER) has so eloquently stated in his floor remarks.

When I go home and talk to my veterans, they look to me for my help and my support in providing the health care that they so justly deserve and are entitled to. This Congress needs to step up to the plate and do what we know is right. We cannot continue short-changing our veterans. We cannot continue low-balling them, taking the lowest number, when we know it is the highest number that will barely suffice to provide for the health care needs of our veterans.

Our older veterans, Vietnam, Korea, World War II, some left in World War I, these men and women age, and they are continuing to age. We will have hundreds of thousands of veterans from our latest operations across the globe. Let us be farsighted. Let us be prepared for what is coming. And let none of us, none of us, have the temerity or the audacity to state that we did not know what the needs of the veterans were or what they will be confronted with in the near future. Let us all be on the same page, work in a bipartisan way, and let us do what is right for our veterans. And let us pass unanimously H.R. 1220.

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

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

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

Mr. BUYER. Mr. Speaker, I want to thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), for his work and cooperation on this legislation. I also would like to say to him that he is a champion of Parkinson's Disease, and I am proud of his leadership by example and I am proud of his spirit to live and equally am proud to call him my friend.

I also commend the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. BERKLEY), the chairman and ranking member on the Subcommittee on Disability Assistance and Memorial Affairs, for their timely work concerning H.R. 1220, ensuring that disabled veterans and their survivors receive their COLA.

I would also like to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. STRICKLAND), the chairman and ranking member of the Subcommittee on Oversight and Investigations, for their hard work on reaching a compromise on the authorization of the demonstration project.

I am equally appreciative of the hard work of the staff directors of the majority and the minority, Art Wu and Len Sistek for their work to improve the bill.

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Mr. Speaker, I urge my colleagues to support the Veterans Cost-of-Living Adjustment Act of 2005.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act of 2005.

All too often, our veterans and their dependents are forced to pay unexpected medical fees and sometimes forced to juggle their finances just to make ends meet. By increasing the COLA we would help ease these burdens forced upon our veterans and their dependents. Our veterans deserve and need this assistance now.

This legislation is especially important to me because my Congressional District of El Paso, Texas is home to nearly 60,000 veterans.

These brave men and women have made tremendous sacrifices for our freedom, just as our servicemembers are currently doing in Iraq and Afghanistan. It is our responsibility as Members of Congress to take care of our Nation's heroes so that we can fulfill our promises to our veterans after their service to our country.

Mr. Speaker, my colleagues and I on the House Veterans' Affairs Committee favorably passed H.R. 1220 and I would urge all my colleagues to do the same on the House floor.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, which will increase, effective December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. As in previous years, these deserving men and women will receive the same cost-of-living-adjustment (COLA) that Social Security recipients are scheduled to receive, and as a cosponsor of H.R. 1220, I am pleased that we are acting to provide disabled veterans and their survivors with an annual COLA.

In the 108th Congress, we created an additional Dependency and Indemnity Compensation (DIC) payment of $250 a month provided for the first two years of DIC eligibility to surviving spouses with minor children. This new benefit is aimed at easing the transition following the death of the servicemember or veteran. H.R. 1220, as amended, would also increase the amount of this additional assistance by the same COLA.

I am pleased that the amended bill also includes the provisions from H.R. 2988, the Veterans Medical Care Revenue Enhancement Act of 2005. This is a bill that I introduced which authorizes a two-year demonstration project to improve business practices within the Veterans Health Administration (VHA) relating to third-party billing collections.

When Congress gave the Department of Veterans Affairs (VA) the authority to collect payment from insurance companies for the treatment of non-service connected conditions, the funds collected were returned to the U.S. Treasury. At one point, the VA acknowledged that it did a poor job of collecting payments from insurance companies because it had no real incentive to do so. As a result, in 1997 Congress gave VA the authority to retain any third party collections recovered.

Despite improvements in VA's third-party collections, there continue to be weaknesses in the billing and collections processes that impair the VA's ability to maximize the amount of dollars paid by third-party insurance companies. In June, the VA briefed the staff of the Veterans' Affairs Committee that the Department has about $600 million in outstanding payments that have been billed but not collected from third-party insurers. Collecting these funds would be a significant revenue source for the Department which could improve its ability to provide health care services to our Nation's veterans.

H.R. 1220 creates a modest $10 million demonstration project to improve the VA's business practices at two sites that have low collections rates. It is our hope that this demonstration project will lead to improved collection practices by the VA.

Finally, H.R. 1220 would permanently authorize six Parkinson's Disease Research Education and Clinical Centers with the VA.

I urge my colleagues to support H.R. 1220.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 1220, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BUYER. 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.R. 1220, as amended, the bill just passed.

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

There was no objection.

MAKING PERMANENT THE AUTHORITY OF THE SECRETARY OF COMMERCE TO CONDUCT THE QUARTERLY FINANCIAL REPORT PROGRAM

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 2385) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program, as amended.

The Clerk read as follows:

H.R. 2385

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

SECTION 1. TEN-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF COMMERCE TO CONDUCT THE QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled ''An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes'', approved January 12, 1983 (Public Law 97–454; 13 U.S.C. 91 note), is amended by striking ''2005'' and inserting ''2015''.

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

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER. 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.R. 2385.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, H.R. 2385 reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report Program through 2015. The purpose of this bill is to ensure uninterrupted continuation of this well-established and indispensable program. I urge my colleagues to support this important legislation.

The Quarterly Financial Report, or QFR program, has been conducted uninterrupted since its inception in 1947. It provides ongoing, up-to-date statistics on the financial performance of the manufacturing, mining, wholesale and retail trade sectors of our economy. QFR is the sole source for this information.

Many public and private organizations rely on QFR data to make economic policy decisions based upon quality information. For example, the Commerce Department uses QFR data to develop the all-important gross domestic product and national incomes estimates. The Federal Reserve uses QFR data to assess industry debt structure, liquidity and profitability. The Treasury Department uses QFR to estimate corporate tax liability. And the Council of Economic Advisers uses QFR-based reports and analysis to develop economic policy proposals.

In short, the data gathered from the QFR program affects everyone from Wall Street to Main Street. The QFR is the Nation's most current and comprehensive source of data on corporate financial activity. Federal Reserve Chairman Greenspan is on record stating that if anything, it would be desirable to expand the program to more sectors of the economy.

Originally, H.R. 2385 would have given the Secretary of Commerce permanent authority to conduct the QFR program. But after consultation with my colleagues on the other side of the aisle, we decided to amend the original bill by expanding the sunset clause from 5 years to 10 years.

Mr. Speaker, this is a noncontroversial bill to reauthorize the time-tested QFR program. I urge my colleagues to support the passage of H.R. 2385.

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

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

Mr. Speaker, I rise in support of H.R. 2385 as amended. This bill will reauthorize for 10 years the Quarterly Financial Report conducted by the U.S. Census Bureau, and I congratulate the gentleman from Ohio (Chairman TURNER) for moving this bill quickly through the committee process.

The reauthorization of this program expires this September, and it is very important that Congress gets this bill to the President before that deadline.

The QFR is critical data collection for economic statistics and policy. It is used by the Bureau of Economic Analysis in constructing the national income and product accounts and in calculating the gross domestic product. Quarterly Financial Report data are also used by the Federal Reserve in tracking the investments and liabilities of households and corporations. Quarterly Financial Report data are used by the Treasury Department in developing economic policy, and by the private sector in planning for the future.

There are two important issues that were considered by our committee in reauthorizing this data collection.

First, the Quarterly Financial Report is a mandatory survey. That means that businesses can be prosecuted if they do not provide the information the Census Bureau requests.

Secondly, like any survey, the Quarterly Financial Report imposes a certain burden on those who provide the information to the government. The Quarterly Financial Report is one of the few mandatory data collections authorized by Congress. The decennial census is mandatory, and is required by our Constitution. The Census Bureau also conducts the American Community Survey as a mandatory survey telling respondents that they are required by law to provide the requested information. That authority does not come from any explicit authorization by Congress, but rather through an interpretation of the law by the Office of Management and Budget.

As representatives of the people, Congress should monitor closely any information collected that carries with it a penalty for not complying with the request. It is unfortunate that the mandatory authority is necessary for the Quarterly Financial Report. The Census Bureau has assured Congress that without this authority, the quality of the information collected would seriously decline. The Quarterly Financial Report asks businesses to provide detailed information on financial transactions during the quarter. In return, the government and the private sector use this information to form sound economic policy.

According to the Census Bureau, the basic form can take up to 10 hours to complete and the average is almost 4 hours. I believe that is a fair balance of burden and benefit. I am a strong supporter of a Quarterly Financial Report. Through my work on the Joint Economic Committee, I have seen firsthand the importance of the data provided by this survey. At the same time, I take my responsibility as an authorizer seriously. When we reauthorized this program in 1998, it was for 7 years. I appreciate the chairman's willingness to make this authorization for 10 years rather than a permanent authorization. I believe our committee should regularly review programs that place mandatory burdens on the public.

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

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

Mr. TURNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, on behalf of the Committee on Government Reform, I rise in favor of H.R. 2385, a bill that reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report program through the year 2015.

This important program provides data essential to calculating all aspects of national economy. Along with the gentleman from Ohio (Mr. TURNER), the chairman of the Subcommittee on Federalism and the Census, I urge support of this necessary legislation.

The Quarterly Financial Report Program is our Nation's most comprehensive source of data on corporate financial activity. For the past 58 years, QFR data has been the basis of estimating the gross domestic product and the national income accounts. Consequently, countless public and private organizations rely on QFR data to make informed economic policy decisions every day.

Since 1983, the U.S. Census Bureau has successfully executed this valuable program. The Census Bureau has put forth laudable efforts to improve the process that provides the timely data. Specifically, the Census Bureau has significantly reduced time required for reporting the data by making it possible for companies to submit their surveys electronically by sending out filing reminders and providing help via the Census Website.

The Census Bureau has done an exceptional job conducting this survey for the Secretary of Commerce. That fact notwithstanding, it is the responsibility of Congress to reauthorize this program after a period of 10 years pending a thorough review on the condition that the Census Bureau continues to effectively administer this necessary economic survey.

Mr. Speaker, this is, in fact, a noncontroversial bill to reauthorize the time-tested Quarterly Financial Report Program. Passage of this legislation will ensure an uninterrupted continuation of this program.

I thank the gentleman from Ohio (Chairman TURNER) and the gentleman from Virginia (Chairman TOM DAVIS) for moving this bill through the subcommittee and full committee. I am pleased to be an original cosponsor of H.R. 2385 and urge its passage.

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

Mr. Speaker, I strongly support this legislation and the census in general. It is not only a foundation of facts on which our government and the private sector formulate public policy, it keeps our government fair.

Every 10 years based on census numbers, we redistribute power among the States in order to have a fair representation based on the numbers of people in our country, and it tells us who we are. It tells us about our diversity, it tells us about our growth. It is literally a portrait of our country every 10 years.

This particular report, the Quarterly Financial Report, is a very important part of that portrait. So I rise very strongly in support of this bill and the census in general. I thank the gentleman from Ohio (Chairman TURNER) for moving this bill so quickly.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 2385, as amended.

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

The title of the bill was amended so as to read: ''A bill to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.''.

A motion to reconsider was laid on the table.

JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2113) to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

The Clerk read as follows:

H.R. 2113

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

SECTION 1. JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, shall be known and designated as the ''John F. Whiteside Joliet Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John F. Whiteside Joliet Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. 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.R. 2113.

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

There was no objection.

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

Mr. Speaker, H.R. 2113 introduced by the gentleman from Illinois (Mr. WELLER) names this Post Office in Joliet, Illinois, as the John F. Whiteside Joliet Post Office Building. All 18 Illinois colleagues of the gentleman from Illinois (Mr. WELLER) have cosponsored this bill, and I am pleased to participate in this bill's consideration today.

John Whiteside was a long time opinion writer for the Joliet Herald News. Upon graduation from Northern Illinois University in 1971, he was hired by the Herald News which was the only newspaper he ever worked for.

For the first decade of his career, he worked as a beat and general assignment reporter. But in 1981, he began writing a daily column in the paper each weekday that became beloved by Joliet residents.

Mr. Whiteside wrote the vast majority of his columns on local matters. The most frequent and passionate topics on which he opined were matters of importance to community veterans and law enforcement officials. An Air Force veteran himself, Whiteside correctly viewed all of our Nation's military service veterans as American heroes.

He, likewise, had tremendous respect for police officers, once championing an attempt to raise funds for a police memorial in Joliet, among other efforts. For his eloquent advocacy over many years, it appears safe to say his subjects admired him, too.

Mr. Speaker, unfortunately, after battling cancer for 18 months, John Whiteside passed away on January 22, 2005. He was 61 years old. Days after he died, the front page of the Sunday Herald News carried one final John Whiteside column. It was a posthumous article full of life's lessons that he had written in anticipation of his death. It was a touching end to a meaningful career that was cut short by a struggle with cancer.

□ 1130

His struggle was all the more touching because Whiteside had shared tales of his battle with melanoma with his readers from October 2003 through his passing in January 2005. On a personal note, my own father-in-law passed away from that same disease in January of this year, so I have some understanding of what Mr. Whiteside and his family went through. My sympathies go out to his family.

Mr. Speaker, John Whiteside was indeed a memorable resident of Joliet. Readers of the Herald News have spent a few moments with John every Monday through Friday for nearly a quarter of a century. For these reasons, it is fitting that the House would pass this bill to name a post office in his honor in his hometown of Joliet. I urge all my colleagues to join me in support of H.R. 2113.

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

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

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 2113, legislation naming a postal facility in Joliet, Illinois, after the late John Whiteside. This measure was introduced by my friend, the gentleman from Illinois (Mr. WELLER), on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005. H.R. 2113 enjoys the support and cosponsorship of the entire Illinois State delegation.

John Whiteside worked at the Herald News, a suburban Chicago newspaper, for 34 years as a reporter and columnist. He was well respected in his community as someone who fought for the rights of veterans. As a veteran, one of his most notable achievements was to increase the number of honor guard volunteers for the Abraham Lincoln National Cemetery in Elwood, Illinois.

Sadly, John Whiteside passed away in January of cancer. Mr. Speaker, I commend my friend and colleague for renaming the Joliet post office after Mr. Whiteside and urge support for this measure.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, today I rise in support of H.R. 2113, legislation in tribute to John Whiteside which names the Joliet post office in his honor. John Whiteside was a citizen

and a local hero from the congressional district that I have the opportunity to represent, a man who touched so many lives through his daily commentary with the Herald News in Joliet, Illinois. John F. Whiteside inspired countless readers through his 34 years of service with the newspaper.

Let me begin by thanking Government Reform Committee Chairman TOM DAVIS; my friend Mr. DENT of Pennsylvania; my very, very good friend Mr. DAVIS of Illinois for joining me here on the floor today; and the support of the Government Reform Committee for this legislation, because today the House will be voting on legislation that I along with the entire delegation of Illinois, all 19 Republicans and Democrats, have cosponsored, legislation naming the Joliet post office the John F. Whiteside Joliet Post Office Building. I would note that this post office building is on McDonough Avenue just a few short blocks from the Joliet Herald News offices where he put in so many hours and so many days over the years. I ask my colleagues to support this legislation today.

John Whiteside started his career with the Joliet Herald News in 1971 as a beat reporter and became a true storyteller in 1981 when he started his own personal daily column. Many of his columns focused on the good nature of people, and he especially loved writing about police officers and veterans because he looked to police officers and veterans as his heroes. Readers appreciated his dedication and his advocacy for veterans. John himself was a United States Air Force veteran and wrote thousands of stories about the concerns of local veterans.

One of the biggest veterans accomplishments for John, something he was so proud of and something he invested so much time and personal effort in, was helping organize the honor guard units for military funerals at the Abraham Lincoln National Cemetery located outside of Joliet at the former Joliet arsenal. Mr. Whiteside's legacy included helping to raise funds that equipped squad cars in Will County with video cameras to help nail drunk drivers. He is also noted for reviving police interest in the unsolved disappearance of Joliet newspaper editor Molly Zelko in 1957.

Mr. Whiteside was a recipient of many awards during his 34-year career with the Herald News in Joliet, Illinois, and some of these awards and recognitions included the Will County Sheriff's Department 2004 lifetime achievement award; Joliet area historical museum war heroes gallery named in John Whiteside's honor; and an Illinois State house resolution in 2004 honoring his long service to the Herald News and the Joliet community, just to name a few.

As a columnist, John knew how to connect with every reader through the emotions he brought to his stories. He brought even more emotion to them when he found out he had melanoma cancer in the fall of 2003. Through his trials and tribulations, he chose to share his cancer story with his readers and gave many other cancer victims empathy and hope in their own troubled times.

On January 22, 2005, John Whiteside lost his battle with cancer, leaving behind his wife, Mary Jane, and his daughter, Shelley. He so enjoyed spending time with his family and will be remembered for the time he spent creating birdhouses out of wood in the basement of his home.

In Mr. Whiteside's very last column, he gave some very valuable advice. He said, ''Live every second of every minute of every hour of every day you are given on this good Earth. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it.''

Mr. Speaker, I would like to take a few minutes to share John Whiteside's last column with my colleagues. This column, of course, was published after John passed away on the front page of Joliet Herald News. It is entitled, ''Lifelong Dream Ends in Final Column,'' published in the Herald News on January 23, 2005.

''If you're reading this, I have already looked upon the face of God. And I pray that he has nodded his head in a positive way.

''I had a good life. A good wife and daughter. Good friends and good times. A good job.

''But, sure, I have some regrets. I did some wrongs at times, which I hope I have been forgiven for doing. The last months of my life were full of blessings. So many of you prayed for me and wrote of your concern for my health. I had hoped for a miracle, but it wasn't meant to be. I guess I completed my purpose in being in this world.

''In heaven, well, I don't expect pearly gates and streets of gold. But I know I'll find a place full of goodness, compassion, and mercy. There will be no evil. No meanness. No brutal crime and war. No disease and illness. No jealousy and no hatred. No greed. And no politics.

''If I am allowed to enter this place, I believe that I will be united with my lost loved ones, including my dad, Uncle John, Aunt Mary, Grandma and a whole bunch of great uncles and aunts who loved me as a child. I'll see my buddies like Happy Chopp, Dan Stobbe and Ralph Wick.

''As I visualize my role in heaven, maybe God needs a birdhouse builder to construct shelters for his birds which sing lovely songs. I really have enjoyed creating birdhouses. Some of my happiest hours were in my basement workshop cutting and hammering on them.

''But the real love of my life, outside of my wife and daughter, has been this column. From the time I was old enough to dream, I wanted to be a writer. I wanted to be a storyteller. And I even thought that God told me as a child that I would be a writer.

''The column gave me an outlet to hook words together and tell you a story on a daily basis. I wrote thousands and remembered most of them. But I couldn't remember the names. I thought that the Lord directed me at times to tell certain tales, which just seemed to fall into my lap. Someone told someone to call John Whiteside because they recognized that as my kind of story.

''Two of my very best friends have been storytellers, too, Marx Gibson and Lonny Cain. Both were mentors as well as buddies.

''In my last days, cancer changed me. I believe it made me a better man. It brought me closer to my wife and daughter. It made me more compassionate to mankind. It brought me honors from friends, colleagues and people.

''I have no major regrets. I called them, for the most part, like I saw them. But I wasted time when I should have been living every moment to the fullest.

''If I have any advice to pass on to the rest of you, it's all about living. Living every second of every minute of every hour of every day you are given on this good Earth. And don't get caught up in any form of hatred. Hatred, anger, and the negative only feeds upon you and will destroy you. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it. And laugh a lot, because laughter is healthy.

''As my storytelling days have ended, now perhaps I have the final chapter of what happened to Molly Zelko. Maybe God will allow me to interview her if she made it upstairs, too.

''But, no, Molly isn't what I consider my best accomplishments. They include helping with the honor guard system at the national cemetery, the Taylor Pirc video camera project, writing veterans' memories and building the police memorial in front of the courthouse.

''But most of all, I like my people stories. Stories about ordinary folks caught up in some form of human drama. My favorite saying was, everyone has a story to tell if you just listen. I believed that all of my journalism life.

''But now it's over. Good-bye, my friends. Thanks for reading my stuff. God bless you all.

''At this time, my only regret is that I can't write a column and share with you what is happening to me right now.

''P.S. I don't have a phone number to accept calls anymore. But maybe I can hear a few prayers coming my way.''

That final column published in the Joliet Herald News on January 23 of this year says so much about John Whiteside, and he wrote it in his own words.

Ladies and gentlemen of this House, I ask again that you join me in honoring and remembering this extraordinary man who touched so many lives in so

many ways and I ask for an ''aye'' vote on H.R. 2113.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. WELLER) for his work on H.R. 2113.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2113.

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

A motion to reconsider was laid on the table.

VINCENT PALLADINO POST OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2183) to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''.

The Clerk read as follows:

H.R. 2183

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

SECTION 1. VINCENT PALLADINO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, shall be known and designated as the ''Vincent Palladino Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Vincent Palladino Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. 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 bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2183 honors the late president of the National Association of Postal Supervisors, Vincent Palladino. Palladino passed away unexpectedly at his home in nearby Arlington, Virginia, at the age of 69 in December 2004. He was a native of Staten Island, New York, which is in the district of the distinguished sponsor of H.R. 2183 and my good friend, the gentleman from New York (Mr. FOSSELLA). I congratulate the gentleman for offering this important measure.

After serving his Nation in the Air Force, Palladino began his lifelong career in and around the United States Postal Service. He started working as a letter carrier in Staten Island in 1960. He was later promoted to foreman of mails and then station manager in 1970. Last August, Vincent Palladino was elected to his seventh consecutive 2-year term as president of the postal supervisors association. NAPS is an organization that represents more than 35,000 first-line postal supervisors who work in facilities where employees process and deliver the mail.

Mr. Speaker, it is clear he was a knowledgeable, empathetic and effective leader and advocate in the postal community, and that is why this post office naming in his honor is so appropriate. I urge all my colleagues to join me in support of H.R. 2113.

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

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 2183, legislation designating the postal facility in Staten Island, New York, after the late Vincent Palladino. This measure was introduced by the gentleman from New York (Mr. FOSSELLA) on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005. H.R. 2183 enjoys the support and cosponsorship of the entire New York delegation.

□ 1145

Born in New Brighten, New York, Vince Palladino joined the post office after serving in the U.S. Air Force. In 1962, he began his career as a letter carrier in the Rosebank Post Office. He held several supervisory positions, including station manager. In 1986, he was elected secretary of the National Association of Postal Supervisors, NAPS, and in 1992, he was elected the organization's President.

Mr. Speaker, as president of NAPS, Vince Palladino spearheaded a very impressive management association of over 35,000 active and retired supervisors, managers, and postmasters. Throughout his years as president, Vince testified before the Committee on Government Reform on many occasions. He fought hard to improve the United States Postal Service and pressed for changes in performance and labor management relations and reforms in pay.

Vince Palladino left his friends at NAPS and the postal service with a very simple, yet poignant message: ''Be fair and honest.''

Sadly, after serving as president for 12 years, Mr. Palladino died in December, 2004, at the age of 69.

Mr. Speaker I commend my colleague for naming the post office after Vince Palladino. How fitting a tribute. And I urge swift passage of this bill.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the State of New York (Mr. FOSSELLA), the author of H.R. 2183.

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

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time and the ranking member for their support.

And today I request the House approve the naming of a post office in my district after Vincent Palladino. Vincent, who passed away last December, was the president of the National Association of Postal Supervisors for 12 years, ending in 2004. He was also a native of Staten Island, New York, in my district.

Vincent was kind-hearted, compassionate, outgoing, and had an unquenchable thirst for helping his friends and neighbors. Vincent made his community a better place to live and touched the lives of those around him. And although his professional obligations carried him far and wide, his heart was always in Staten Island.

He began his career as a letter carrier in the Rosebank Post Office in 1962. He held numerous supervisory positions in Staten Island, including station manager of the Rosebank Post Office and operations manager for all Staten Island post offices. In 1986, he was elected secretary of the National Association of Postal Supervisors, which represents more than 35,000 active and retired supervisors, managers, and postmasters who work for or who retired from the United States Postal Service. In 1992, he was elected president of NAPS and held that post for 12 years.

Vincent brought his life lessons learned on the streets of Rosebank and Arlington to that position and was a strong advocate for all those postal workers he led. I would also like to take this opportunity to thank all those postal workers for the job they do every day. I know Vincent would stand up and correct me if I failed to mention them and how much he appreciated, like we all do, their work. I would also like to thank Vincent's family, especially his children, Anthony, Nicholas, Regina, Renee, and Mary Lou, for their support of this fine man.

Born in 1935, Vincent also served his country in the Armed Forces, that is, in the United States Air Force, from 1955 to 1959. Today we honor Vincent's lifetime hard work and achievement by asking the House to approve the measure to rename the Rosebank Post Office in his honor, where he got his start. And might I add, he also happened to be my family's letter carrier in the early 1960s when he started.

I would like to thank the fellow members of the New York delegation

for their unanimous support of this legislation and all those who have cosponsored the bill. Like many American success stories, and Vincent Palladino was one of them, he never forgot where he came from. He may have lived his last years in Arlington, Virginia, but his heart and his family will always be in Staten Island.

I thank the Members for their support.

Mr. DENT. Mr. Speaker, I urge support from all Members for this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2183.

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

A motion to reconsider was laid on the table.

J.M. DIETRICH NORTHEAST ANNEX

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

The Clerk read as follows:

H.R. 2630

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

SECTION 1. J.M. DIETRICH NORTHEAST ANNEX.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, and known as the Northeast Annex, shall be known and designated as the ''J.M. Dietrich Northeast Annex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''J.M. Dietrich Northeast Annex''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. 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 bill under consideration.

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

There was no objection.

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

Mr. Speaker, the distinguished gentleman from Illinois (Mr. LAHOOD) introduced H.R. 2630, which redesignates the postal facility located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex.'' All members of the Illinois State congressional delegation have cosponsored this legislation, and I support its passage.

James Michael Dietrich was an earnest lifelong postal employee. He began his career as a letter carrier in 1970. In 1983 he was promoted to supervisor of Delivery and Collections, and finally he earned the position of Customer Service Supervisor in 1989. Regardless of his rank or duties with the postal service, Dietrich gained the respect of his peers through his friendly demeanor, leadership, and hard work.

Mike Dietrich died in September, 2003. He was a tremendous asset to the postal service and a terrific individual who is worthy of this fitting honor by the House. So I encourage my colleagues to join with the distinguished gentleman from Illinois (Mr. LAHOOD) and me in renaming the Northeast Annex in Springfield, Illinois as the ''J.M. Dietrich Northeast Annex.''

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

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

As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 2630, legislation redesignating a postal facility in Springfield, Illinois, after the late James Michael Dietrich. This measure was introduced by the gentleman from Illinois (Mr. LAHOOD) on May 25, 2005, unanimously reported by the Committee on Government Reform on June 16, 2005. H.R. 2630 enjoys the support and cosponsorship of the entire Illinois State delegation.

Mr. Speaker, it is always a pleasure to join my colleagues in praising the hard work of postal employees. And the late James Michael ''Mike'' Dietrich was a postal supervisor long remembered for his dedication to his job, the employees, and the United States Postal Service.

James Dietrich was a lifelong employee of the postal service. After serving in the U.S. Army, he joined the postal service as a letter carrier. He was promoted to supervisor of Delivery and Collections in 1983 and later to supervisor of customer service in 1989. He handled daily assignments and personnel staffing. He was known for his patience, problem solving, and recognized as the ''go to'' man.

Sadly, he died unexpectedly in September of 2003. Mr. Dietrich's colleagues have described him as a hard worker and a fantastic human being. I commend my colleague for seeking to honor the memory of Mr. Dietrich and urge swift passage of this bill.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. LAHOOD).

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

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

I would like to read a letter that I received from the National Association of Letter Carriers, Abraham Lincoln Branch No. 80, Springfield, Illinois:

''Dear Congressman LaHood: The Letter Carriers of Springfield are requesting that the Northeast Annex, 1927 Sangamon Avenue, Springfield, Illinois, be renamed the J.M. Dietrich Northeast Annex.

''James Michael 'Mike' Dietrich died unexpectedly September, 2003, just over 1 month short of his retirement. Mike was a lifelong employee of the United States Postal Service. He served in the U.S. Army from 1968 through 1970. After an honorable discharge from the Army, he was hired as a letter carrier.

''In May, 1983, he was promoted to supervisor, Delivery and Collections. He was charged with the supervision of approximately 50 letter carriers and collectors. It was his responsibility to see that those in his section were properly trained and successfully functioned as city carriers. In 1989 he was promoted to supervisor, Customer Service. He managed the daily operations of a group of carriers numbering about 100. He also handled scheduling of day-to-day assignments as well as annual and incremental leave for the entire group of Springfield city carriers and collectors. During his service, he received several safety and leadership awards, and in 2002, became the OSHA recordkeeper.

''Mike was not only a great supervisor but he was a fantastic human being. You would be hard pressed to find a U.S. Postal Service employee in Springfield, Illinois, who would have a bad word to say about Mike. He was a man of never-ending patience. He was someone we could all go to with a question and know we would come away with a reasonable and correct answer. And if one of us had a problem, he was our sounding board and mentor, one who can never be replaced.

''Mike and his wife, Carol, raised a beautiful family of six girls for whom they worked hard to provide college educations. They are all now productive adults, some beginning families of their own. I know his career was important to him, but I also know that he considered his family to be his greatest accomplishment.

''Not a day goes by that Mike's name is not uttered by someone on the workroom floor. We all feel it is only fitting that we work in the J.M. Dietrich Northeast Annex.

''Thank you for the consideration'' of renaming the annex.

''Pat Kruger, letter carrier, Springfield, Illinois.''

Mr. Speaker, I read this letter because it is the opportunity for me to thank the letter carriers that work with Mike, to thank them for recognizing all of his accomplishments and

thank them for bringing to my attention the opportunity to name the facility that they all work in and that he worked in and that he accomplished so much with.

And, too, a word about the letter carriers. We have the greatest mail delivery system in the world, anywhere in the world, right here in our country. And it is thanks to the people like Mike and all the people who work in Springfield and all the people who work in the postal service that letters get delivered on time 6 days a week in a professional manner, and I know all Americans appreciate that. And I am grateful to the letter carriers of Abraham Lincoln Branch No. 80 for bringing this to my attention and the ability of this committee to bring this to the floor as a bill that will become law and to have this facility named in Mike's honor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2630.

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

A motion to reconsider was laid on the table.

EAST ASIA SECURITY ACT OF 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3100) to authorize measures to deter arms transfers by foreign countries to the People's Republic of China.

The Clerk read as follows:

H.R. 3100

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 ''East Asia Security Act of 2005''.

SEC. 2. STATEMENTS OF POLICY.

Congress—

(1) previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People's Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the arms embargo they imposed in 1989 following the Tiananmen Square massacre;

(2) welcomes deferral of a decision by the European Council to terminate its arms embargo following adoption of those Resolutions, the President's visit to Europe, and growing concern among countries in the regions and the general public on both sides of the Atlantic;

(3) welcomes the decision by the European Parliament on April 14, 2005, by a vote of 421 to 85, to oppose the lifting of the European Union's arms embargo on the People's Republic of China, and resolutions issued by a number of elected parliamentary bodies in Europe also opposing the lifting of the arms embargo;

(4) also welcomes the onset of a strategic dialogue between the European Commission and the Government of the United States on the security situation in East Asia, through which it is hoped a greater understanding will emerge of the consequences of European assistance to the military buildup of the People's Republic of China for peace and stability in that region, to the security interests of the United States and its friends and allies in the region, and, in particular, to the safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II;

(5) hopes that a more intensive dialogue with Europe on this matter will clarify for United States friends and allies in Europe how their ''non-lethal'' arms transfers improve the force projection of the People's Republic of China, are far from benign, and enhance the prospects for the threat or use of force in resolving the status of Taiwan, a troubling prospect made more ominous by recent adoption of a new law by the Chinese National People's Congress expressly authorizing the use of force;

(6) also hopes that this dialogue will result in an important new consensus between the United States and its European partners on the need for coordinated policies which encourage the development of democracy in the People's Republic of China and which discourage, not assist, China's unjustified military buildup and pursuit of weapons that threaten its neighbors;

(7) however, deeply regrets that none of the European friends and allies of the United States who have been transferring arms to the People's Republic of China has announced a cessation or even a temporary halt to those transfers while this new dialogue with the United States ensues, and notes with concern that such European friends and allies have provided little, if any, transparency to the United States Government into the full range and capabilities of all of the armaments and related technology that they have transferred to date and continue even now to do so;

(8) is further troubled by public reports describing well known European companies as suppliers to weapons programs of the People's Republic of China, who are also participants in numerous sensitive United States Government weapons programs, and the increased risks of diversion of United States weapons technology to China inherent in such an undesirable situation; and

(9) in view of the gravity of European arms sales to the People's Republic of China, which have not abated, believes it is necessary to make provision for greater scrutiny and oversight with respect to those areas of international armament cooperation that present increased levels of risk to the security interests of the United States and to authorize appropriate measures which the President may drawn on in deterring foreign support for China's military buildup in order to safeguard the national security interests of the United States and peace and security in East Asia.

SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) REPORT.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that identifies every person of a member country of the European Union, and any other foreign person the President may consider appropriate, with respect to whom there is credible information indicating that the person, on or after January 1, 2005, exported to—

(1) the People's Republic of China any item on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions; or

(2) the military, intelligence, or other security forces of the People's Republic of China—

(A) any item on the Wassenaar List of Dual Use Goods and Technologies of July 12, 1996, and subsequent revisions; or

(B) any other dual use item if the item is intended, entirely or in part, for use with an item described in paragraph (1).

(b) TIMING OF REPORT.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) EXCEPTIONS.—A foreign person is not required to be identified in a report required under subsection (a) if the person—

(1) was identified in a previous report transmitted under subsection (a) on account of a particular export, except to the extent that the export may have continued, involved additional transfers, or was larger, more significant, or different in nature than described in the previous report;

(2) was engaged solely in an export on behalf of, or in concert with, the Government of the United States; or

(3) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 902(b) of such Act.

(d) FORM.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) STATEMENT OF POLICY.—Congress is concerned with the significant additional risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People's Republic of China.

(b) REPORT.—The President shall, at the times specified in subsection (c), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a); and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(c) TIMING OF REPORT.—The report required under subsection (b)—

(1) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) may be included in the report required under section 3, as the President determines appropriate.

(d) COOPERATIVE PROJECTS.—The cooperative projects referred to in subsection (b) are projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 2350a, 2358, or a memorandum of understanding under section 2531 of title 10, United States Code.

(e) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense articles or defense services by any person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subsection (d) with a country identified in a report transmitted under subsection (b).

(2) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to paragraph (1) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

SEC. 5. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF DEFENSE ARTICLES IN THE UNITED STATES.

(a) STATEMENT OF POLICY.—Congress determines that special care should be taken by the United States with respect to foreign persons who sell arms and related technology to the People's Republic of China, while simultaneously seeking ownership of United States defense articles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of United States defense firms, directly or through their subsidiaries and affiliates based in the United States.

(b) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People's Republic of China or a foreign person otherwise subject to the jurisdiction, ownership, or control of the People's Republic of China;

(B) a foreign person identified in a report transmitted under section 3 or having its principal place of business in a country described in a report transmitted under section 4; or

(C) a United States person owned or controlled by a foreign person, including a subsidiary or affiliate of a foreign person described in subparagraph (B).

(2) ADDITIONAL REQUIREMENT.—A license under section 38(g)(6) of the Arms Export Control Act for a person described in paragraph (1)(A) shall not be issued until 30 days after the date on which the President transmits a report that contains a determination of the President that—

(A) the Government of the People's Republic of China meets the requirements of section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note); or

(B) it is in the national interest of the United States to issue the license.

(c) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) EXCEPTION.—The issuance of a license pursuant to subsection (b) shall not be required in the case of an amendment to a munitions license or a change in registration arising from a sale or transfer of ownership or control of United States defense articles or defense services to a person described in subparagraph (A), (B), or (C) of subsection (b)(1) that was approved prior to the date of enactment of this Act unless the President determines that it is in the national security interests of the United States to require the issuance of a new license pursuant to subsection (b).

SEC. 6. CHINESE MILITARY END USE OF DUAL USE EXPORTS.

(a) STATEMENT OF POLICY.—Congress welcomes the understanding reached at the Wassenaar Arrangement's December 2003 plenary meeting to require governmental authorization for the transfer of non-listed dual use items intended for military end use in a destination subject to any relevant regional arms embargo or to any United Nations Security Council resolution.

(b) LICENSE REQUIREMENT.—

(1) REQUIREMENT.—The President shall require a license under the Export Administration Regulations for the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) that is not subject to a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) if the item is intended for military end use by the People's Republic of China.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the President should not approve a license pursuant to paragraph (1) unless the President determines that approval is important to counterterrorism, nonproliferation, or other national security interests of the United States.

(c) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) DEFINITION.—In this section, the term ''military end use'' means, with respect to an item, the item is or may be intended, entirely or in part, for use in conjunction with an item described on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions.

SEC. 7. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to sections 8 and 9, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall apply with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3, any or all of the following measures:

(1) RESEARCH AND DEVELOPMENT.—Denial of participation in existing and new cooperative research and development programs and projects under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 2350a, 2358, or a memorandum of understanding under 2531 of title 10, United States Code.

(2) CONTROL OF UNITED STATES DEFENSE FIRMS.—Prohibition of ownership and control of any business organization required to be registered with the United States Government as a manufacturer or exporter of defense articles or defense services under section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)).

(3) SECURITY ASSISTANCE.—Prohibition on participation in any foreign military sales under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under chapter 2A of such Act (22 U.S.C. 2769).

(4) MUNITIONS LIST APPROVALS.—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(5) DUAL USE APPROVALS.—Prohibition on licenses and other forms of approval for dual use goods or technology, the export of which is controlled under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act) or the Export Administration Regulations.

(b) APPLICATION OF ADDITIONAL MEASURES.—Subject to sections 8 and 9, and notwithstanding any other provision of law, the President may, with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall, with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3—

(1) suspend the use of any license exemption and expedited license procedure established in the International Traffic in Arms Regulations or other provisions of law for the export or temporary import of defense articles and defense services;

(2) require the execution of a non-transfer and end use certificate for the export of any defense articles and defense services; and

(3) require, as a condition of issuance of any license for the export of defense articles and defense services, United States access to and verification of the items after the export of the items or alternative measures to ensure compliance with restrictions on the transfer of the items to third-parties.

(c) EFFECTIVE DATE OF MEASURES.—Measures applied pursuant to subsection (a) or (b) shall be effective with respect to a foreign person (including a foreign government) no later than—

(1) 30 days after the report identifying the foreign person is transmitted, if the report is transmitted on or before the date required by section 3(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 3(b).

(d) DURATION OF MEASURES.—Measures applied pursuant to subsection (a) shall be for a period of 2 years or longer, as the President determines appropriate. Measures applied pursuant to subsection (b) shall be, at a minimum, consistent with the duration of the license and the normal requirements for record keeping established in the International Traffic in Arms Regulations or longer, as the President determines appropriate.

(e) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) or (b) shall be announced by notice published in the Federal Register, except if the President determines that doing so would be inconsistent with the protection of classified information.

SEC. 8. PROCEDURES IF DISCRETIONARY MEASURES ARE NOT APPLIED.

(a) REQUIREMENT TO NOTIFY CONGRESS.—If the President does not exercise the authority of subsection (a) or (b) of section 7 to apply any or all of the discretionary measures described in such subsection with respect to a foreign person identified in a report transmitted under section 3, the President shall

so notify the appropriate congressional committees not later than the effective date under section 7(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification transmitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report transmitted under section 3 that support the President's decision not to exercise the authority of subsection (a) or (b) of section 7 with respect to that person.

(c) FORM.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.

(a) WAIVER.—Any mandatory measure described in section 7 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) on the basis of information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, on or after January 1, 2005, knowingly export to the People's Republic of China the item the apparent export of which caused the person to be identified in a report transmitted under section 3; or

(2) the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—

(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government's adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B);

(D) does not constrain the President's authority to impose measures under this act in the event of a future export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is submitted to the appropriate congressional committees 30 days prior to its entry into force.

(b) ADDITIONAL WAIVER.—Any mandatory measure described in section 7 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) strengthen international coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 7 should be applied, that the measures be applied comprehensively with respect to the affected foreign person's affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President's determination.

(d) FORM.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term ''defense articles and defense services'' has the meaning given the term in section 47(7) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) DUAL USE.—The term ''dual use'' means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include purely commercial items.

(4) EXPORT.—The term ''export'' has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term ''foreign government'' has the meaning given the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) FOREIGN PERSON.—The term ''foreign person'' has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) GOOD.—The term ''good'' has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term ''item'' means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term ''license'' means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term ''other forms of approval'' includes any authorization, rule or exemption contained in any statute or regulation that permits an export without a license.

(13) OWNERSHIP OR CONTROL.—The term ''ownership or control'' has the meaning given the term in section 122.2(c) of the International Traffic in Arms Regulations.

(14) PERSON.—The term ''person'' has the meaning given the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term ''technology'' has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

(16) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. 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 bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 3100, a bill which I introduced for the purpose of authorizing measures to deter arms transfers by foreign countries to the People's Republic of China.

□ 1200

This bill has 14 cosponsors from both sides of the aisle, including the gentleman from California (Mr. LANTOS), the ranking Democratic member of the Committee on International Relations; and the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services. The Committee on International Relations has marked up the bill and ordered it reported unanimously. The background and need for this legislation can be briefly summarized.

When the House passed Resolution 57 overwhelmingly 411 to 3 on February 2, 2005, it did so in the context of a rising chorus from European leaders that it was time to terminate the European Union's arms embargo on China. In response to this development, Resolution 57 called on the European Union to take two steps: one, to maintain its arms embargo on the People's Republic of China; and, two, to eliminate weaknesses in the embargo and in the national policies of the EU member states. Indeed, those weaknesses are loopholes of one form or another that had permitted European weapons technology to flow to China at an increasingly higher level, even while the embargo remained in place.

Now we have word that the EU has decided for the time being not to terminate the China arms embargo. This, of course, is a welcome development, but it only responds to one of the two steps we asked to be taken. Unfortunately, while maintaining the embargo in the formal sense, the EU and its member states have remained silent on whether they will actually stop the flow of arms-related technology from Europe to China. The supply of European arms technology to China has risen steadily in recent years, both in quantity and quality or sophistication.

With respect to quantity, European arms sales to China increased eight-

fold, to $540 million in the 3-year period between 2001 and 2003. Qualitatively, European transfers have included a number of systems which increased the range, reliability, and lethality of China's attack aircraft and other offensive weapons systems.

The implications of these transfers are uniformly negative for the security of U.S. Armed Forces in East Asia, for the defense of our friends and allies in the region, and for regional stability more broadly. In this respect, I note the public testimony by the Director of the CIA, Mr. Goss, on February 16, 2005, before the Senate Select Committee on Intelligence. At that time he pointed out that Beijing's military modernization and military buildup is tilting the balance of power in the Taiwan Strait and that improved Chinese capabilities threaten U.S. forces in the region.

H.R. 3100 would address these continuing serious concerns in several ways. First, the bill would ensure Congress has the information it needs from the executive branch concerning foreign support for Chinese weapons acquisitions. Under H.R. 3100, the President would henceforth submit an annual report to Congress on European companies that are aiding China's military buildup and on European governments whose policies condone these sales.

Second, for those European companies and governments that continue dangerous arms relationships with China, the bill would expand U.S. export license requirements and increase congressional oversight in certain circumstances. This will ensure that access to sensible U.S. weapons technology is monitored carefully in the case of foreign companies that are also suppliers to Chinese military programs. As the chairman of the Committee on Armed Services noted during our April 14 hearing, the technology control plans which govern access to our weapons technology by foreign contractors who are also aiding the Chinese could be very challenging, if not ''mission impossible.''

Third, the President would be given new authority to help deter future European arms-related sales, should enhanced procedural safeguards not be enough. H.R. 3100 provides a menu of measures the President could draw upon in limiting access of culpable persons to U.S. weapons technology.

Significantly, H.R. 3100 would not have a retroactive character. It will not reach back. This is because the bill is not intended to be punitive; its primary purpose is deterrence. In this context, the optimal report Congress could receive is one in which no European company or government is named. However, if EU member states do not make it possible for this to happen, the President would be in a position to take other steps in consultation with the Congress to safeguard our security interests.

Mr. Speaker, I hope our colleagues will join me in supporting H.R. 3100.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3100, the East Asia Security Act of 2005.

Mr. Speaker, tens of thousands of American troops are currently deployed in Asia, and the American Armed Forces one day could be sent to the Taiwan Strait to help defend the island nation from invasion by Mainland China. It is also possible that American troops might be mobilized in other circumstances in East Asia.

We certainly do not seek a military confrontation with China. Our country is actively working to reduce the possibility of any hostilities with that country. At the same time, I am certain that my colleagues remember our tense confrontation with China over the incident involving an American EP–3 aircraft that was forced to land at Hainan Island in southern China after it was harassed and damaged by a Chinese fighter aircraft.

In addition to our own troops' safety, Mr. Speaker, our country has other vital interests throughout the Asia Pacific region, including the national and economic security interests of our friends and allies.

Earlier this year, we faced a serious problem when the European Union announced its ill-advised intention to lift the embargo against the sale of sophisticated weapons to China. For the American people, this raised the threat that American soldiers could face the latest in high-tech weaponry manufactured in Europe as well as Chinese weapons systems that could be greatly improved by European technology. In February of this year, this House adopted House Resolution 57, introduced by my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and myself. That resolution called upon the Europeans to maintain their embargo on arms sales to China; and as my colleagues recall, Mr. Speaker, the Hyde-Lantos resolution was adopted in the House by a vote of 411 to 3.

Our European allies received that clear message, and their ill-advised effort to lift the embargo was quietly dropped. I welcomed that action by the European Union.

The embargo on arms sales was initially initiated because of China's horrendous human rights record. Nothing about that record has changed in the 16 years since the Tiananmen Square Massacre. The only difference is China's dramatically increasing military strength and the consequent threat to the entire region.

Even with the embargo still in place, Mr. Speaker, several of the leading nations of Europe have dramatically increased their sales to China of military-related goods and high technology. In 2003, the last year for which data is available, these sales amounted to over a half a billion dollars from some European Union countries, including France, Germany, Italy, and the Czech Republic. Other non-European Union countries have also sold significant military equipment to China which represents a threat to regional stability.

For all of these reasons, it is important that we make clear our opposition to the sale of sophisticated military equipment to China, and that we establish penalties by law against those companies and countries that engage in sales that are damaging to our own national security interests and the security of East Asia.

Our legislation, the Hyde-Lantos legislation, H.R. 3100, covers any nation whose policies permit the export of dangerous military materiel and technology to China. At the President's discretion, he can publicize the activities of any country that is transferring sensitive goods and technology to the People's Republic of China, and he has the authority to impose sanctions if he chooses.

For any country that is involved in sensitive defense research and development projects with the United States, and whose practices have the potential to allow the transfer of U.S. technology to the People's Republic of China, the Hyde-Lantos bill would require that all U.S. exports of goods and technology to these countries be carefully reviewed and licensed prior to export.

Our bill is extremely important to persuade other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America.

I urge all of my colleagues to support this bill.

Mr. HYDE. Mr. Speaker, I enclose two letters relating to the consideration of H.R. 3100 The East Asia Security Act.''

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, July 12, 2005.

Hon. BILL THOMAS,

Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill H.R. 3100 ''The East Asia Security Act of 2005''. The Committee has marked up the bill and ordered it reported by a unanimous vote.

Under Rule X of the House Rules the Committee on Ways and Means has jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President's ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means.

In the interest of permitting this Committee to proceed expeditiously to the floor consideration of this bill, I request your Committee waive its right to sequential referral on this matter. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter. I will urge the Speaker to name Members of your Committee to any conference committee which is named to consider this bill.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 13, 2005.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning H.R. 3100, the ''East Asia Security Act of 2005,'' which is scheduled for floor consideration on Wednesday, July 13, 2005.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President's ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3100, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3100.

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. HYDE. 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.

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War, as amended.

The Clerk read as follows:

H. CON. RES. 191

Whereas on December 7, 1941, a date which will live in infamy, the United States was suddenly and deliberately attacked at Pearl Harbor, Oahu, Hawaii, resulting in the loss of over 2,400 American lives, the greatest such loss of life in a single attack before September 11, 2001;

Whereas the United States joined with allies from 32 countries to fight the common foe of fascist militarism in a war in which over 16,000,000 Americans served in the military;

Whereas the United States suffered over 670,000 casualties, with more than 400,000 deaths, while over 105,000 Americans were held as prisoners of war, many of whom were forced to participate in the infamous Bataan Death March or were forced to work on the construction of the Siam-Burma Railway;

Whereas two former Presidents, John F. Kennedy and George H. W. Bush, served with particular distinction and valor in the Pacific theater during the Second World War;

Whereas the sea battles of the Coral Sea, Midway, Leyte Gulf–the greatest naval battle in history–and Lingayen Gulf turned the tide of the war in the Pacific and led to ultimate victory;

Whereas the Sullivan family of Waterloo, Iowa, who lost five sons in a single morning when the USS Juneau was sunk in the Battle of Guadacanal, came to symbolize for the United States the grief felt by American families over the loss of loved ones during the Second World War;

Whereas on May 14, 1943, the Australian hospital ship Centaur, in transit to New Guinea to pick up the wounded, was sunk fifty miles East-Northeast of Brisbane, Australia, resulting in 268 dead, representing the highest number of casualties of any merchant vessel sunk by a submarine in the Pacific theater;

Whereas General Douglas MacArthur fulfilled his promise of ''I shall return'' to the Philippine people by leading the successful campaign for the liberation of the Philippines, part of a wider campaign which freed much of Asia from militarist occupation;

Whereas more than 20,000 Japanese and 7,000 Americans died in the battle of Iwo Jima, which raged on the small island of Iwo Jima for over one month between February and March 1945, the fierceness of which was captured in the historic photo of five Marines and one Navy corpsman raising the American flag on Mount Suribachi;

Whereas the Battle of Okinawa, waged between April and June 1945, was the largest sea-land-air battle in history, with more than 38,000 Americans wounded and 12,000 killed or missing, more than 107,000 Japanese and Okinawan conscripts killed, and perhaps 100,000 Okinawan civilians who perished in the Battle;

Whereas millions of people died in Hawaii, Guam, the Coral Sea, Midway, the Marshall Islands, the Solomon Islands, Wake Island, Guadacanal, Nanjing, Harbin, Beijing, Shanghai, Chongqing, Hong Kong, Singapore, Malaya, Indonesia, Burma, Bataan, Corregidor, Manila, Luzon, Leyte Gulf, Lingayen Gulf, New Guinea, Korea, Saipan, Iwo Jima, Okinawa, Tokyo, Hiroshima, and Nagasaki;

Whereas the Second World War led to dramatic social changes in the United States as more than 19,500,000 women joined the American workforce at defense plants and 350,000 women joined the Armed Forces;

Whereas the roles of minorities in both the Armed Forces and industry were changed forever as greater opportunities for employment and service in the defense of the United States presented themselves;

Whereas Japanese-Americans, including Senator Daniel Inouye, served with courage and valor in the 442nd Regimental Combat Team, the most decorated regiment in United States military history;

Whereas the people of the United States and Japan worked together after the Second World War to reconstruct Japan and to ensure the post-War emergence of Japan as a beacon of democracy and economic liberalization in the Asia-Pacific region, and the United States and Japan further solidified the post-War security relationship by signing the Security Treaty of 1951 and the Treaty of Mutual Cooperation and Security in 1960;

Whereas the sacrifices in the Pacific of United States veterans and veterans of United States allies during the Second World War led to the emergence of an Asian region where democratic institutions and free market economies have taken hold, contributing greatly to the peace and prosperity of the region; and

Whereas on May 29, 2004, the United States gratefully dedicated the World War II Memorial, honoring both the Pacific and Atlantic theaters, on the National Mall in Washington, D.C., with decorated World War II hero Senator Robert Dole giving the dedication speech: Now, therefore, be it

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

(1) honors all veterans, living and deceased, of the Second World War in both the Pacific and Atlantic theaters on the 60th anniversary year of the War's conclusion and expresses the deep appreciation and gratitude of the United States for their valor and selfless service to their country;

(2) calls upon the people of the United States to commemorate the 60th anniversary of the final surrender of the Second World War aboard the USS Missouri as a day of remembrance and appreciation for the members of the greatest generation who, through their sacrifices both in the Armed Forces and on the homefront, preserved liberty for future generations and rescued the world from the scourge of fascist militarism;

(3) reaffirms the judgment in Tokyo rendered by the International Military Tribunal for the Far East of 1946–1948 and the conviction of certain individuals as war criminals for their crimes against humanity; and

(4) recognizes that the alliances formed in the Asia-Pacific region following the Second World War, including those with Australia, Japan, the Philippines, the Republic of Korea, and Thailand, have contributed immeasurably to the continued peace and prosperity enjoyed throughout the region.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. 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. 191.

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

There was no objection.

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

Mr. Speaker, this is the 60th anniversary of the final victory in one of the

greatest campaigns for the preservation of freedom in the history of the world. The heroic struggle of America's Greatest Generation and the peoples of the allied countries to defeat the scourge of Fascist militarism and liberate millions from its iron fist was the most monumental endeavor of the entire 20th century.

□ 1215

World leaders quite properly gathered in Moscow on May 9 to commemorate V-E Day, the 60th anniversary of the victory in Europe. We certainly join in honoring our heroic veterans of the D-Day landing and those of the entire Atlantic theater for their valiant efforts to liberate the people of Continental Europe, especially those trapped in death camps from Nazi tyranny.

We should well remember, however, that for the American people, the Second World War neither began nor ended in Europe. For our Nation, the war began on a quiet Sunday morning in Hawaii, when the U.S. was suddenly and deliberately attacked at Pearl Harbor. Over 2,400 lives were lost, including those buried in the sunken hull of the battleship USS *Arizona*. These dead represent the greatest number of American casualties in any such attack prior to September 11, 2001, another date which will live in infamy.

The war for America did not end on May 19 with the defeat of the axis powers in Europe. The battle for Okinawa, the largest sea-land air battle in history was largely fought after the surrender in Europe. It was not until General Douglas McArthur crossed the deck of the battleship *Missouri* in Tokyo Bay to accept the final surrender of Japan on September 2, 1945, that America and the world were finally at peace.

V-E Day had been the beginning of the end, but V-J Day was the final victory. I stand in strong support, therefore, for this concurrent resolution, which gives equal recognition to veterans of both the Pacific and Atlantic theatres as inscribed in the World War II Memorial which was dedicated last year on our National Mall.

This resolution calls upon generations of Americans who followed those who fought and died in this historic conflict to pause and give remembrance to the sacrifices of the greatest generation as the 60th anniversary of V-J Day approaches. The events of that war are slowly fading, and a distant memory, rekindled only in our national consciousness by readings in history textbooks or by clips from old war films, therefore we must assure, through commemorations like the one contained in this resolution that the sacrifices of the World War II generation are never diminished or never forgotten.

We here today should dedicate ourselves to preserving these memories, even as we stand once again to thank our World War II veterans for their sacrifice and their valor. As Americans reflect on the decades of unparalleled stability and prosperity following the aftermath of the Second World War, they may recall the words of the great British Scientist, Sir Isaac Newton who said, ''If I have been able to see further, it was only because I stood on the shoulders of giants.''

The blessings we enjoy today come from standing on the shoulders of those giants who fought, bled and died 6 decades ago so we might be free. And so to all those who fought, we owe an enormous debt of gratitude. Their legacy today is a peaceful and increasingly prosperous Asian Pacific region, where democratic institutions have taken root and market economies have flourished.

Their gift to us is an America which still stands as a beacon of liberty to the people of Asia who remember well the horrors inflicted by the coming of the Second World War.

With pride and boundless gratitude do we acknowledge the unpayable debt we all owe to veterans, who together with our allies and those on the home front, won the final victory which we commemorate today.

Mr. Speaker I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and rise in strong support of this concurrent resolution.

Mr. Speaker, in the context of this commemoration of what happened on the watery battlefields of the Pacific 60 years ago, I want to draw special attention to the actions of one of our most esteemed colleagues in this body, an esteem that is bound to grow once people know and understand the extent of his contributions to the allies' success in this crucial part of World War II.

Our distinguished colleague and my dear friend, the gentleman from Illinois (Mr. HYDE), now the respected chairman of the House International Relations Committee, back then was a young Naval officer facing the most important battle of his life.

On January 9, 1945, he piloted a landing craft into the Lingayen Gulf as part of a massive landing force hoping to establish a beachhead on the Philippine island of Luzon. His mission was to help liberate the people of the Philippines from Japanese control.

The liberation of the Philippines and the eventual victory of allied forces in the War in the Pacific now seems to have been predetermined. Yet it was anything but decided during this important moment in global history.

Fortunately, Mr. Speaker, the gentleman from Illinois (Mr. HYDE) survived the battle of Lingayan Gulf. For his exemplary service to his Nation, he was awarded the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the American Campaign Medal, and the Philippines Liberation Medal.

Mr. Speaker, it is evident to those of us who have had the privilege of working alongside him in the intervening years, that the gentleman from Illinois (Mr. HYDE's) tenacity in battle extends to other forms of conflict.

But it is also clear that he is committed to bipartisan cooperation in the national interest whenever possible. He has remained loyal to the values that propelled him into public service.

Mr. Speaker, I have the greatest respect and admiration for the sacrifices of American soldiers, many of whom gave their lives in this epic battle against the forces of fascism and Japanese militarism. I owe my very life to the American military and to the troops of other allied countries which liberated Europe at enormous costs.

There are millions of citizens in the Asia-Pacific region, from the Philippines to Korea, who also owe their freedom to the gentleman from Illinois (Mr. HYDE) and the thousands of other brave Americans.

In many ways, Mr. Speaker, the victory over Japan was more of a beginning than an end. In the aftermath of World War II, the United States developed strong alliances across the Asia-Pacific region, which have only strengthened for the past 5 decades. The United States and Japan have developed a robust multifaceted relationship based on shared democratic values and mutual interests in Asian and global stability and development.

The strength of our relationship with Japan today and the relative peace of the Asia-Pacific region for over 50 years demonstrate the value of the sacrifices made by the brave American soldiers in the Pacific theater.

With the passage of our resolution, we commemorate these enormous contributions to peace, and we commit ourselves to remembering for all time those who made the ultimate sacrifice for this Nation.

Mr. Speaker, I strongly support this resolution.

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

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

Mr. Speaker, the gentleman from California has been incredibly generous in his remarks, and I would like to comment on his history for the edification of our colleagues.

Hitler's forces occupied Hungary on March 19, 1944. Along with the Nazi invaders came the notorious Adolf Eichmann, with orders to exterminate the Jewish population of Hungary. A 16-year-old boy viewing these somber events decided he had to take a stand. He joined the Hungarian underground, a loose-knit group which was made up of small clusters of individuals.

Sent to a work camp to perform forced labor to maintain a railway bridge, this boy was the sole survivor of an allied bombing raid. ''I was convinced I would not survive,'' the boy recalled. But fate had greater things in store for this young hero. Escaping from the camp, the young man made his way to Budapest where he joined Swedish diplomat Raoul Wallenberg in his rescue operation to save much of the Jewish community of Hungary.

The young man ran operations for the underground carrying food and medicine through Nazi lines to Jews hiding throughout the city. After the war, the young man was reunited with his childhood friend, who was to become his wife, Annette. Together they immigrated to America to start a new life.

Fortunately for all of us on the International Relations Committee and in Congress and in America, that brave lad from Budapest is here with us today. After a distinguished academic career in California, the same determination which kept him alive at the bombed out railway bridge has now brought him to Congress, where he serves as the ranking Democratic member of the International Relations Committee.

For his courage in war, for his service in peace, especially here in Congress, I would like to express sincere and profound appreciation to my friend and colleague, the gentleman from California (Mr. LANTOS.)

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

Mr. LANTOS. Mr. Speaker, before yielding to my friend, the gentlewoman from Guam (Ms. BORDALLO), I just want to express my most profound gratitude to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of our committee.

Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I wish to thank my good friend, the gentleman from California (Mr. LANTOS) for yielding me the time and giving me the opportunity to speak on the floor today on this issue.

December 7, 1941 would come to mark a historical pivot point for both America and the world. Two days later, the Chamorros people of Guam would also begin a dark and somber time. Over the next 31 months, residents were turned into refugees. Men, women, and children were massacred, an entire island enslaved.

An estimated 700 Chamorro people perished over these years of occupation. On July 21, 1944, American troops once again touched the shores of Guam, ending the oppressive occupation.

□ 1230

Liberation meant a restoration of faith and future to the Chamorros as they sought to reconstruct their island and their lives. The scars of battle still resonate, yet the lingering message of history will never fade 61 years later.

I stand to honor those who fought to liberate our people and to honor the resiliency displayed by the Chamorro people in such formidable times. Just yesterday we went to Arlington to lay a wreath to honor those who perished. And tonight in the Cannon Caucus Room we invite the entire membership of the U.S. Congress and their staff and friends to come and join us in a liberation celebration beginning at 6:30 p.m.

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

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 191.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONDEMNING THE TERRORIST ATTACKS IN LONDON, ENGLAND ON JULY 7, 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005.

The Clerk read as follows:

H. RES. 356

Whereas, on July 7, 2005, a series of explosions on public transportation facilities in London, England, resulted in the death of scores of civilians and the injury of hundreds of others;

Whereas the explosions had been planned and carried out by terrorists;

Whereas British first responders reacted swiftly and heroically to save and assist civilian victims;

Whereas the people of London and of the United Kingdom have a history of bravery and resolve in the face of terrorism and war;

Whereas the people and Government of the United Kingdom have been engaged in common efforts with the people and Government of the United States in every front in the Global War on Terrorism and in other efforts to assure a safer and more secure world;

Whereas the people and Government of the United Kingdom have been making heroic sacrifices in Afghanistan, in Iraq, and in the ongoing ''shadow war'' against terrorists around the world; and

Whereas President George W. Bush, then present in Gleneagles, Scotland, with other world leaders, expressed the solidarity of the people and Government of the United States with the people and Government of the United Kingdom: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks in London, England, on July 7, 2005;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of the United Kingdom as the recovery continues from these cowardly and inhuman attacks; and

(4) expresses its readiness to provide any necessary assistance to the United Kingdom authorities and to devote the necessary resources to bring to justice those individuals responsible for the London attacks, and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 356.

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

There was no objection.

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

Mr. Speaker, Americans were shocked and dismayed but not necessarily surprised when terror struck at the heart of the capital of the United Kingdom, the cradle of Western liberty, on July 7, 2005.

It is too easy while we are preoccupied with celebrating our independence from Britain in early July to lose sight of what we owe Britain, our language and our culture, the notion of the rule of law and the separation of powers, our common law legal system, and the underpinnings of our economic system, to name a few examples.

The British have been at our side and we at theirs in the struggles against tyranny that preoccupied us throughout most of the 20th century and now in the struggle against the nihilistic terror that has marked the 21st century and in our efforts to bring freedom to Iraq.

So it came as no real surprise to find that those who hate us hate the British too and acted on that hate.

The British have always impressed the world with their courage, their resilience, recalling the days of the blitz.

Today, Britain is different than the Britain of the Second World War. Its streets are filled with people from all over the world who are making their homes in what is like ours, a land of opportunity where newcomers are integrated into society with remarkable success. Today's Londoners showed themselves to be just as brave and determined as the Londoners of the past.

President Bush made us all proud when he so forthrightly and eloquently supported Prime Minister Blair and pledged his people and government our full support. Today with this resolution, our House adds its voice to his.

We and the British people are bound by ties that terror cannot loosen or fray. We will not be satisfied until we have done what we as Americans can to bring the perpetrators of this attack to

justice and we have successfully pursued, disrupted, undermined, and dismantled on a worldwide basis the networks that carry out such attacks.

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

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

Mr. Speaker, I rise in strong support of H. Res. 356. Mr. Speaker, once again the backbone, resilience and resistance to barbarity shown by the citizens of Great Britain have inspired men and women everywhere who love liberty and know that it comes with a price. The aftermath of last week's horrendous events in London and memories of an earlier generation's response to the German blitz bring clearly to mind a quality we Americans have long admired about our British cousins: the unwavering will to withstand a setback and then to get on with it.

By their words and by their deeds in the past week, the people of the United Kingdom have demonstrated yet again that they will not allow brutality to intimidate them. Far from it. They and we shall prevail.

Queen Elizabeth, II, who as a teenager helped rally her country to repel tyranny during World War II, was eloquent but emphatic on this point a few days ago as she visited the wounded in a London hospital. ''Those who perpetrate these brutal acts against innocent people should know that they will not change our way of life. Atrocities such as these simply reinforce our sense of community, our humanity, and our trust in the rule of law. That is the clear message from all of us.''

Mr. Speaker, while the Irish playwright George Bernard Shaw may have been correct when he observed that ''England and America are two countries divided by a common language,'' today there is no sentiment more closely shared by Americans and Britons, nor one so clearly stated, as what Her Majesty said: the perpetrators of this revolting attack ''will not change our way of life.'' Their deeds ''simply reinforce our sense of community, our humanity, and,'' despite the all-too-human impulse to exact swift retribution, ''our trust in the rule of law.''

Mr. Speaker, our resolution on the events in London now before the House expresses outrage, fortitude and the readiness to provide whatever resources are needed to bring those responsible to justice. On behalf of all our constituents, and all our compatriots, we in the Congress of the United States extend across the Atlantic our deepest condolences and our outstretched hand in solidarity.

On September 12, 2001, Prime Minister Tony Blair called the dark events of the day before ''an attack on the free and democratic world everywhere.'' What happened in London on July 7, 2005, was just such an assault. For the sake of democracy and freedom, it cannot and it will not go unanswered.

Coming as it did on the heels of an exalted week for Britain with the eyes of the world turned first on Wimbledon, then on the G–8 meeting at Gleneagles and finally on the triumph of being entrusted with the Olympic Games of 2012, this sickening blow may have seemed all the more horrific by contrast with those previous days.

Mr. Speaker, let our response to this outrage be neither to recoil nor to lash out, but to renew our determination to eradicate terrorism so that never again can it cast its insidious shadow over our peaceful lives.

I urge all of my colleagues to support this resolution unanimously.

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

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, as chairman of the Subcommittee on International Terrorism and Nonproliferation, I rise in strong support of this resolution that condemns the heinous acts of terrorism that occurred in London last Thursday July 7.

At 8:50 a.m. in a coordinated attack, three bombs ripped through the London Underground in central London and an hour later a fourth explosion tore apart the No. 30 bus. At present, 52 are dead and hundreds and hundreds are wounded. Authorities are still attempting to recover bodies trapped under subway cars deep under Kings Cross station. As a police official gruesomely described this morning, ''they have to literally piece people together and that takes time.''

The latest news reports suggest that four young British citizens carried out this latest act of Islamist terror, blowing themselves up along with their innocent victims in what would be the first suicide attacks in Western Europe. I fear we are seeing the emergence of a new generation of terrorists, kids who were in their teens on 9/11.

One of the four implicated in the London bombings was a teen. The homegrown cell involved in the Van Gogh murder in the Netherlands included members as young as 18. North African extremists from France have been found in Iraq, some as young as 14. And as the 9/11 Commission described, ''Our enemy is two-fold, al Qaeda, a stateless network of terrorists that struck us on 9/11 and a radical ideological movement in the Islamic world inspired in part by al Qaeda which has spawned terrorist groups and violence across the globe.''

As the 9/11 Commission tells us, ''The first enemy is weakened but continues to pose a grave threat. The second enemy is gathering and will menace Americans and American interests long after Osama bin Laden and his cohorts have been killed or captured. Thus, our strategy must match our means to two ends: dismantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism.''

Now, unfortunately, lax asylum laws and lax immigration laws have done the British and the rest of Europe no favors and have contributed to the radicalization of society there. Long before bombs ripped through London, Britain had become a breeding ground for hate fed by a militant version of Islam. For a decade, the city has been a crossroads for would-be terrorists who used it as a home base to communicate their message, to raise funds and to recruit members.

□ 1245

For years before his arrest, Abu Hamza al-Masri openly preached violence at the Finsbury Park mosque in north London. Among those who have passed through that Finsbury Park mosque are Zacarias Moussaoui and Richard Reid.

Unfortunately, radical clerics gaining a foothold in traditionally tolerant societies is not unique to Britain. The reality is that hate and intolerance is being preached throughout the world, and I thank the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for bringing this resolution to the floor.

As the British have stood with us, we stand by them. We will prevail. The terrorists will not.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Speaker, I thank the chairman for yielding me this time and for bringing the resolution to the floor, along with the ranking member, the gentleman from California (Mr. LANTOS); and I urge its unanimous adoption.

Mr. Speaker, on September 11, 2001, the United States was attacked, and Britain stood with us. This was not only an attack against America, but against the civilized world; and Britain understood this.

On July 7, 2005, the terrorists struck again, this time at our ally, Britain, in London. Over 50 people are believed dead and more than 700 wounded in these horrific attacks. These terrorist attacks have once again been directed towards innocent civilians, except that instead of New York and Washington, D.C., the targets were in London. We have seen this deliberate targeting of civilians by terrorists in other places, like Bali, Istanbul, Madrid, and beyond.

This message really goes to the people of Britain, the citizens of London, but especially to the families who lost loved ones last week. In 2001, when not just the United States of America came together but the rest of the global world stood with the United States and the families who lost loved ones on 2001, it was a show of appreciation, respect, sympathy, and condolences for those who lost their lives to terror.

Out of the pain and the sorrow for many of those families, and I know this

because I represent about 300 who lost loved ones on that fateful day on September 11, one of the saving graces from all of that was the outpouring of support from around the world that let them know that they did not stand alone; that let them know that our allies, whether Great Britain or beyond, stood with them and that the best days, hopefully, would come.

Today, we stand as a body, as elected representatives, but really speaking for those people we represent to send those same sympathies and condolences to the people of London.

Yes, we will prevail. Yes, this web of terror, and if there is not a point in time we can say, it let now be the time, this web of terror must be destroyed, whether it is Bali, or the World Trade Center, or the Khobar Towers, or Nairobi, or Jakarta, or any other place around the world where innocent people still must fear for their lives because of these radical terrorists who think nothing of taking innocent lives, including their own.

The people of London have now been Exhibit A in the latest chapter in the war against terror. But the free people of the United States, the free people of Great Britain, and the free people around the world, with our brave men and women in the United States Armed Services and those who are willing to step up and give their life, will prevail against these rogue terrorist punks.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the chairman and ranking member for bringing forth this resolution today.

All of us here know how the Brits felt last Thursday morning. We had all been there ourselves in our own morning of terror not that long ago. It was a routine morning commute, just a regular ordinary day; and then the course of hundreds of lives changed and thousands of others were deeply affected. And we saw the best of the people of London: people shocked but calm, bravely helping others, a city getting up and getting back to work on Friday morning, and determined leaders who will not bow to terrorists.

There were two things that came to my mind, and more than one person has recalled the leadership of Winston Churchill not that long ago. While his admonishment to ''never give in'' is more well-known, there is another speech he gave in the summer of 1941, after London had endured months of bombing and 20,000 casualties in the fall and winter of 1940–41. He said: ''But there was one thing about which there was never any doubt. The courage, unconquerable grit and stamina of the Londoners showed itself from the very outset. Without that all would have failed. Upon that rock, all stood unshakable.''

Upon that rock, they are still unshakable. Our thoughts and prayers are with the people of London.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to reemphasize our united determination to stand with the people of the United Kingdom in their moment of sorrow and anguish and to reiterate our determination not to rest until terrorism is destroyed on the face of this planet.

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

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentleman from California (Mr. LANTOS).

Mr. HOYER. Mr. Speaker, even today, as our friends and allies in London and the United Kingdom move forward with heavy hearts and continued anxiety, they are striking back at the barbaric and cowardly terrorists who attacked them without warning last week.

The British people have seen the face of evil and, as we knew they would, they have remained steadfast, resolute, and unbowed.

They have no intention of altering their way of life, or compromising the democratic principles that have fortified them through the centuries.

All of us can learn from their strong, courageous example, as we extend our deepest condolences to the loved ones and friends of those who have been stolen by these heinous murderers.

It is incumbent upon us not only to condemn the perpetrators and supporters of these unconscionable attacks, but also to express the unwavering solidarity of the American people and our government with the people and government of the United Kingdom.

Mr. Speaker, the civilized world is under attack today by the purveyors of hate, violence, intolerance and lawlessness. They have no compunction about attacking and killing innocent men, women and children.

And our responsibility to this and future generations could not be more clear. We must expose the moral emptiness and political hopelessness of those who subscribe to this twisted ideology—this jihadist death cult—and we must extinguish this force of darkness and despair.

Victory in this fight will not be easy, but it is inevitable as long as all those who cherish peace, tolerance and the rule of law stand together as one.

Sixty-five years ago, Winston Churchill, in steeling the British people against the terror of his day—Hitler's Nazi regime—said: ''Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory there is no survival.''

We must summon the same courage and conviction today. Our enemies seek our destruction, but they underestimate our will. But we shall succeed. Victory will be ours. And, when we look back upon these difficult days, we will be reminded of the British people's courage and steadfast determination.

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356.

The question was taken.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 346 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 346

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except

one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 346 is a structured rule that allows for debate on H.R. 2864, the Water Resources Development Act of 2005. The rule makes in order seven amendments to the bill, five offered by Democrats, one offered by a Republican, and one bipartisan amendment.

The underlying bill is a solidly bipartisan piece of legislation introduced by the chairman and ranking member of the full Committee on Transportation and Infrastructure and the chairman and ranking member of the Subcommittee on Water Resources and the Environment.

I want to begin by thanking the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN); and the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for working together to produce an outstanding piece of legislation.

The Water Resources Development Act renews the commitment of this Congress to dealing with our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

H.R. 2864 authorizes or modifies 102 projects and studies related to navigation, improving our country's ability to ship goods and improve our economy.

The bill includes 225 flood disaster reduction projects and studies. West Virginia, my home State, has been hit by several devastating floods in the past few years. I appreciate that this bill includes authorization for a watershed drainage assessment of the lower Kanawha River Basin in Kanawha, Putnam, Mason, Jackson, and Roane counties in my district.

H.R. 2864 also reauthorizes important corps projects across the country to bring water and sewer lines to rural communities. These water and sewer projects bring jobs and economic development to areas that need business investment. This legislation is a jobs bill because it provides for the infrastructure needs of our communities and allows for better movement of goods across our waterways.

The Committee on Transportation and Infrastructure reported the Water Resources Development Act in a bipartisan manner, and I trust that the full House will adopt the bill today in the same manner. I ask my colleagues to join me in support of the rule and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I may consume.

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

Ms. MATSUI. Mr. Speaker, I rise in support of this rule and strongly support the underlying measure, H.R. 2864, that would provide for the water infrastructure needs of our Nation.

The Water Resources Development Act before us today reflects a shared commitment to the larger goal of developing our national water resources to address economic, environmental, and also public safety needs.

H.R. 2864 is a comprehensive bill. It does more than just authorize nearly $10 billion for the construction of nearly 700 water resource development projects and studies by the Army Corps of Engineers. It seeks to improve the corps' implementation of projects.

From working with the corps year after year, we know there are better ways to implement projects. This bill includes provisions to ensure that corps projects are managed in a coordinated and efficient manner, with improved financial management.

To improve the planning and execution of ongoing projects, the committee is asking that the corps submit yearly financial reports, including anticipated spending needs for future years.

□ 1300

The measure also streamlines the project review process for environmental reports and analyses.

Further, it would also allow for better coordination between the Federal review and State agencies affected by the project. And these are just a few examples of the many provisions this bill includes to encourage better management and coordination of U.S. Army Corps projects. These improvements are common sense. They will not only facilitate better economic and environmental benefits of the projects, but they will also allow projects to reach completion faster.

With a number of ongoing water projects in my district of Sacramento, California, these provisions will translate into real and tangible results. Sacramento has a long history intertwined with floods.

When the city endured a near catastrophic flood in 1986, the community quickly realized it did not have nearly the level of flood protection necessary to fully safeguard the region. After the city again faced more floods in 1997, the community redoubled its efforts to achieve 200-year flood protection. However, until that day arrives, flooding remains a very constant and genuine threat. And continued Federal assistance plays an important role in obtaining that goal.

Despite years of effort, Sacramento still remains one of the most flood-prone and threatened cities in the country, paling in comparison to the level of protection enjoyed by other river cities.

Thanks to the leadership of this committee, much has been done to address the flood control needs of the region. Indeed, several project authorizations already in place that, once completed, will provide in excess of 200-year flood protection for much of the area. With the continued support of Congress, Sacramento has already made incremental progress toward our initial goal of achieving 100-year flood protection for the region, and ultimately moving as quickly as possible towards 200-year flood protection.

Fortunately, as a result of lengthy bipartisan negotiations, Congress has authorized a suite of projects that will achieve 200-year flood protection. Upon completion of the authorized projects to improve area levees, modify the outlets of Folsom Dam and raise Folsom Dam by 7 feet, Sacramento will obtain its long-term flood control goal.

I deeply appreciate the years of support of the Committee on Transportation and Infrastructure has provided to ensure these projects continue to move forward, providing Sacramento the level of flood protection that it both needs and deserves.

In this bill, the committee embraced a project which seemed to be bogged down and hopeless, but because of a little bit of innovation and a strong commitment to finding success, it will be authorized today.

After the Corps of Engineers recommended a flood control project at Magpie Creek in Sacramento, the project faced an unavoidable redesign that nearly doubled the total cost of the project. The cost increase put the project out of reach of local affordability, and the project seemed to be stalled indefinitely. Taking the initiative, the local sponsor, the Sacramento Area Flood Control Agency, developed a revised plan that is not only less costly, but also has less of an environmental impact.

What is significant is the cooperation between the local stakeholders, the Corps and Congress to work together to find a solution. Because of this cooperation, Sacramento now has a more efficient project which will better protect us.

Just as thought went into this project's plan, it is apparent that the Transportation and Infrastructure Committee put great deliberation into this bill. I would like to offer my deep gratitude for the hours of work that the gentleman from Alaska (Chairman YOUNG) and the gentleman from Tennessee (Chairman DUNCAN) and the ranking members, the gentleman from

Minnesota (Mr. OBERSTAR) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) have put into this bill. Their long negotiations have produced a bill that will save lives, homes and businesses from devastation of floodwaters and improve the quality of life.

These are stakes Sacramento knows well. My district is located at the confluence of the Sacramento and American rivers. Sacramento is the hub of a 6-county regional economy that provides 800,000 jobs for 1.5 million people. A major flood along the American River will cripple this economy, and cost between $7 billion and $16 billion in direct property damages and likely result in significant loss of life.

The risk of serious flooding poses an unacceptable threat to the safety and economic well-being of Sacramento and to California's State capitol. It is because of the bipartisan commitment in the Sacramento region and the bipartisan commitment of these committee members that Sacramento is slowly reducing its risk of flooding. We are on a path, and I thank the committee for forging ahead with my community, to bring Sacramento the long-awaited flood protection it needs and deserves.

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

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), my colleague on the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time.

Mr. Speaker, I rise in support of this rule and the underlying bill, the Water Resources Development Act of 2005, or WRDA.

Our Nation's water resource infrastructure is critical to our economy, transportation system, power generation, flood control, and environmental protection and restoration. This is especially true in my area in the Pacific Northwest.

Our region's river system is a great resource, a resource that must be well-managed and protected. Hydroelectric dams provide clean, low-cost renewable power. These facilities also provide a system of locks that allow for the efficient transport of tons of agricultural products to coastal ports, which reduces congestion on our highways and rail systems. The dams allow for the control of floods, should that be necessary.

The coastal ports that receive the river-barged goods and products also need careful attention. They are the gateways to overseas markets. The success of farmers and manufacturers throughout the Northwest depend upon these ports being navigable and appropriately maintained.

I want to highlight several provisions of this bill that are of importance to the communities and individuals that I represent in central Washington.

Like the WRDA bill passed by the House in the last Congress, this bill includes direction to the Corps of Engineers to allow workers at northwest dams to participate in wage surveys. This is a simple matter of equity as workers' participation in wage survey is afforded to other Federal workers doing similar jobs, especially at other facilities in the northwest. I have worked with the United Power trade organization on this effort, and I am pleased it once again will pass the House.

This bill also includes language that will allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain progress on its wetland restoration and waste water treatment project. This project is a creative initiative by the Port of Sunnyside to improve the river habitat and provide for greater economic growth in the local community. This provision ensures that the Port of Sunnyside gets proper credit for funds it invests as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of several Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial use of this prime riverfront property to move forward to the betterment of Pasco and the Tri-Cities, of which Pasco is one of the three cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation's water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

This is the purpose of the WRDA bill and why it is important that it pass the House and the Senate act on it this year to ensure that this measure and the benefits it provides will become law.

Therefore, Mr. Speaker, I urge my colleagues to support this rule and the underlying WRDA bill.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy for yielding me this time, and I noticed with pride her reference to the Sacramento situation. We worked with Bob Matsui on that for years, and he provided great leadership. I appreciate the gentlewoman's continued efforts, and I am pleased this bill looks like it may help move that project forward. It is a priority for not only California, but also the Nation.

I am also pleased to serve under the leadership of the gentleman from Tennessee (Chairman DUNCAN). I truly believe that the work of the gentleman from Tennessee (Mr. DUNCAN) is developing a path for a new direction for the Corps of Engineers and water resources.

This has been an arduous, difficult task in our Chamber and the other Body, dealing with a wide variety of issues and I salute him, our ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and her predecessor, Mr. COSTELLO, because I know they have spent long, hard hours bringing forth a product that will do much good for America.

I come today in support, however, of one amendment which I appreciate being made in order in this rule which will enable the Chamber to take a step back and look at the largest, most expensive navigation project in America's history. I think it is important that we take that careful look, because frankly, there are grave questions about this project.

Today, for instance, I note yet another in a flood, if I may use the term, of editorials from around the country. This from the Chicago Tribune entitled ''Reality on the River'' that calls into question the wisdom of this massive investment.

WRDA would authorize $1.8 billion to expand seven locks on the upper Mississippi and Illinois Rivers. This would be the most expensive project for navigation in our Nation's history. It will take 10 to 15 percent of the Corps construction funding for years, indeed decades.

The gentlewoman from California (Ms. MATSUI) needs to be concerned about this if we are going to fund what she wants. The gentlewoman from West Virginia (Mrs. CAPITO) has water resource needs that are of significance to her constituents, which are at risk if we are going to make this massive investment.

For order of magnitude, Members are familiar with the ''Big Dig'' highway project in Massachusetts. This is an order of magnitude five times larger than the Big Dig when applied to water.

When the Corps is facing a $58 billion backlog of projects right now and a construction budget of less than $2 billion per year, we need to look at this very, very carefully; especially since the economic justification of this project is not just shaky, but frankly, it looks to be flawed.

Studies by the National Academy of Science and the Congressional Research Service, as well as the recent history of traffic on the Mississippi, shows that there is not an increase in barge traffic that would justify it. In fact, for the last 20 years, barge traffic has been flat, and for the last 13 years it has declined. It has declined more than a third from 1992. As barge traffic has declined, we have nonetheless spent almost a billion dollars rehabilitating the locks on the river. This has been controversial from the start. This project helped launch our Corps reform efforts. Members of this Chamber may remember in the year 2000, the Corps of Engineers fired the lead economist, Donald Sweeney, because he claimed Corps officials had ordered him to ''cook the books,'' to underestimate how much was going to be shipped.

Well, he applied for whistleblower protection. In fact, the Army's inspector general confirmed that the Corps had manipulated the documents. Unfortunately, the Corps has not adequately fixed the process.

Several studies from the National Academy of Science and the Congressional Research Service show that the model is still flawed. In fact, the most recent study from the National Academy of Science in 2004 points out that despite their efforts, ''The study contains flaws serious enough to limit its credibility and value within the policymaking process.''

Now, I want to make clear I am not here today to kill this project. The gentleman from Arizona (Mr. FLAKE) and I are offering an amendment that simply says if this project is justified, then it goes forward. Our amendment just says that the minimum justification, 35 million tons of barge traffic, is the lowest justification that would make this economically viable. They have 3 more years to hit the target. Maybe there has been an aberration in the last 20 years, so they have 3 more years. If in the course of the next 3 years there still is no increase, then certainly we should not be spending almost $2 billion.

This amendment does not delay the project. Testimony before our committee indicated it will take 4 to 5 years even with optimal funding for planning for this to move forward.

□ 1315

Not only would the amendment not delay the project at all, the gentleman from Arizona (Mr. FLAKE) and I recommend that there be immediate activities in the basin to be able to move barges more efficiently. Under our amendment, people who ship will get help immediately. It will make it easier for barge traffic to go up and down. It will make it easier to hit their projections. It would seem we are doing them a favor.

Bear in mind that this is a time of great change in the upper Midwest. Their products are going north to Canada on rail, south to Mexico on rail under NAFTA. They are actually exporting less because they are using product for the domestic market for things like ethanol and for food for animals. It is not likely that there is going to be a need for increased river capacity in the future. And it is not about shifting to trucks. This product is already moving on rail, going north and south, going west; and we are not taking away the barges in the Mississippi River. They will still be there.

I strongly urge my friends to look at this, the largest project for navigation in our history, to do things now under our amendment that will help the barge traffic, that are cheaper and more cost effective. Every Member has a stake in this, and I urge your consideration.

[From the Chicago Tribune, July 13, 2005]

REALITY ON THE RIVER

Congress is poised to approve the most expensive water navigation and restoration project in U.S. history, despite glaring evidence that the project is a multibillion-dollar boondoggle.

The proposed $1.8 billion project would enlarge and modernize the 80-year-old system of locks along the Mississippi and Illinois Rivers so barges carrying corn, soybeans and other goods to Gulf of Mexico ports can travel more quickly. Advocates say the project is needed for Midwestern agribusiness to stay ahead of rising competitors such as Brazil. The mighty Mississippi remains a cheap shipping route, but congestion and other delays sometime hold up barges for hours.

The 10-year-old project, though, has faced constant questions about wasteful spending and inflated expectations. The Army Corps of Engineers has predicted river traffic could increase as much as 30 percent over the next 20 years. But a Congressional Research Service report and studies by the National Academy of Sciences have found little to back up that rosy projection and have questioned whether the real economic benefits will be worth the cost.

Congress has one chance to protect taxpayers on this. The House is scheduled to vote as early as Wednesday on a measure that would cut off the project's funds before construction begins if river traffic fails to grow as much as the Army Corps projects it will over the next five years. That measure deserves strong support.

There's good reason to question the projections. Mississippi River traffic is close to where it was back in 1980 and has declined sharply through the five major locks since 1990, partly because Midwestern growers have been shipping more goods by rail and selling more corn to nearby ethanol plants.

The locks improvement project ground to a halt in early 2000 after a whistle-blower accused the Army Corps of inflating the project's economic benefits. An investigation by the Army's inspector general later cited a built-in bias at the Corps in favor of costly construction projects.

Yet a coalition of barge operators, agricultural producers and Midwestern lawmakers is pushing the House to approve the project before the August recess.

It may be too late to head off that approval. But an amendment sponsored by Rep. Jeff Flake, an Arizona Republican, and Rep. Earl Blumenauer, an Oregon Democrat, would make the first phase of construction money dependent upon river traffic increasing enough to justify it.

If traffic fails to reach the 16 percent growth that the Army Corps projects by 2010, funds to the expansion project would be denied. Taxpayers would have paid only $13.7 million, which was approved last year for research and design.

The Army Corps of Engineers has an unfortunate reputation for underestimating costs and exaggerating benefits of some of its projects. Tying its construction budget to its own predictions would create a powerful incentive for the Corps and other government agencies to ground their grand plans in realistic expectations.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Water Resources and the Environment.

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time and for her hard work on this bill. I rise in strong support of the rule for consideration of H.R. 2864, the Water Resources Development Act of 2005. This is a good rule and a good bill. There are, as all of us know, very few amendments; and I think that is in large part because the committee has worked hard over a long period of time to address Members' needs in the bill and in the manager's amendment.

I think that our subcommittee does not have a better member than the gentleman from Oregon (Mr. BLUMENAUER), and I will speak more to his amendment during general debate. But I can tell you that I certainly sympathize with the thrust of his amendment because I think every water project in the country should be looked at very closely and should be done in the most cost-effective way possible. I will say just simply at this point that the project of which he has spoken and to which his amendment is addressed is the number one priority of the Inland Waterway Users Board representing the taxpayers who pay into the inland waterway trust fund and that pays one-half of the project cost. As I said, I will speak in more detail about the general provisions of the bill during general debate.

Right now, let me just say that H.R. 2864 is the product of several years of bipartisan work by the Transportation and Infrastructure Committee. The gentleman from Oregon (Mr. BLUMENAUER) mentioned the gentleman from Illinois (Mr. COSTELLO) who was the ranking member and with whom I worked so closely on this bill in the last Congress.

Basically, this bill in the last Congress is really the product or was the forerunner and is very, very similar to this bill and that bill passed the last Congress by a vote of 412–8. Basically, we have the same bill here today. By working together, the committee is presenting to the House a bill that is supported by over 200 organizations, including the U.S. Chamber of Commerce, which has stated that they plan to score the vote on this bill when they issue their annual ''How They Voted'' ratings.

I certainly would not want to run through the more than 200 of those groups, but just let me give you a short list of some groups supporting this bill, and you will see some of the wide variety:

the Chamber of Commerce, the American Society of Civil Engineers, the American Farm Bureau Federation, the American Shore and Beach Preservation Association, the Associated General Contractors of America, the International Brotherhood of Teamsters, the National Association of Flood and Stormwater Management Agencies, the International Longshoremen's Association, the National Corn Growers Association, the American Association of Port Authorities, the Laborers International Union, the National Mining Association, the Agricultural Retailers Association, American

Waterways Operators, National Rural Electric Cooperative Association, the American Shipbuilding Association, the National Stone, Sand and Gravel Association.

I could go and on. But you see that we have business groups supporting this bill, labor groups supporting this bill, governmental organizations supporting this bill; and so I think this is a bill that deserves bipartisan support. It is a very fiscally conservative bill.

But I think perhaps even more importantly, we have passed WRDA bills and water resource development bills usually every 2 years for many years. No WRDA bill in the history of this Congress has done more to be environmentally friendly, none has done more for environmental infrastructure projects, none has gone further in setting up peer review procedures for our major projects; and so I think this is a bill that will receive and will deserve the support of a very large number of Members on both sides of the aisle.

Mr. Speaker, I thank the Rules Committee for their help and assistance and cooperation, and I urge passage of this rule and passage of the underlying bill.

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

I encourage Members to support the rule. I look forward to the debate and hopeful passage of the underlying bill.

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

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time. I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which provides critical funding to improve our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

This is a jobs bill that will spur economic growth and development in communities across our Nation. I believe all Members should be able to support this rule and 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.

RECESS

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

Accordingly (at 1 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1354

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 1 o'clock and 54 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. CAPPS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 (An Act to ensure jobs for our future with secure, affordable, and reliable energy) be instructed not to agree to the inclusion of any provisions in the conference report modifying the liability with respect to methyl tertiary butyl ether (MTBE).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion would do one thing: it urges conferees to reject a provision granting MTBE manufacturers a waiver from liability for the damage their products have caused to groundwater supplies throughout this country.

This broad liability waiver for MTBE manufacturers should be rejected for a number of reasons.

First, and most recent, a new draft risk assessment on MTBE written by the Environmental Protection Agency has concluded that MTBE is a likely, and I quote ''likely,'' human carcinogen. According to the publication ''Inside EPA,'' the study pinpoints kidney and lymph node tumors as a result of MTBE exposure.

Up until now, most of the concern about MTBE contamination has been that a tiny bit of it makes water smell and taste like kerosene, rendering the water unusable. But now EPA has released information that says MTBE in water may mean more than an unpleasant taste or smell: it may threaten your health.

MTBE contamination is a huge problem, and it is not going away. To date, this contamination has been found in over 2,300 water systems serving 36 States. Two recent studies have reconfirmed that the cost of removing MTBE from drinking water is substantial. The new studies put MTBE cleanup costs in the range of $25 billion to $33 billion and could be as high as $85 billion or more, and that is the cost for existing pollution.

Third, documents unearthed in court cases show that MTBE manufacturers knew as early as the mid-1980s about the damage their products caused to groundwater sources; and yet they continued to add it to gasoline. That is why juries have found that MTBE is a defective product. They also found that oil companies acted with malice because they knew what could happen with MTBE, and they did not do anything to stop it. That is why these oil companies have settled their cases. They did not pay millions of dollars to Tahoe, Santa Monica, and other communities out of good citizenship. They did it because they knew that juries would lower the boom on them for their actions. That is why this bill voids defective product lawsuits, because that is the way oil companies are being held accountable for their actions.

Fourth, CBO has found that the liability waiver in this House bill is an unfunded mandate. This protection for MTBE manufacturers is a huge unfunded liability that would shift the cost of the cleanup, literally billions of dollars, on to towns, cities, and water districts, on to your constituents, I say to my colleagues; and that is just plain wrong.

Mr. Speaker, 2 months ago, the House narrowly voted down my amendment to strike the MTBE liability waiver from our bill. Many Members voted ''no'' because of some impending deal to address the cleanup issue once and for all. Well, reports of this deal have leaked out. They are not pretty, and they will not address the MTBE contamination that your constituents face today or may face in the future.

The deal would provide full liability protection to MTBE producers and establish a $4 billion to $8 billion trust fund to address the contamination crisis. One big problem: remember, the cleanup of MTBE contamination is going to cost between $25 billion and $33 billion and could be as high as $85 billion, dwarfing this deal's cleanup fund.

Another problem: at least half of this fund comes from taxpayers. Mr. Speaker, why should taxpayers pay to clean up MTBE contamination? MTBE manufacturers caused this problem, and they knew it when they did it. They should clean it up.

This is a deal written by the industry for the industry. And it is no surprise that no one from the water industry, no cities, no counties, the people who will have to deal with the contamination, none of these people support this bill.

Finally, these are the controversial MTBE provisions that killed the energy bill in the last Congress. The Senate bill did not include MTBE provisions in their bill, and for good reason. They knew that giving these manufacturers protection from liability would

end the chances of the bill becoming law. With the country continuing to experience record energy prices, the need for comprehensive energy legislation is clear, and MTBE provisions once again threaten the passage of this bill.

Mr. Speaker, the MTBE industry knowingly caused widespread groundwater pollution, and now it is trying to shirk its responsibility to the communities living with this huge problem.

So I urge my colleagues to support the Capps motion to instruct conferees and to reject this ridiculous bailout for the MTBE industry.

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

□ 1400

Mr. BARTON of Texas. Mr. Speaker, I rise just to say that I object to the motion to instruct.

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

Mrs. CAPPS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in strong support of the motion to instruct. I commend the Congresswoman for her extraordinary leadership, for working to protect communities from MTBE and from unfunded mandates that shift of cost of clean-up to communities without the funding to match.

For 5 years, Republicans have pushed policies to give billions of dollars to special interests which then reaped record profits. Republicans are not listening to the American people's concerns about the need for save drinking water, clean air, or for lowering the price at the pump of gasoline.

Instead of siding with the Americans strangled by high gas prices, President Bush's own Department of Energy said that the energy bill would actually raise gas prices, and that the President's proposals would increase our foreign oil dependance by 85 percent.

But nowhere is Republican pandering more on display than in the provisions relating to MTBE. Mr. Speaker, as you probably know, a few drops of MTBE can poison whole drinking water supplies. The industry knew that MTBE would leak from gasoline storage tanks when they lobbied for its use.

They deliberately hid this fact from Congress. The result of their malfeasance is clear: MTBE contaminated groundwater in every single State in America with estimated clean-up costs between $25 and $85 billion.

Incredibly, instead again of siding with communities poisoned by MTBE, House Republicans lined up to protect polluters from liability. Last year, the Majority Leader, the gentleman from Texas (Mr. DELAY) added language to the energy bill to protect MTBE polluters knowing it would kill the legislation and he did the same this year.

The House-passed bill protects MTBE producers form lawsuits. By their actions, House Republicans imposed an unfunded mandate on local communities to protect polluters. This is contrary to a fundamental principle that in our society polluters must pay for the damage they cause, not our children with their health.

The Republicans said to localities, not only will we protect the people who poisoned your water, but we are going to leave you with the bill.

Mr. Speaker, we are spending our time debating yet another huge subsidy for profitable oil and gas companies at taxpayer's expense, when we should be focusing on what consumers want, clean water to drink and relief from high prices at the pump.

This is a disgrace. Conferees should insist on the Senate version that excludes this shameful MTBE liability waiver. Only then can we reaffirm our commitment to strengthening community by promoting a clean and healthy environment where polluters pay again for the damage they cause, not our children with their health.

Again, I thank the gentlewoman from California, (Mrs. CAPPS) for seizing this opportunity as she did when the House first considered this legislation. I urge my colleagues to vote for the motion to instruct so that we can end this disgraceful giveaway to oil companies and MTBE polluters that poison water all across the country.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in support of the Capps motion. The House Energy Bill contains a so-called ''Fuels Safe Harbor'' that hands over get-out-of-court-free cars to the big oil companies responsible for polluting our communities' drinking water supplies with MTBE. The MTBE safe harbor is really a pirates cove for corporate polluters.

If enacted, it will let corporate polluters off the hook for water contamination and other damages to the environment and public health resulting from MTBE contamination.

A few months ago, President Bush said, ''I will tell you, with $55 oil, we do not need to give incentives to oil and gas companies to explore, there are plenty of incentives.''

Well, the President is right. Oil prices are now up to $60 a barrel, but the Republican energy bill would nonetheless hand billions of dollars worth of tax and regulatory subsidies over to wealthy oil companies. The MTBE liability waiver is only the tip of the vast iceberg of subsidies in this bill. $8 billion in tax subsidies and incentives for energy companies in the energy bill; $3 billion for the oil and gas industry; billions more in the Senate bill for the oil and gas industry.

There is something called royalty relief for the oil industry, which basically suspends requirements for oil companies to pay the Government for drilling on public land. There is a $2 billion subsidy for ultradeep water drilling R&D, and they also get a special exemption from the Clean Water Act.

With oil prices hovering at $60 a barrel, they do not need these breaks. Exxon reported $25 billion worth of profits last year; Conoco, $8 billion; royal Dutch Shell, $18 billion; BP, $16 billion; Chevron-Texaco, $13 billion. They do not need any incentives from the taxpayer, they are already in the pockets of the very same people as consumers, tipping them upside down.

And just think about it. The oil companies are making more money than they can ever spend, and Congress, in this bill, is going to pass a bill totally immunizing MTBE producers from any legal liability for producing an inherently defective product.

If there is an industry that can pay for this problem, it is the industry that has made more profits in the last year than any industry in the history of the world. We are going to do this despite scientific studies which have shown that MTBE causes cancer in laboratory animals.

Ladies and gentlemen, this is a huge mistake, the House ''safe harbor'' from legal liability will shift the burden of cleaning up MTBE contamination from the companies back to the local community. So again, the consumer will be paying high gasoline prices, high home heating oil prices, they will be paying out of their tax dollars to give subsidies to the oil companies, and then they will have to go into their pockets again to clean up the mess which is left over.

Vote yes for the Capps motion to instruct the conferees.

Ms. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague for her leadership, not only on this issue, but on so many others that come before the House Commerce Committee.

Mr. Speaker, I rise in support of this motion to instruct. It may indeed be our very last chance to get something right in this flawed energy bill, so-called energy bill. According to the independent analysts at the U.S. Energy Information Administration, this bill has virtually no impact on energy production, on consumption, on imports or on prices at the pump.

In fact, these independent analysts say that gas prices will increase. So wake up, America. Look what is happening to you under a so-called energy bill. The price that you pay at the pump is going to go up. Is that what we need the Congress for? I do not think so.

If the House bill did nothing, that would be one story. But the truth is that the bill imposes huge costs on taxpayers. And that is what we are protesting here on the floor, and why there is this motion to instruct.

Probably the worst provision of the bill is the MTBE liability waiver. What is it? It provides a safe place, a safe

harbor that prevents refiners and MTBE manufacturers from being held accountable in court for selling a defective product. What this safe harbor does is relieve the industry of any obligation to pay even a portion of the estimated $29 to $85 billion cost of cleaning up drinking water that has been contaminated by the product.

So who pays? You pay. Not those that are responsible for it, but you. All under the guise of we want to lower your taxes. Imagine what is going to happen in your local community. Do you think your local government has this money? Mine does not.

The Congressional Budget Office calls this an unfunded mandate—you have to do it, but there is no money to do it—on local and State governments, because they have to pay for the cleanups on their own.

This is not just a matter of accounting. It is a matter of public health. Just last week it was reported in a new EPA draft report that MTBE is a likely carcinogen. And when MTBE is found in drinking water, we know we have to clean it up. There is not an option on this. I do not want my kids drinking it. I do not want yours to.

Successful lawsuits in California have led to substantial settlements with oil companies. And these settlements have enabled communities to begin cleaning up their drinking water supplies. Now, because communities are winning these suits, the industry wants Congress to let them off the hook.

Mr. Speaker, there is no reason to do this. If they are losing in court, it is because they have a lousy case. And there is a reason that these settlements are taking place, the industry is responsible for the mess and they have known about the threat for years.

So why is a safe harbor being created for the industry? No one outside the industry thinks this is a good idea. In May of this year, the Governor of California wrote to us and said that this provision should be stripped from the bill. I think that my California colleagues should be paying attention to that.

Along with the Governor, the National League of Cities, National Association of Counties, the Association of California Water Agencies and many others have sent letters voicing their opposition. This is a bad provision.

Last Congress the provision sank the bill. And it should have. This year we should strip it from the bill. Vote for the motion to instruct.

Mrs. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentleman form Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in support of the gentlewoman from California (Mrs. CAPPS') motion to instruct energy bill conferees to strike the MTBE liability waiver provision from the final energy bill.

The conferees should understand that we want an energy bill, not an energy subsidy bill. What is more important? The profits of oil companies or the health of our people and the financial health of States and communities in which we live?

The liability waiver assumes that Congress mandated MTBE use in 1990. But that is really not true. Congress mandated the use of an oxygenate in reformulated gasoline, but MTBE is not and was not the only oxygenate.

MTBE was used extensively in non-RFG areas where no mandate applied. Furthermore, MTBE was marketed and used extensively before 1990. Maine's experience really illustrates the MTBE problem.

Maine volunteered to phase into the Federal reformulated gas program in 1991. And in 1995 reformulated gas containing MTBE entered the marketplace in Maine. Two years later, in 1997, the Maine Bureau of Health reported MTBE in 7 percent of Maine public water supplies.

One year later, 1998, MTBE was detected in 16 percent of the public water supplies. So starting that year, 1998, Maine began phasing out the use of MTBE, and in 2007, Maine will impose a partial ban of MTBE.

□ 1415

This liability waiver creates a massive unfunded mandate. Communities face a 25 to $85 billion bill to clean up the MTBE. And juries in some cases have recently found the MTBE manufacturers, lax Texas oil firms, were dishonest about the impact of their product on groundwater. The juries concluded that the companies are liable for the cost of cleanup.

One reason is when you go back to 1981, the Shell engineers were joking with each other that MTBE stood for ''menace threatening our bountiful environment'' or ''most things biodegrade easier.'' They knew what the impact of this substance would be.

Just this month, just this month EPA developed a draft risk analysis that concludes that MTBE is a ''likely'' human carcinogen. If finalized, this would dramatically increase the cost of MTBE cleanup.

So this liability waiver provision takes away the best claim that communities and States have to require manufacturers to help clean up the mess they created by manufacturing a defective product.

Now, finally, we hear a lot about a deal in the works to address this crisis. I would ask, will this deal protect communities from having to pay to clean up MTBE? Will this deal cover the cost of cleaning up the water, or will it just pay to remove leaking tanks? Will this deal be subject to an annual appropriations at a time when funding for clean water programs here in Congress is being cut, or will it charge cleanup costs to the American people in order to bail out Texas oil companies?

I encourage all of my colleagues to support the motion.

Mrs. CAPPS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of the Capps motion to instruct.

Though this administration and the Republican majority often stress the need for an energy bill, citing rising gas prices, this bill will not do anything to lower energy prices in this country. Gas prices continue to rise, and this bill does nothing to lower them.

The Republican energy bill does nothing to reduce our Nation's dependency on foreign oil. It harms our environment, and in the end it is nothing more than a big fat giveaway to the oil and gas industries at a time when they do not need these giveaways.

If that were not bad enough, oil companies have knowingly contaminated our Nation's water systems with the fuel additive MTBE, polluting the same drinking water that serves 45 million Americans. These companies were fully aware of MTBE's ability to seep in the water supply, and they understood the impact that this potential human carcinogen could have on public health. Yet they still chose to use MTBE for nearly 20 years. And now the Republican leadership wants to protect these same oil companies from any liability for the damages they have caused.

Instead, they want to leave it up to our State and local governments to pick up the tab. This is unconscionable. This motion to instruct is based on common sense. These companies should be held responsible for the damages they caused.

Now, we all know the arguments. This is an unfunded mandate passed on to our State and local governments. Many communities have filed legitimate suits to recover the costs of MTBE cleanup estimated to exceed $29 billion. Yet this bill essentially blocks these suits and could preempt hundreds more, leaving communities with a multibillion dollar unfunded mandate at the hands of this Congress.

Mr. Speaker, the party of States' rights has become the party of Big Business. This bill is another handout to the oil, gas, and MTBE producers. Support the Capps motion to instruct and strike this lousy provision.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would like to commend the work of the gentlewoman from California (Mrs. CAPPS) on this important issue that not only affects California but the entire country.

Mr. Speaker, today I rise in strong support of the motion to instruct conferees on the MTBE provision in the House energy bill. I adamantly oppose the language in the House bill passed which would give a free ride to manufacturers of MTBE, leaving taxpayers across the country holding the bag for cleanup. This is not an issue where a deal can be struck.

The industry, the only supporters of these deals, has been spreading false

statements about the cleanup of MTBE being paid for by responsible parties and wants us to believe that future cleanup will be paid for. But who ends up paying that? The taxpayers.

These groups are ignoring two important items. One is that the leaking underground storage tank program which the manufacturers believe will bail them out is not appropriately funded right now. They are not cleaning anything up as they should be and many of the State programs are broke. Right now EPA oversees 700,000 leaking underground storage sites. Of the 700,000 underground storage sites, 136,000 are currently leaking, and they are not being cleaned up.

EPA anticipates that over the next 10 years, 120,000 new leaks will occur. Despite the need for cleanup funds and the growing inability of the funds needed to clean these up, we know that this administration cut back by 8 percent that fund.

State programs right now like California and other places are also being starved of this much needed funding.

Twelve States have funds with more claims than money. Two State funds have gone bankrupt. Fifteen State funds are funded only by gas taxes, and five States do not even have cleanup funds.

The provision in the House energy bill and any deal that may be struck is going to leave our taxpayers holding the bag. No deal is going to help our communities bear the burden for the rest of the cleanup. The only way to fairly and adequately pay for the cleanup is to allow for those manufacturers to be found responsible and accountable.

Lastly, I want to say also that the House Republican energy bill fails to address the Nation's record gas prices; and according to the Bush administration's own energy department, they would actually cause gas prices to increase.

Hello? What are we doing here today by not addressing the consumers' needs right now where gas prices and a barrel of oil is up to $60 a barrel.

We need reform. We need something that is going to help our consumers, and we do not want to see more of our water polluted by MTBE. Support the motion to instruct.

Mr. BARTON of Texas. Mr. Speaker, how many speakers does the gentlewoman have?

Mrs. CAPPS. Mr. Speaker, I do not have any further speakers, just closing comments of my own.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back in the middle of the Depression in the late 1920s or the early 1930s, the east Texas oil field was discovered, and at that time it was the world's largest oil field. And since it was discovered by a man named Joiner who was an independent, all kinds of folks rushed in to get a piece of that action.

It was not discovered by the major oil companies, and so literally tens of thousands of people from all over the country came to east Texas and to Kilgore and to Longview to try to make their fortune.

The law enforcement facilities and the personnel were just overwhelmed. So finally in desperation, one of the county judges called down to Austin to speak to the Governor of Texas. He said, Governor, we are being overwhelmed here. We have a riot on our hands. Can you send the Texas National Guard and the Texas Rangers? Could you send us some help so we can restore law and order? The Governor of Texas said, I will be happy to do that.

So about a day later, the sheriff and the county judge and some of the county commissioners, they went to the train station to meet the help. And they were expecting hundreds, if not thousands, of troops and Rangers to step off the train; and one lonely Texas Ranger, a grizzled old guy stepped off the train. The county judge says, I called the Governor and I asked for help, where is it? The Ranger said, You are looking at it. The county judge said, We got a riot on our hands. And the Ranger said, How many riots? And the judge said, One. The Ranger said, Well, I am one Ranger. One Ranger, one riot. And he proceeded to quell the disturbance.

Well, we have heard from our friends, and they are my friends, every one of them except for one that just spoke is a member of the Committee on Energy and Commerce. They are all good people. Not one of them voted for the energy bill. That is okay. That is what democracy is all about.

You have heard the other side of the story, but that may not be the whole story. There is another side to this story on MTBE, and let us talk about it.

Our distinguished minority leader, the gentlewoman from California (Ms. PELOSI), when she spoke, stood up and said that back when they began to put MTBE in the gasoline, the manufacturers knew that it would leak. They knew that it would leak.

Well, let me ask you a question. If you put something in a tank underground and the tank is not tight, is it going to leak or not leak? The answer is it is going to leak if you do not have a tank that is not leakproof. So to say they knew MTBE would leak is to say they knew there were leaking underground storage tanks.

You put gasoline in a storage tank underground, whatever is in that gasoline, if there is a leak in the tank, it is going to leak. That is a fact. So when MTBE leaks, which is a fact, it is not just the MTBE. It is everything else in the gasoline. It is the benzene and all the other additives and the gasoline itself.

Now, to say that the solution to that is to ban MTBE is to say if I cut my arm and it is bleeding, instead of putting a BandAid on it and stopping the leak, I drain the blood out of my body. That is one way to stop the leak. But that may not be the most cost-effective and the most sensible way.

Now, surprising as it may be, under existing law we have a leaking underground storage tank fund called the LUST fund. It was specifically set up in law to prevent tanks from leaking, to have a mechanism to pay to repair these underground storage tanks. Just one problem, the law did not say the money that goes into the fund has to be used just for leaking underground storage tanks.

So what have the States done? They have used it for every purpose but that. We set up this fund. We funded it. We put money into the trust fund. We send that money to the States, and the States use it for any purpose. Some States actually do use it to repair and maintain leaking underground storage tanks, but not many.

This bill that my friends who have just been speaking voted against has a provision in it that says the States have to use some of the money for the underground storage tanks. And, in fact, it doubles the amount and it sets up a maintenance program where the States have to go out and actually enforce the law in this bill that is pending. That is my first point.

The gentlewoman who is offering the amendment said, and she is right, there are 2,600 water systems in this country that have MTBE contamination. She says it and I am going to say it is a fact. I have no reason to doubt that.

What she does not say because the reports that she studies do not tell her is what the level is. Now, the EPA standard is somewhere between 20 and 40 parts per billion. Some States have a tighter standard, as low as 13 parts per billion. The problem is, with all of these lawsuits that have been filed, the trial lawyers have found out that you can detect MTBE down to one part per billion. Somebody shows up in your city council office and says, we have a lawsuit on MTBE contamination. Can we check your water supply? Of course they are going to say, sure, check the water supply.

They come back and say, you got MTBE contamination, 2 parts per billion. Oh, my God. Let us join up. Well, unless you have got the most sensitive nose, you are not even going to be able to smell it, but it is there. It is way below the standard.

Now, if the State wants to set a standard even lower than 13 parts per billion, I have got no problem with that. If the State wants to ban MTBE, which some States have, I have got no problem with that. But to sit here and say that you have all this contamination, well, I could take a thumbful of MTBE and take it out and throw it on the ground out here in the Capitol. And if it rains very quickly after that, the thumbful gets into the water system, the wastewater run-off here in Washington, D.C., and some of that goes to

a reservoir and the city of Washington gets some of its drinking water from that reservoir, it might show up at one part per billion.

□ 1430

That does not mean it is contaminated in the real sense, but it does mean there is some MTBE in there.

So the fact that we have all these water systems that claim contamination, part of that is because the trial lawyers have been going on and recruiting people to join the lawsuit, and they go out and study their water supply and they may actually be able to find a little MTBE in it.

The next thing, and my friend from Maine talked about the fact that MTBE was not mandated under the Clean Air Act Amendments of 1991. He is telling you the truth. But, again, as he pointed out, we did not mandate MTBE but we did mandate that you had to put an oxygenate requirement of 2 percent by weight. At that time, there were two ways to do it: One was ethanol and the other was MTBE.

Now, since that time, the oil and gas industry has come up with a product called reformulated gasoline that meets the minimum standard for combustion under the Clean Air Act Amendments, so there are now three ways to do it. But at the time there were two, and it was a mandate. So we told the industry, if you are in a nonattainment area, you have to put one of two things, MTBE or ethanol, in your gasoline during certain parts of the year so that you get better combustion in the engine so that you get cleaner air quality.

That was a good thing, not a bad thing. And what did they find out? They found out that those communities who used the MTBE, it was much more cost effective. It cost less money; and two, it cleaned the air better, about 40 percent better than ethanol, 40 percent. But, as has been pointed out, if you store it in a tank that leaks, it may leak. And when the gasoline leaks, the MTBE as part of the gasoline leaks and the MTBE does get into the water table and that does cause an odor.

Now, the last thing I want to talk about is this study that has been leaked. Is it not interesting we are having a debate about leaking underground storage tanks and a study has been leaked from the EPA? Heaven help us. This study that has been leaked is a draft study. It has not been peer reviewed. It will probably never become part of an actual public document that is presented to the Congress. But the folks at EPA understand the energy bill is about to go to conference, and those that agree that MTBE is not a good thing, somebody over there has conveniently leaked a draft report that says MTBE is now a likely carcinogen. Likely.

Well, I drink a lot of Diet Dr. Pepper. And my guess is if I were to drink ten gallons of Diet Dr. Pepper everyday for the rest of my life, I might develop cancer because of that. I do not think that MTBE, under the standard that is in current law, is a carcinogen, and all the studies that I have seen that have tried to prove it have come back just the opposite. So to hang our hat now on a draft study that has not been peer reviewed and has been leaked by the EPA, to me, is pretty weak soup indeed.

Let me just say that we are getting ready to go to conference with the other body. That is a good thing, not a bad thing on the energy bill. We need to find a compromise on MTBE. I think that is a good thing, not a bad thing. And I agree with some of the proponents of the Capps amendment that the manufacturers and the distributors and the retailers and the refiners, the people in the chain of custody for MTBE should help pay to clean up the water systems that are contaminated. Should. Should. So the compromise that we have been working on for several months now says that they have to do that.

We actually are going to set up a specific fund just for MTBE remediation, and that fund is going to be sufficiently funded to pay for the actual cleanup and remediation of contaminated sites. It is not going to pay for trial lawyers' contingency fees. Not going to do that. But if you are one of these water systems that has real contamination and you want it cleaned up, if this compromise becomes a part of the bill and the bill becomes law, you are going to get your water site cleaned up very quickly and you are not going to have any MTBE contamination in it.

If what you are really trying to do is enrich the pockets of the trial lawyers, when they talk about $85 billion or $30 billion or whatever the number is, most of that money is trial lawyer contingency fees. I am not in that game. I am about good government. I am about real cleanup. I am about a cleaner environment. And the bill that I hope to report back as a conference report, if I have anything to do with it, is going to have a compromise on MTBE that does exactly that.

The people that have helped cause the problem are going to help pay for it and help to clean it up. The communities that want clean water are going to get it quicker and sooner under the compromise that will be in our bill. I would think that the majority of the House, including 41 Democrats who voted for the energy bill when it went to the Senate, are going to continue to agree with me. And if that is the case, I hope they will vote against this Capps motion to instruct, as they already have done once at the end of the debate on the energy bill, and let us go to conference and find a real compromise to solve this problem.

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

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

Mr. Speaker, I want to thank my esteemed colleague, who is in opposition to this amendment and, indeed, he, the chairman of the Committee on Energy and Commerce, is my friend and friends of all of us who have spoken today who are members of his committee. But I wish to comment on some of the remarks he made in his speech.

First, regarding the list funds which he spoke about as being a place for managing this pollution. Stopping the leaks from the tanks stops additional MTBE contamination, Mr. Chairman, but it does nothing about existing contamination, and that is the contamination that has polluted over 2,300 water districts across this country in 36 different States.

Second, the chairman referred to the very minute amounts of MTBE that have polluted all of this groundwater that we have been discussing. And it is true that the groundwater is rendered unusable because of the strong smell and taste of kerosene, even in a very small amount of MTBE which is in the groundwater. But I would argue, respectfully, that the American people deserve to know that the Environmental Protection Agency has a report, even though it is a draft report, because it identifies the state of a likely carcinogen that MTBE contains. Even if it is nothing more than a small amount, I do not believe, as a public health nurse, that we want to contaminate our drinking water with even a small amount of a likely carcinogen.

Third, I want to get back to the point about the liability of manufacturers of MTBE who knew when they created this product in the 1970s as an additive to gasoline that it was toxic and that it would pollute groundwater. Here is a statement from the deposition of Curt Stanley, a Shell Oil remediation expert, which is part of the testimony for the South Lake Tahoe water district when it was presented with a huge lawsuit against the Shell Company.

The question was asked: ''So is it fair to say,'' and this is taken from testimony, ''that by 1981, the Shell Oil Company knew that MTBE in its gasoline could contaminate public drinking water supplies?'' The answer is: ''Yes.'' Question: ''And is it also fair to say that they knew by that time that it created taste and odor problems in public drinking water supplies?'' The answer: ''Yes.'' And the final question: ''And did you report those facts to the Shell management?'' And the answer is: ''Yes.''

Since at least that time, 1981, the oil companies, the MTBE manufacturers knew that they were making a defective product and knowingly they continued to manufacture it.

Now, the chairman described the compromise that has been worked out on the underlying bill, and in doing so, interestingly, acknowledges fault on the part of the MTBE manufacturers, because they are liable if they are going to be part of the deal in coming to a conclusion. ''They should pay,'' he

says. I say, ''they must pay.'' They must be held accountable. And the deal that is struck is one in which they will pay only a portion of the damages and the taxpayers will pay the remainder.

The House Republican energy bill fails to address this Nation's record gas prices. And according to the Bush administration's own Energy Department would actually cause gas prices to increase, and that at a time when they are increasing. This energy bill we are now going to be considering in conference will do nothing to cause containment of that increase in gas prices. Instead of giving real relief to consumers, this Republican bill gives loads of new tax breaks and loopholes to special interests. And the worst example of these special interest giveaways is the complete liability shield for MTBE manufacturers, a shield that will shift billions of dollars in cleanup costs from MTBE manufacturers to the American taxpayer.

MTBE is responsible for polluting groundwater in so many communities across this country. Cleanup costs are estimated in the billions, $28 billion to maybe as high as over $50 billion. MTBE manufacturers are now being held accountable in court, but this provision would end that accountability. I would remind Members that it was the special protections granted to MTBE manufacturers that brought this bill down in the last Congress. Senate leaders have made it clear they are not including this grossly unwanted get-out-of-jail-free card for the MTBE this year either.

So I know many Members of the House have school boards, have water districts or towns with lawsuits against MTBE manufacturers, and those lawsuits are going to be voided. Null. They are not going to be able to proceed under this energy bill. Your constituents would lose their right to hold these manufacturers of MTBE accountable for the pollution in their groundwater. And the billions in MTBE cleanup that your communities face will be shifted from the oil companies, who have record profits and who caused the problem, to your constituents, who have to live with the problem.

Make no mistake, that is what this vote is all about. By voting for the motion to instruct conferees, you will be saying that it is not okay to make your constituents pay for pollution that they did not cause, but that was caused by MTBE manufacturers. The special protection in this bill for MTBE manufacturers is completely unwarranted and it will cost your constituents a fortune.

So I urge you to vote for the motion to instruct conferees. Vote for the Capps motion.

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

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Mrs. CAPPS).

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

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

The yeas and nays were ordered.

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

□ 1445

DEFICIT CONTINUES TO SHRINK

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

Mr. CRENSHAW. Mr. Speaker, this morning the President announced some very good economic news: Our economy continues to grow and our deficit continues to shrink. That is good news. Why is that happening?

Number one, we gave tax relief to the American people so they can keep more of what they earned, and that has helped create an awful lot of new jobs, and this year we put the brakes on Federal spending when we wrote our budget and passed our spending bills this year. We actually spend less money next year than we did last year. Spending goes down. When we take out homeland security and defense, discretionary spending is reduced.

Mr. Speaker, that is what every American family has to do. They write a budget and then they stay within the budget, and we did just that. That is great news for the American taxpayers, that is why the economy continues to grow. That is why interest rates are down. That is why jobs are up and unemployment is down.

That economic news is something we have been waiting to hear. When you give tax relief and put the brakes on Federal spending, good news happens and the economy is growing.

SHRINKING BUDGET DEFICIT

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

Mr. RYAN of Wisconsin. Mr. Speaker, the Office of Management and Budget just released their deficit figures today. It is very telling.

A year ago, we projected the Federal budget deficit would be $521 billion. This year we projected the deficit would be $427 billion. Well, the budget deficit just came in at $333 billion. Down $94 billion this year, down $188 billion from last year. This is progress.

Mr. Speaker, why did this happen? Two reasons. When we cut taxes 2 years ago almost to this day, we increased economic growth in jobs. Many people said when we were going to cut tax, by cutting taxes on families and small businesses and job creators, we would blow a hole through the deficit and increase the deficit.

What happened? Tax receipts from those taxes went up. Taxes receipts are up. There has been a 41 percent increase in corporate tax revenues, 17 percent increase in individual income tax revenues. Because we lowered the tax on workers and people, we grew jobs and have more tax revenues coming in.

The next thing we have to do is watch our spending. That is why it is important we kept the level on spending as we have done this year. We need to stay on this course to get rid of this budget deficit once and for all by growing the economy, keeping taxes low and keeping the lid on pending.

KARL ROVE HAS COOPERATED

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

Mr. BLUNT. Mr. Speaker, I rise today with concern and in opposition to the partisan attacks on Karl Rove. I think we see too many efforts now where people quickly rush to judgment, rush to call for the most bizarre solutions to problems that are problems which are often just created in their own minds.

Karl Rove has fully cooperated in any investigation and, for more than a year now, has permitted investigators to talk to him. I think The Wall Street Journal put it best today when, in an editorial that I will submit as part of my remarks, and to quote directly from that editorial, the editors summed up this episode by stating: ''In short, Joe Wilson hadn't told the truth about what he discovered in Africa, how he'd discovered it, what he'd told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know.''

Mr. Speaker, I will submit The Wall Street Journal editorial for the RECORD.

[From the Wall Street Journal, July 13, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove's head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we'd say the White House political guru deserves a prize—perhaps the next iteration of the ''Truth-Telling'' award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real ''whistleblower'' in this whole sorry pseudo-scandal. He's the one who warned Time's Matthew Cooper and other reporters to be

wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband's selection for a 2002 mission to investigate reports that Iraq was seeking uranium ore in Niger. To be prosecuted under the 1982 Intelligence Identities Protection Act, Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard about her work at Langley from other journalists.

On the ''no underlying crime'' point, moreover, no less than the New York Times and Washington Post now agree. So do the 36 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times's Judith Miller out of jail.

''While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place,'' the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can't be said for Mr. Wilson, who first ''outed'' himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous ''16 words'' on the subject in that year's State of the Union address.

Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC's ''Meet the Press'' and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her husband for the Niger mission. ''Interviews and documents provided to the Committee indicate that his wife, a CPD [Counterproliferation Division] employee, suggested his name for the trip,'' said the report.

The same bipartisan report also pointed out that the forged documents Mr. Wilson claimed to have discredited hadn't even entered intelligence channels until eight months after his trip. And it said the CIA interpreted the information he provided in his debrief as mildly supportive of the suspicion that Iraq had been seeking uranium in Niger.

About the same time, another inquiry headed by Britain's Lord Butler delivered its own verdict on the 16 words: ''We conclude also that the statement in President Bush's State of the Union Address of 28 January 2003 that 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa' was well-founded.''

In short, Joe Wilson hadn't told the truth about what he'd discovered in Africa, how he'd discovered it, what he'd told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know.

If there's any scandal at all here, it is that this entire episode has been allowed to waste so much government time and media attention, not to mention inspire a ''special counsel'' probe. The Bush Administration is also guilty on this count, since it went along with the appointment of prosecutor Patrick Fitzgerald in an election year in order to punt the issue down the road. But now Mr. Fitzgerald has become an unguided missile, holding reporters in contempt for not disclosing their sources even as it becomes clearer all the time that no underlying crime was at issue.

As for the press corps, rather than calling for Mr. Rove to be fired, they ought to be grateful to him for telling the truth.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RULING BY JUDGE YOUNG

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, most of my colleagues and the people of this country are not aware that the shoe bomber that was on the plane that was going to blow up that plane and kill all those innocent people was recently convicted and sentenced. People across this country did not see on television the judge's decision or hear what the judge said, so I want to read to the American people and my colleagues part of what Judge William Young said in that decision in putting that man in jail for two or three life sentences.

He said, We are not afraid of you or your terrorist conspirators, Mr. Reid. We are Americans. We have been through the fire before. You are not an enemy combatant, you are a terrorist. You are not a soldier in any war. You are a terrorist. To give you that reference to call you a soldier gives you far too much stature.

Whether it is the officers of government who do it or your attorney who does it, or if you think you are a soldier, you are not. You are a terrorist, and we do not negotiate with terrorists. We do not meet with terrorists. We do not sign documents with terrorists. We hunt them down one by one and bring them to justice, so war talk is way out of line in this court. You are a big fellow, but are not that big. You are no warrior, I have known warriors. You are a terrorist, a species of criminal that is guilty of multiple attempted murders.

In a very real sense, State Trooper Santiago had it right when he first took you off the plane and into custody and you wondered where the press and TV were, and he said, You are no big deal. You are no big deal. What your able counsel and what the equally able United States attorneys have grappled with, and what I have as honesty as I know how, have tried to grapple with is why you did something so horrific. What was it that led you to this courtroom today?

I have listened respectfully to what you have had to say, and I ask you to search your heart and ask yourself what sort of unfathomable hate led you to do what you are guilty of doing and what you admitted you were doing. And I have an answer for you. It may not satisfy you, but as I search this entire record, it comes as close to understanding as I know. It seems to me that you hate the one thing that to us is most precious. You hate our freedom. Our individual freedom. Our individual freedom to live as we choose, to come and go as we choose, to believe or not believe as we individually choose.

Here in this society, the very wind carries freedom. It carries it everywhere from sea to shining sea. It is because we prize individual freedom so much that you are here today in this beautiful courtroom so that everyone can see, can truly see that justice is administered fairly, individually, and discretely.

It is for freedom's sake that your lawyers are striving so vigorously on your behalf and have filed appeals, will go on in their representation of you before other judges.

We as Americans are all about freedom. Because we all know the way we treat you, Mr. Reid, is the measure of our own liberties. Make no mistake though. It is yet true that we will bear any burden, pay any price to preserve our freedoms. Look around this courtroom and mark it well. The world is not going to long remember what you or I say here today. The day after tomorrow, it will be forgotten. But this, however, will long endure.

Here in this courtroom and courtrooms all across America, the American people will gather to see justice, individual justice, justice, not war, individual justice is, in fact, being done.

The very President of the United States, through his officers, will have to come into courtrooms and lay out evidence on which specific matters can be judged and juries of citizens will gather to sit and judge that evidence democratically, to mold and shape and refine our sense of justice.

You see that flag, Mr. Reid? That is the flag of the United States of America. That flag will fly there long after this and you will all be forgotten. That flag stands for freedom. And it always will.

Mr. Custody Officer, stand him down.

RULING BY JUDGE WILLIAM YOUNG, U.S. DISTRICT COURT: SENTENCING OF SHOE BOMBER RICHARD C. REID

Prior to sentencing, the Judge asked the defendant if he had anything to say.

His response: After admitting his guilt to the court for the record, Reid also admitted his ''allegiance to Osama bin Laden, to Islam, and to the religion of Allah,'' defiantly stated ''I think I will not apologize for my actions,'' and told the court ''I am at war with your country. ''

Judge Young then delivered the statement quoted below:

January 30, 2003, United States vs. Reid.

Judge Young: ''Mr. Richard C. Reid, hearken now to the sentence the Court imposes upon you.

''On counts 1, 5 and 6 the Court sentences you to life in prison in the custody of the United States Attorney General.

''On counts 2, 3, 4 and 7, the Court sentences you to 20 years in prison on each count, the sentence on each count to run consecutive with the other.

''That's 80 years.

''On count 8 the Court sentences you to the mandatory 30 years consecutive to the 80 years just imposed.

''The Court imposes upon you each of the eight counts a fine of $250,000 for the aggregate fine of $2 million.

''The Court accepts the government's recommendation with respect to restitution and orders restitution in the amount of $298.17 to Andre Bousquet and $5,784 to American Airlines.

''The Court imposes upon you the $800 special assessment.

''The Court imposes upon you five years supervised release simply because the law requires it.

''But the life sentences are real life sentences so I need go no further.

''This is the sentence that is provided for by our statutes.

''It is a fair and just sentence.

''It is a righteous sentence.

''Let me explain this to you.

''We are not afraid of you or any of your terrorist co-conspirators, Mr. Reid.

''We are Americans. We have been through the fire before.

''There is all too much war talk here and I say that to everyone with the utmost respect.

''Here in this court, we deal with individuals as individuals and care for individuals as individuals.

''As human beings, we reach out for justice.

''You are not an enemy combatant.

''You are a terrorist.

''You are not a soldier in any war.

''You are a terrorist.

''To give you that reference, to call you a soldier, gives you far too much stature.

''Whether it is the officers of government who do it or your attorney who does it, or if you think you are a soldier.

''You are not—you are a terrorist.

''And we do not negotiate with terrorists.

''We do not meet with terrorists.

''We do not sign documents with terrorists.

''We hunt them down one by one and bring them to justice.

''So war talk is way out of line in this court.

''You are a big fellow.

''But you are not that big.

''You're no warrior.

''I've known warriors.

''You are a terrorist.

''A species of criminal that is guilty of multiple attempted murders.

''In a very real sense, State Trooper Santiago had it right when you first were taken off that plane and into custody and you wondered where the press and where the TV crews were, and he said: 'You're no big deal.'

''You are no big deal.

''What your able counsel and what the equally able United States attorneys have grappled with and what I have as honestly as I know how tried to grapple with, is why you did something so horrific.

''What was it that led you here to this courtroom today?

''I have listened respectfully to what you have to say.

''And I ask you to search your heart and ask yourself what sort of unfathomable hate led you to do what you are guilty and admit you are guilty of doing.

''And I have an answer for you.

''It may not satisfy you, but as I search this entire record, it comes as close to understanding as I know.

''It seems to me you hate the one thing that to us is most precious.

''You hate our freedom.

''Our individual freedom.

''Our individual freedom to live as we choose, to come and go as we choose, to believe or not believe as we individually choose.

''Here, in this society, the very wind carries freedom.

''It carries it everywhere from sea to shining sea.

''It is because we prize individual freedom so much that you are here in this beautiful courtroom.

''So that everyone can see, truly see, that justice is administered fairly, individually, and discretely.

''It is for freedom's sake that your lawyers are striving so vigorously on your behalf and have filed appeals, will go on in their representation of you before other judges.

''We Americans are all about freedom.

''Because we all know that the way we treat you, Mr. Reid, is the measure of our own liberties.

''Make no mistake though.

''It is yet true that we will bear any burden; pay any price, to preserve our freedoms.

''Look around this courtroom. Mark it well.

''The world is not going to long remember what you or I say here.

''Day after tomorrow, it will be forgotten, but this, however, will long endure.

''Here in this courtroom and courtrooms all across America, the American people will gather to see that justice, individual justice, justice, not war, individual justice is in fact being done.

''The very President of the United States through his officers will have to come into courtrooms and lay out evidence on which specific matters can be judged and juries of citizens will gather to sit and judge that evidence democratically, to mold and shape and refine our sense of justice.

''See that flag, Mr. Reid?

''That's the flag of the United States of America.

''That flag will fly there long after this is all forgotten.

''That flag stands for freedom. And it always will.

''Mr. Custody Officer. Stand him down.''

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN-STATE COLLEGE TUITION FOR ILLEGAL ALIENS DEFIES COMMON SENSE

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, America has the best public universities in the world. We have some of the best ones in Texas where I am from. Many Americans want to go to college. Parents want to send their kids to our public universities. Parents and students sometimes save for years to attend college. It is expensive, especially for the middle class. The rich can always pay; good for them. And the poor sometimes get grants and go to college, but it is the middle class that struggles, for a lifetime, sometimes, to send their kids to school.

Some students decide to go a university in another State. They are penalized by that State and required to pay out-of-State tuition since they are from out of State.

Citizens from other countries apply for Visas to come to the United States to go to public universities. If they are accepted, they pay out-of-State tuition since they are from out of State. These are citizens who come here legally and then go back to their native lands.

But, Mr. Speaker, if a person is in the United States illegally, they can get admitted to State universities and pay in-State tuition. So if a person is illegally here from, let us say, France, they apply to a State university. If they are admitted, they pay in-State tuition. But they are from out of State, not to mention they should not even be here. They are violating American law by just their presence.

So we continue to reward illegal behavior. This policy discriminates against American kids who want to go to, let us say, the University of Kansas from some other State. This policy also discriminates against foreign citizens who come here legally to go to college. It encourages more illegal immigration.

College admissions are so competitive now that even allowing illegals to attend our universities may prevent American citizens from being accepted. And who pays for this nonsense? Americans pay. They always pay. We cannot continue to subsidize illegal immigration and the benefits illegals receive.

There are several States that provide for in-State tuition for illegal individuals. The State that started this was my home State of Texas. If you go to the University of Texas and you are an in-State resident, you pay about $7,000. If you are from Oklahoma just across the Red River, you pay $10,000 more, about $17,000.

Kansas, if you are an in-State resident, you pay about $5,000. Out of State, about $13,000, and the same is true in several other States.

State University of New York: In State, $5,250; out of State, $11,200. University of Kansas: In State, $5,413, out of State, $13,865. University of Texas: In State, $7,438; out of State, $17,474.

Mr. Speaker, this ought not to be. This penalizes American kids and rewards illegal conduct. This defies common sense.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING ADMIRAL JIM STOCKDALE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just want to take the floor briefly and comment on the passing of Admiral Jim Stockdale, one of the great heroes of our time.

Jim Stockdale, when he passed away was a resident of San Diego, California, with his wonderful wife, Sybil.

This occasion I think brought America's focus back to what Jim Stockdale accomplished and the enormity of his service to our country. I just thought it might be the right time to talk about that a little bit and about that extraordinary heroism that he demonstrated at a time when Americans had largely turned away from the operation in Vietnam.

Jim Stockdale was shot down, and I know that my two colleagues, the gentleman from Texas (Mr. SAM JOHNSON), who shared a cell with Jim Stockdale in the Hanoi Hilton, and the gentleman from California (Mr. CUNNINGHAM) who was the most proficient Navy pilot of that period, in fact the only Navy ace in the Vietnam conflict, would want to be with me talking about Jim.

But Jim Stockdale was shot down and was incarcerated in the Hanoi Hilton. At one point, the North Vietnamese wanted to use him for propaganda purposes. To keep them from being able to do that, he broke up a stool that was in his cell and beat his own face with the stool almost beyond recognition so that he had no value to the North Vietnamese in terms of being an image that they could broadcast for propaganda purposes.

He was a leader in the true sense of the term. He led his men in that prison under extraordinarily difficult circumstances. He showed incredible heroism. In reviewing the exploits of American pilots, and they are numerous because one thing that America has always had is a great pool of individuals who are willing to go out and risk their lives. Ever since the days when we flew biplanes in World War I, to the current operations over Iraq and Afghanistan, we have always had extraordinary Americans who, as James Michener said in his book ''The Bridges of Toko-Ri,'' would fly off those little postage stamps that you call aircraft carriers and fly over and hit difficult targets, sometimes under enormous defensive fire, and then return back to that small carrier out at sea somewhere and try to make that extraordinarily difficult landing.

□ 1500

Michener asked, Where do we get such men? Where does America get such men? The answer is, we have always had them and they are sometimes guys like RANDY CUNNINGHAM or SAM JOHNSON or, in this case, Jim Stockdale. Jim Stockdale when he was shot down really had the greatest challenge of his military career because that was a time when he had to be a leader, not in an aircraft that was going to return to a ship where he could live in some degree of comfort and convenience with his fellow pilots, but his war zone then was reduced to the small spaces that constituted the cells of the Hanoi Hilton.

He so inspired his men and so extended himself and endured torture to the degree that his countrymen who had served with him were unanimous when he was recommended for the Congressional Medal of Honor, they were unanimous in their support of Jim Stockdale for this Nation's highest honor, to go along with all of the other combat decorations that he had.

I just thought, Mr. Speaker, it might be a good time to remind Americans what a great hero Jim Stockdale was and what a great model he is for our Nation.

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

(Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

(Mr. MCCAUL of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SAM JOHNSON) is recognized for 5 minutes.

(Mr. SAM JOHNSON of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

(Mr. FITZPATRICK of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

(Mr. MACK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through July 8, 2005.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the ''section 302(a)'' allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of budget authority and outlays for discretionary appropriations for fiscal year 2005 with the total of ''section 302(b)'' suballocations among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95

[Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2005	2005–2009
Appropriate Level:		
Budget Authority	2,078,456	n.a.
Outlays	2,056,006	n.a.
Revenues	1,483,658	8,519,748
Current Level:		
Budget Authority	2,073,462	n.a.
Outlays	2,055,979	n.a.
Revenues	1,484,065	8,603,391
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−4,994	n.a.
Outlays	−27	n.a.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95—Continued

[Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2005	2005–2009
Revenues	407	83,643

n.a. = Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $4,994,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of $27,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2005 in excess of $407,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $83,643,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JULY 8, 2005

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	0	0	400	400
Current Level	0	0	0	0
Difference	0	0	−400	−400
Energy and Commerce:				
Allocation	0	0	1,525	1,525
Current Level	0	0	0	0
Difference	0	0	−1,525	−1,525
Financial Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	0	0	50	50
Current Level	0	0	0	0
Difference	0	0	−50	−50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	0	0	6	6
Current Level	0	0	0	0
Difference	0	0	−6	−6
Resources:				
Allocation	6	6	45	45
Current Level	0	0	0	0
Difference	−6	−6	−45	−45
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JULY 8, 2005—Continued

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Transportation and Infrastructure:				
Allocation	3,488	0	12,238	0
Current Level	31	0	31	0
Difference	−3,457	0	−12,207	0
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	554	64	1,800	1,558
Current Level	81	45	242	240
Difference	−473	−19	−1,558	−1,318

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations [1]		Current level reflecting action completed as of July 8, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	n.a.	n.a.	18,689	18,844	n.a.	n.a.
Defense	n.a.	n.a.	352,127	398,270	n.a.	n.a.
Energy & Water Development	n.a.	n.a.	30,533	30,107	n.a.	n.a.
Foreign Operations	n.a.	n.a.	18,892	25,898	n.a.	n.a.
Homeland Security	n.a.	n.a.	38,469	31,925	n.a.	n.a.
Interior-Environment	n.a.	n.a.	26,969	26,874	n.a.	n.a.
Labor, HHS & Education	n.a.	n.a.	143,180	141,773	n.a.	n.a.
Legislative Branch	n.a.	n.a.	3,545	3,785	n.a.	n.a.
Military Quality of Life-Veterans Affairs	n.a.	n.a.	80,263	76,417	n.a.	n.a.
Science-State-Justice-Commerce	n.a.	n.a.	58,438	57,956	n.a.	n.a.
Transportation-Treasury-HUD-Judiciary-DC	n.a.	n.a.	67,873	117,669	n.a.	n.a.
Total (Section 302(a) Allocation) [1]	840,036	929,520	838,978	929,518	−1,058	−2

[1] Appropriations Committee has not submitted the subcommittee allocations since the restructuring of the committee.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through July 8, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated May 26, the Congress has cleared and the President has signed the following three acts that affect budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2005 (Public Law 109–14);

The TANF Extension Act of 2005 (Public Law 109–19); and

The Surface Transportation Extension Act of 2005, Part II (Public Law 109–20).

In addition, the Congress has cleared for the President's signature the Junk Fax Prevention Act of 2005 (S. 714). The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions: [1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,191,357	1,102,621	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous session:	2,074,408	2,055,930	1,484,024
Enacted this session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−1,058	4	41
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Total, enacted this session:	−946	49	41
Passed, pending signature: Junk Fax Prevention Act of 2005 (S. 714)	0	0	*
Total Current Level [2,3]	2,073,462	2,055,979	1,484,065
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Current Level Over Budget Resolution	n.a.	n.a.	407
Current Level Under Budget Resolution	4,994	27	n.a.
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,603,391
House Budget Resolution	n.a.	n.a.	8,519,748
Current Level Over Budget Resolution	n.a.	n.a.	83,643
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L = Public Law; * = less than $500,000.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH FY 2010

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through July 8, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95

[Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars]

	Fiscal year 2006	Fiscal years 2006–2010
Appropriate Level:		
Budget Authority	2,144,384	n.a.
Outlays	2,161,420	n.a.
Revenues	1,589,892	9,080,006
Current Level:		
Budget Authority	1,320,959	(1)
Outlays	1,645,064	(1)
Revenues	1,607,661	9,185,688
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−823,425	(1)
Outlays	−516,356	(1)
Revenues	17,769	105,682

[1]Not applicable because annual appropriations Acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2006 in excess of $823,425,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2006 in excess of $516,356,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2006 in excess of $17,769,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of $105,682,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JULY 8, 2005

[Fiscal years, in millions of dollars]

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	100	100	500	500
Current Level	0	0	0	0
Difference	−100	−100	−500	−500
Energy and Commerce:				
Allocation	100	100	2,000	2,000
Current Level	0	0	0	0
Difference	−100	−100	−2,000	−2,000
Financial Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	50	50	50	50
Current Level	0	0	0	0
Difference	−50	−50	−50	−50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	6	6	6	6
Current Level	0	0	0	0
Difference	−6	−6	−6	−6
Resources:				
Allocation	8	8	50	50
Current Level	0	0	0	0
Difference	−8	−8	−50	−50

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JULY 8, 2005—Continued

[Fiscal years, in millions of dollars]

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,027	0	4,107	0
Current Level	0	0	0	0
Difference	−3,027	0	−4,107	0
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	350	346	1,537	1,914
Current Level	148	165	161	195
Difference	−202	−181	−1,376	−1,719

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 22, 2005 (H. Rpt. 109–145)		Current level reflecting action completed as of July 8, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	16,832	18,691	7	5,399	−16,825	−13,292
Defense	363,440	372,696	27	126,306	−363,413	−246,390
Energy & Water Development	29,746	30,273	36	11,092	−29,710	−19,181
Foreign Operations	20,270	25,080	0	17,091	−20,270	−7,989
Homeland Security	30,846	33,233	0	14,762	−30,846	−18,471
Interior-Environment	26,107	27,500	0	11,504	−26,107	−15,996
Labor, HHS & Education	142,514	143,802	19,166	98,279	−123,348	−45,523
Legislative Branch	3,719	3,804	0	624	−3,719	−3,180
Military Quality of Life-Veterans Affairs	85,158	81,634	−2,170	16,515	−87,328	−65,119
Science-State-Justice-Commerce	57,453	58,856	0	23,080	−57,453	−35,776
Transportation-Treasury-HUD-Judiciary-DC	66,935	120,837	4,223	70,800	−62,712	−50,037
Unassigned	0	430	0	0	0	−430
Total (Section 302(a) Allocation)	843,020	916,836	21,289	395,452	−821,731	−521,384

STATEMENT OF FY2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95

[Reflecting Action Completed as of July 8, 2005 in millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Elk Hills	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Payment to Postal Service	0
Section 8 Renewals	0
Shipbuilding and Conversion, Navy	0
Total	0
Current Level over (+)/under (−) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR JIM: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through July 8, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated May 26, the Congress has cleared and the President has signed The TANF Extension Act of 2005 (Public Law 109–19), which increases budget authority and outlays for 2006. In addition, the Congress has cleared for the President's signature the Junk Fax Prevention Act of 2005 (S. 714).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions: [1]			
Revenues	n.a.	n.a.	1,607,650
Permanents and other spending legislation	1,351,021	1,318,426	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	−479,872	−479,872	n.a.
Total, enacted in previous sessions:	871,149	1,220,826	1,607,650
Enacted this session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−39	−21	11
TANF Extension Act of 2005 (P.L. 109–19)	148	165	0
Total, enacted this session	109	144	11
Passed, pending signature:			
Junk Fax Prevention Act of 2005 (S. 714)	0	0	*
Entitlements and mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	449,701	424,094	n.a.
Total Current Level [2 3]	1,320,959	1,645,064	1,607,661
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Current Level Over Budget Resolution	n.a.	n.a.	17,769
Current Level Under Budget Resolution	823,425	516,356	n.a.
Memorandum:			
Revenues, 2006–2010:			
House Current Level	n.a.	n.a.	9,185,688
House Budget Resolution	n.a.	n.a.	9,080,006

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current Level Over Budget Resolution	n.a.	n.a.	105,682
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

Source: Congressional Budget Office.

[2] Pursuant to section 402 of H.Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $30,757 million in outlays from funds provided in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN of Wisconsin addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to the House floor today as part of the ongoing effort of myself and some of my colleagues in an endeavor we style the Iraq Watch. The Iraq Watch is a group of Members who are committed to the principle that we should not forget the Iraq war, a war started based on false information and based on the principle that Members of Congress owe it to the American citizens to continue our inquiry, to continue our critique, continue to review the operations of the administration in the initiation and the prosecution of the efforts in Iraq.

We do so because we have a heartfelt and deep belief that we owe this to our troops in the field who are performing with valor and distinction in Iraq; we owe it to American citizens whose sons and daughters and wives and husbands have been called away to Iraq; we owe it to those who believe that the prosecution of war should not result in the reduction of American civil liberties; and we do it in the name of those who believe that even during the fear and anxiety caused by war that we still as citizens must demand our elected officials recognize and respect basic matters of American democracy.

In these issues, the effort we have been involved with for over a year now about once every couple of weeks, we believe that the administration regrettably has fallen very, very short of what American citizens ought to demand of their Federal Government. So today, in a continuing series of the Iraq Watch, we intend to talk about several aspects leading up to the war and a matter that has now become of very great public interest.

If I may note, it is with great sadness I note the passing of an American Marine today in operations in Iraq, to add that proud Marine to the names of over 1,750 Americans who have lost their lives in Iraq, the over 13,000 Americans who have had very serious injuries in Iraq and to those families who will not have their family members coming home. I know every Member of this Chamber of both parties, our thoughts, prayers and compassion are with every one of those families.

It is in part because of their continuing sacrifice in Iraq that we feel very strongly that Members of the House of Representatives have an obligation, a duty not to just let things slide by, to let this administration just sort of pass by unchallenged and uncriticized in the prosecution of this war. We believe this Chamber, which is the people's House, has an obligation to blow the whistle when things are done wrong, to force the administration to fess up to mistakes they have made, and to hopefully get back on track in this Nation where we are seriously off track at the moment.

What I would like to talk about in Iraq Watch today is a very serious issue that resulted in part on the initiation of this war, and that is that leading up to this war, the administration, the President of the United States, exercised their best efforts to convince Americans that Iraq had or was very close to developing a nuclear capacity and that this was a primary rationale for the President of the initiation of the war in Iraq.

Indeed, in the President's State of the Union address standing right behind me in this Chamber, the President of the United States addressed the joint session of Congress, the Supreme Court, the Joint Chiefs, members of the Cabinet, and most importantly the American people; and he told the American people that our intelligence services had learned that Iraq had in fact obtained what is called uranium yellow cake, and he told the American people that this was well established. This yellow cake is a mineral from which uranium fissionable material can be developed, it is a precursor to an atomic weapon, and its acquisition would be of concern to the American people.

The President told the American people that this was a fact, that there was no doubt about this fact and that as a result of that, he led this Nation, against many of our positions against the war, myself included, in a war based on what turned out to be false information. We know it is false information for two reasons: one, because we have now gone through the most extensive search for weapons of mass destruction in human history in Iraq and found zero, zero yellow cake, zero precursors to nuclear weapons, zero triggering devices for nuclear weapons, zero indication that the things the President had told us were fact, in fact, turned out to be falsehoods and a war has resulted and 1,700 of our sons and daughters have paid the ultimate sacrifice in the sands of Iraq and that is continuing.

We had an earlier notice that this was false. The earlier notice we had was because the Central Intelligence Agency had concerns about this issue. Before the President's State of the Union address, they had received some suggestions that this was not fact and in fact was hyperbole at best and in fact that this claim about yellow cake may have been false.

So they dispatched a gentleman who had previously served with distinction in the Foreign Service, a gentleman named Joe Wilson, to Niger from which this yellow cake was supposedly obtained by Saddam Hussein, this brutal thug, this dictator who had caused so much damage in the world; and Joe Wilson, continuing in many of his patriotic duties, went to Niger to investigate this claim. What Mr. Wilson found was that this claim was, in laymen's terms, bogus. He came back to the United States and he reported to the agency that in fact this was a fraudulent claim, there was not a basis for it, it was highly unlikely that any such transaction took place and highly unlikely that Saddam Hussein had obtained yellow cake. He issued a written report in that regard, or a written report was generated from his report.

Yet despite the fact that an agent dispatched by our government went to Niger, the scene of this alleged crime, and reported back that this was a falsehood, the President of the United States told the American people that this was one basis that we had to send our sons and daughters into mortal combat in Iraq; and it was flat, plain false.

Why did that happen? Before I tell you a little bit about the story that occurred after that, I want to tell you just a little bit about Joe Wilson. Joe Wilson has served with distinction in the State Department. Joe Wilson is a guy who does not fit the mold of a person with sort of a pinstriped suit. He is a foreign diplomat who, to use the vernacular in the main street, has guts. Joe Wilson was the last American

State Department official out of Iraq before the Persian Gulf War; and he was responsible, according to the first President Bush who honored him for his work leading up to the first Persian Gulf war when he was stationed in Baghdad, he was honored for helping save scores of Americans to get them out of Baghdad before the first Persian Gulf war started because, as you recall, Saddam Hussein had threatened Americans, to kill them when the war started when they were still in Baghdad.

Saddam Hussein essentially threatened with death anyone who helped Americans get out of Baghdad before the first Persian Gulf war. Joe Wilson, who was sort of our agent in charge of the embassy in Baghdad then, went down and held a press conference with a rope around his neck and said, you can come get me first, Saddam, because I am taking my people home. That is exactly what he did. He faced down that brutal dictator at the cost potentially of his own life to help American lives.

It was interesting. I just met a woman by accident 2 weeks ago who served in the Foreign Service who told me that Joe once went, and just before the war, to take care of some children who had been moved back to Iraq from the United States, to try to save them before the war started at great risk to his own life. Joe Wilson is a guy with guts who stood up for American lives and did it when he went to Niger to report on this yellow cake, who reported accurately, who served his country; and the President of the United States, after he gave him the truth, got up, stood right there and told the American people that there was yellow cake from Niger and it was false. Joe Wilson is someone we owe a debt of gratitude to.

What has happened to Joe Wilson since he told the truth about the President's war in Iraq? Did this administration give accolades to this Joe Wilson the way the first President Bush did? No. Did they call him up and thank him for pointing out this error in the State of the Union address? No. Was a letter sent by the President of the United States to thank him for his courage in standing up to Saddam Hussein like the first President Bush did? No. Did the President of the United States or the State Department or Scott McClellan or anyone else thank Joe Wilson for his contribution for telling the truth to the American people? No.

What did this administration do to this citizen who shared the truth with the American people? It is a sad story, but I am going to share it with you and you know it. What they did was to go after his wife to try to damage her, to hurt her career, to punish Joe Wilson for pointing out the truth. We should expect any administration, Democrat, Republican or whatever party, to punish lies, not to punish the truth. But this administration punished a truth-teller and frankly an American, maybe hero is too strong, but I think it approaches, a guy who showed some real courage under fire in Baghdad once before and in Niger a second time and they punished him. They punished him. They could not get to him, so they went after his wife.

I do not know what is a lower thing to do under the code of the West in American Western Civilization, to go after a truth-teller's wife, to punish them when he has told the truth and spoken the truth to power.

□ 1515

It is difficult to speak truth to power and Joe Wilson did it, and look at what he got as a result. What he got was essentially an outing of his wife who news reports suggest worked for the Central Intelligence Agency as a covert agent, an agent undercover, and what he got were press reports because of an administration we now know leaks intentional leaks to the media to disclose that Joe Wilson's wife worked for the Central Intelligence Agency.

What a ''thank you'' to an American who did something at the request of this administration. What a great note of appreciation to essentially, number one, destroy his wife's career because once one is outed in the CIA, of course, they cannot be a covert agent anymore, number one; number two, potentially jeopardize her safety when she has been a covert agent working on weapons of mass destruction issues; number three, jeopardize the people whom she worked with who now could be suspect in her covert operations; and, number four, damage the national security of the United States by compromising a CIA agent, which this administration did.

Now, who did this in this administration? There has been some suggestion about that. There has been some suggestion that one, at least of the administration people who did this, is the Deputy Chief of Staff of the White House, and that Deputy Chief of Staff, when questions were raised a long time ago about that, about whether the Deputy Chief of Staff had, in fact, disclosed this information, let us ask as Americans whether this administration upheld its obligation to us to tell the truth. We elect the President of the United States. It is an exalted and important position, but they do work for us, and they owe us the obligation of truth in matters of national security.

Let us find out what the President's officials and the administration officials told Americans about this subject in the last several years, whether the Deputy Chief of the White House was responsible for or involved in any way in this issue. We have a briefing on July 22, 2003, a briefing where Scott McClellan, who is the press secretary for the President, on July 22, 2003, in the White House, a question was asked: ''Scott, has there ever been an attempt or effort on the part of anyone here at the White House to discredit the reputations or reporting of former Ambassador Joe Wilson, his wife, or ABC correspondent Jeffrey Kofman?''

McClellan: ''John, I think I answered that yesterday. That is not the way that this White House operates. That's not the way the President operates . . . No one would be authorized to do that within this White House. That is simply not the way we operate, and that's simply not the way the President operates.''

We would like the administration not to operate that, to leak information about CIA agents, to punish somebody who told the truth. We will see a little later in this conversation whether they did.

July 23, 2003, answer by Mr. McClellan, when asked if Karl Rove did that, Mr. McClellan said, ''I haven't heard that. That's just totally ridiculous. But we've already addressed this issue. I just said, it's totally ridiculous.''

We go on to an interview with Mr. Rove on September 6, 2003, Andrea Owen of ABC asked Mr. Rove, ''Did you have any knowledge or did you leak the name of a CIA agent to the press?''

Rove: ''No.''

September 29, 2003, again to Mr. McClellan: ''Has the President either asked Karl Rove to assure him that he had nothing to do with this, or did Karl Rove go to the President to assure him that he . . . ''

McClellan: ''I don't think he needs that. I think I've spoken clearly to this publicly . . . I've just said there's no truth to it.''

Question: ''Yes. But I'm just wondering if there was a conversation between Karl Rove and the President or if he just talked to you and you're here at this . . . ''

McClellan. ''He wasn't involved. The President knows he wasn't involved.''

Question: ''How does he know that?''

McClellan. ''The President knows.''

We now have at least four instances where the President of the United States, through his spokesperson, has told us that the Deputy Chief of Staff was not involved in any way, in any way, at disclosing this information to destroy a CIA agent's career. But it is not just four times.

On September 29, 2003, question to Mr. McClellan: ''Weeks ago, when you were first asked whether Mr. Rove had the conversation with Robert Novak that produced the column, you dismissed it as ridiculous. And I wanted just to make sure, at that time, had you talked to Karl?''

Answer by McClellan: ''I've made it very clear from the beginning that it is totally ridiculous. I've known Karl for a long time, and I didn't even need to go ask Karl because I know the kind of person that he is, and he is someone that is committed to the highest standards of conduct.''

A question to the President. Essentially people are starting to ask what will the President do when he finds out who leaked this information. Well, let us find out what the President said he would do.

On September 30, 2003, question: ''Yesterday we were told that Karl Rove had no role in it . . . ''

The President: ''Yes.''

Question: ''Have you talked to Karl and do you have confidence in him . . .''

The President: ''Listen, I know of nobody—I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it, and we'll take the appropriate action.''

October 1, McClellan: ''The President doesn't condone the activity that you're suggesting, absolutely he does not.''

October 7, and I will skip the question for a moment. McClellan: ''I spoke with those individuals, as I pointed out, and those individuals assured me that they were not involved in this.'' And that included Karl Rove, Elliot Abrams, and Lewis Libby. ''And that's where it stands.''

Question: ''So none of them told any reporter that Valerie Plame worked for the CIA?''

McClellan: ''They assured me that they were not involved in this.''

So the President subsequently said he would do what he should do if he found someone was involved in any way in leaking information. He said he would fire them. And when he was in Europe last week, when he was asked what he would do if he found that out, when asked if he would fire them, he said yes. So we have this situation where we now find, through hard evidence admitted by the lawyer for the Deputy Chief of Staff, that, in fact, Mr. Rove told Mr. Cooper, a news reporter, that, in fact, he told him that Joe Wilson's wife worked through for the Central Intelligence Agency.

And for 2 years now, the official position of the President of the United States telling the American people has said, My Deputy Chief of Staff had nothing to do with this, never mentioned it, never leaked a word, never hushed it, never gave an inclination about it, totally ridiculous. And now we know the sordid truth. And it is sordid. It is sad. We should be talking about some other things here rather than this. But we believe that the truth is important to the American people.

Americans deserve the truth. They deserve not to have an administration to punish Americans who stand up against power, and that is what they did.

We now find phase one a failure of the administration to hush this up and bury this story. They denied it for 2 years. They said it was ridiculous for 2 years. They tried to suppress this information for 2 years. They refused to be candid with the American people for 2 years, and that approach has failed. So what approach are they now using to try to wiggle out from this most terrible abuse of our national security? Let us go through their sort of defenses now.

By the way, it is interesting the White House now refuses to comment on this. That has not stopped the majority party talk machine from launching an all-out offensive against Mr. Wilson today. We can read—they're still defaming Mr. Wilson today. They still have not given up thinking that if they can destroy Mr. Wilson that we will forget about the falsehood that the President used in starting this war. We are not going to forget because this really is not about Mr. Wilson. It is about our sons and daughters in Iraq. And it is about American democracy and our right to have the President tell us the truth. And we are not going to forget.

So let us see what strategies they are using now rather than just suppressing the truth. They are using the strategy that Mr. Rove did not use the name Valerie Plame. All he said was it was Joe Wilson's wife who worked at the Central Intelligence Agency; therefore, they think no harm, no foul. Whom do the Members think they are identifying if not Valerie Plame? Unless Karl Rove thought that Joe Wilson was a polygamist, had ten wives so we could not tell which one it was, it is pretty clear whom he was identifying.

Just like I started this Special Order today and I made reference to the Deputy Chief of Staff at the White House, everyone knew whom I was talking about. I did not use his name, but we know who it was. That dog just will not hunt. It is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work.

Second, they argued that, well, it was unintentional, did not really intend to do this. That might be because we all make mistakes, we all make misstatements, we all misspeak on occasion, myself included. Perhaps we should just forgive and forget that. Except for one thing. It is clear it was not. It is clear it was not a simple accident. The reason we know it was not a simple accident is for 2 years they covered up the truth of what happened. When people act guilty and suppress the truth, frequently it means they were guilty. And this was not innocent conduct where for 2 years the White House was saying it was ridiculous that Karl Rove would be involved in this, ridiculous. I actually think it is ridiculous now that they are not taking responsibility and being accountable. We should not have to be arguing about this right now.

They say that they were just explaining, they were just explaining how Mr. Wilson happened to be in Niger. Mr. Rove could have just explained very easily by saying some people close to Mr. Wilson knew him and wanted to send him to Niger. That could have preserved the cover of this CIA agent, and there would have been no problem.

So what we are seeing is a collapse of excuses. This is a collapse of a fabricated effort to protect the Deputy Chief of Staff, which I understand. The Deputy Chief of Staff has been a loyal lieutenant and adviser to the President of the United States, and we can all, to some degree, respect loyalty. But when it comes down to a situation where the President is forced, through his spokesperson, to continue to not tell the truth to the American people, as it has happened here, it is unhealthy for the administration. It is unhealthy for America, and this boil needs to get lanced. It needs to get resolved. We cannot go on with this cloud hanging over the country. It needs resolution.

That is why in the next few days, the gentleman from New Jersey (Mr. HOLT) and myself and other Members will offer a resolution of inquiry calling on the U.S. House of Representatives to get to the bottom of what happened in this situation. And this is a very simple thing that will simply request, actually require, the administration to provide answers to the American people of what happened here once and for all. We need to get this resolved and behind us. We need to find a way, a bipartisan way, to bring our troops home; to find some way to leave Iraq a stable place and bring our troops home. And we need to be involved in a bipartisan attempt to do this rather than arguing about this situation.

But until the administration is candid with the American people and we know why an administration punished an American citizen for, number one, going to Niger as requested by the CIA; telling the truth to the administration, number two; three, having the courage to tell the public about it after the President stated a falsehood during his State of the Union address; and fourth, refusing to be intimidated, and I respect people who are not intimidated by power.

□ 1530

Joe Wilson is not intimidated by power. He was not intimidated in Baghdad, and he is not intimidated now. We will not be intimidated to get to the bottom of this sordid affair. That is why we hope that on a bipartisan basis we will pass a resolution of inquiry calling to get answers to what happened in this sorry situation. Americans deserve it. It will help us move forward to get to the issues that we need to do.

Now, let me also talk about why perhaps, today and the last 2 days, if you have happened to watch the press conferences at the White House, you have noticed Mr. McClellan has been besieged by people who wanted to provide Americans the truth as we now know it about what actually happened here. Now, after telling us for 2 years, being quite willing to talk about this, saying this is ridiculous, this was just a fishing expedition, and that we should not bother with those little people over there in the corner who want to know the truth about this, now, all of a sudden, Mr. McClellan does not want to talk about this anymore. Why is that?

You have to ask yourself why, after being so loquacious about this for 2 years, now they do not want to talk about it. Well, I think it is understandable when you think about it.

Think about this: Mr. McClellan told the American people that the President knows that the Deputy Chief of Staff was not involved in this, that it was ridiculous. The Deputy Chief of Staff says, no, I was not involved in this. The President of the United States says, no, he was not involved in this, and people who were, we would fire them.

Now, you take those three individuals, somebody is not telling the truth. Somebody is not being entirely candid with the American people. The Deputy Chief of Staff is not being candid with the President, perhaps, or the Deputy Chief of Staff is not being candid with the press secretary, perhaps, or the press secretary is not being candid with the American people, perhaps. There is a third possibility, and I am not even going to suggest it on the floor of this House. But somebody is not being candid with the American people about why an American was punished for doing his duty when he was asked to go to Niger.

I mean, you think about that. You imagine if the Federal Government tomorrow called you and said, I have this tough task. I want you to go to Africa where it is dusty and hot and a big day is when you get some sugar in your tea, and I want you to find out if there is yellow cake there because we are trying to decide whether to start a war or not. It is a big, big deal. And you go there, essentially out of retirement, and you bring back the truthful answer, and you give it to the administration. They then ignore your conclusion and put it in the State of the Union address anyway, a war is talked about to be started; you have the guts enough to write an op-ed in The New York Times telling America what you concluded, and, all of a sudden, the entire Federal Government comes after you and destroys your wife's career. That should not happen to any American of any political persuasion. And that principle is an important one.

This is not the only time this has happened in America. You recall back in the Vietnam era where there was an author who was critical of President Nixon's war in Vietnam, Daniel Ellsberg; and he published in The New York Times some information that was critical of the President. So what did the President do? Did he thank him for sharing this information with the public? No. He had people burglarize Daniel Ellsberg's psychiatrist's office in order to get information to destroy Daniel Ellsberg's credibility. That President tried to destroy their critic's credibility, and that is what happened here. A different way, a different strategy, a different effort, same goal: punish critics of the administration.

We went through a Revolutionary War to get rid of King George because we believed citizens rule the country and when citizens exercise their right of free speech and they tell the truth, nobody here in Washington, D.C. ought to be able to punish them. It was a principle worth going to the Revolutionary War about it. And in a small way, we are fighting it right here: that if you are a citizen and you tell the truth, nobody should be able to punish you, even the most powerful person in America. That is why we are filing this resolution of inquiry.

Mr. Speaker, I would like to yield to the gentleman from New Jersey (Mr. HOLT), who has provided great leadership and who was working on this subject last year to try to bring to the attention of the country this issue. He has shown a lot of courage on this. I thank the gentleman for joining us today.

Mr. HOLT. Mr. Speaker, I thank the gentleman, my friend from Washington, for this Special Order and for shining a light on this subject. The gentleman is right, this is something, it is curious. I have been trying for a couple of years to draw sharp attention to this, to this exposure of the identity of someone whom we have asked to undertake risky, dangerous, important assignments for quite a long time.

The press seemed very interested in this other issue of their ability to protect their sources, not an unimportant issue, but something apart from this critical issue of how we as a country collect intelligence, what we as a country ask of people who risk their lives to collect that intelligence, and what we do about protecting their ability to do it and protecting their lives and welfare.

This is a very important matter. Former President Bush, the current President's father, said that those who expose our human sources are ''the most insidious of traitors.'' Ten former intelligence officers signed a letter calling the disclosure of this particular officer's identity ''a shameful and unprecedented event in American history.'' It is an uncommon occurrence, and for good reason. Thank goodness, it is uncommon.

Intelligence is intended to save lives. Intelligence is intended to protect our national security. Intelligence is intended to be something that prevents us from going to war. But to collect that intelligence, people have to take great risks. Operating undercover, perhaps under an alias, dealing with people in out-of-the-way places is often a thankless job. We do not often acknowledge the people who do that. It is a terrible thing when their effectiveness is lost through some accident. It is even worse when they are exposed by the counterintelligence people in another country.

But worst of all, of almost unthinkable tragedy, is when a person would be exposed by his or her own government. Mr. Speaker, it is not just a matter of ruining a career, it is not just a matter of an affront to a person or her spouse, it is not just the loss of probably millions of dollars that goes into developing an undercover agent, providing the cover and all that.

No, it is more than the ruined career, more than the loss to our Nation of effective intelligence. It actually puts that person at risk. And anyone who ever had lunch with that person in a foreign country is now suspected by that country as having been fraternizing with a spy. We do not know what has happened to other people in other countries because of exposure of identities of intelligence officers. That an exposure should come from our own country is almost unthinkable.

So when we raise this subject today, it is not about political ''gotcha''; it is not to embarrass someone. No. It is because we as a Congress have a responsibility to look after these people whom we have asked to take great risks. And we have to make sure that this sort of thing does not happen. That is why we want to know what happened and how it happened. It is, well, like someone sending an e-mail to the enemy with a position of our troops on the map. You do not do that at wartime. That is treasonous.

Today, the members of the House Permanent Select Committee on Intelligence on which I sit submitted a letter to the President, again underscoring the importance of this matter, abhorring the disclosure of identities of undercover officers, and asking that the President take the step of removing the security clearance from anyone known to have any association with this. We certainly know that Karl Rove, as acknowledged through his attorney, that he disclosed the identity, maybe not by name, but he might as well have; the identity of an intelligence officer to a reporter of a national news magazine.

Because the officer was undercover, her identity could be known only through access to classified information. There is ample precedent for suspending the security clearances of people under suspicion of leaking classified information. So we formally and soberly asked the President to suspend any and all of Mr. Rove's security clearances, at least and until the Fitzgerald investigation is complete. That is just one step.

But we here in Congress have an important role beyond that, a role of oversight to make sure that we, as I say, look after the welfare, effectiveness, and safety of those whom we have asked to take risks for our country so that we can know what is going on around the world, so we can avoid war, so that we can save lives, so that we can advance democracy.

I thank my colleague from Washington for this Special Order; and I hope, now that the country's attention is focused on this subject, that we really can get to the bottom of it. The President said at first that he would find and fire this person. Then a little bit later he said, you know, it is going to be really hard to find the person.

This is the same President who said we will find Osama bin Laden, wherever he is in the world. But among the 5,000 people in the White House, I am going to have a hard time finding out who it was who leaked this. Well, we know at least one person in the White House now who was party to this. The President should take action so that this sort of thing will never happen again.

Mr. INSLEE. Mr. Speaker, I thank the gentleman from New Jersey. I have to say, one of the troublesome things to me now that this disclosure has come up, here the person, at least one, there might be more people who are responsible for this besides the Deputy Chief of Staff; there may be more than one, but at least one was a person who talks to the President at least several times a day. I cannot understand when this came out why the President did not demand his inner circle to give him an affidavit saying they were not involved in this, and get to the heart of this.

Instead, the President of the United States, who works across the desk from the gentleman who is at least one of the people responsible for this leak, the most powerful man in the world could not get a straight answer. Now, if he did not get a straight answer on this important thing, then the President should exercise what he promised the American people he would do, which is to send that person on to other pursuits, and we will see whether the President meant what he said in that regard shortly.

Mr. Speaker, I want to thank the gentleman and mention one other thing and ask for his response. There is one other excuse that we are hearing floated about this today, and I have heard some people defending the White House saying, well, this was not really that big of a deal. We might have said there was yellow cake in there anyway, because we really did not know; we would have thrown that up in the State of the Union address anyway.

□ 1545

So no harm, no foul. I want to read something that Secretary of State Rice said on July 26, 2003, ''My only point is that in retrospect, knowing that some of the documents underneath may have been, were indeed forgeries, and knowing that apparently there were concerns swirling around about this, had we known that at the time, we would not have put it in. And if there had been even a peep that the Agency did not want that sentence, or that George Tenet did not want that sentence in, that the Director of Central Intelligence did not want it in, it would not have been done.''

Here we have the person sent by the CIA to get this information, reported back these were forgeries, reporting back it is highly unlikely there is yellow cake there, but the President put it in anyway, and then Secretary Rice was candid.

She said we should not have put that in. So let us not let this sort of octopus defense of squirting ink around this thing obscure a central truth. The President gave false information to the American people, and for one reason or the another did not report what his own agent, the CIA, had sent, and then his administration punished that person.

This cries out for action by Congress.

Mr. HOLT. Mr. Speaker, I would say this goes beyond political punishment. We certainly could condemn his punishing the envoy who went to learn the truth about the uranium from Niger. But for whatever reason to disclose the identity of someone whom we have asked to take risks, life and death risks on our behalf is almost unthinkable.

And to do it for what appear to be gratuitous political reasons makes it all the more shameful.

Mr. INSLEE. Would it be fair to say that if these assertions are true, someone put political convenience ahead of national security? I will make that a rhetorical question.

Mr. HOLT. I cannot imagine why this name would have been released, but for the sake of creating political embarrassment for someone. I call that a gratuitous breach of national security.

There does not seem to be any higher purpose here. I suppose you might be able to imagine some circumstances where for some higher purpose you probably could dream up something where releasing the identity of, you know, someone we have put in such a dangerous position might be justifiable, but this certainly is not it.

Mr. INSLEE. Well, we would stand for the proposition that political pettiness does not justify a breach of national security. I hope we can have bipartisan consensus on that.

I would like to yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank very much the gentleman from Washington (Mr. INSLEE) for bringing this issue to the floor of the House. I think it is at the moment one of the most important issues that this Congress should be dealing with, but is not doing so.

As you pointed out, there is a great deal of dissembling going on within the context of the Bush Administration. And one of the principal people responsible for that is Mr. Rove. It is quite clear that he revealed the identity of Valerie Plame, Central Intelligence Agency operative, and the wife of Ambassador Wilson, to at least one reporter, in this particular case a reporter for Time Magazine, and that he did so in the context of e-mail.

But it is also very likely that he made that revelation not just to the reporter for Time Magazine, but to others as well. And it may very well have been Mr. Rove who made that revelation to Robert Novak, who was the columnist who published her name and made the revelation that someone working for the intelligence agency in a very sensitive position now had that name made public, putting that person in danger.

So the question of the motivation here is one that is very important. It is quite clear that at least on one level, the motivation was to exact retribution against Ambassador Wilson, who you have pointed out rightly was sent by the Central Intelligence Agency to Niger to investigate the question as to whether or not enriched yellow cake uranium was being transported from Niger into Iraq.

The President of the United States in this room, in an address to a joint session of the Congress of the United States, and to the American people, made the assertion that enriched yellow cake uranium was being imported from Niger into Iraq, and that created the prospect that Iraq was developing nuclear weapons.

On numerous occasions, the President, the Vice President, the National Security Advisor, and others in the administration, used the illustration of the mushroom cloud in reference to Iraq, to create the impression that Iraq was developing a nuclear weapon.

Ambassador Wilson, in the context of his trip to Niger, made it very clear that no yellow cake uranium had been transported from Niger to Iraq. Nevertheless, the administration continued to allege that that is not the case, and that Iraq was engaged in a program to develop a nuclear weapon.

So what we see here in the course of this discussion this afternoon is another example of the dissembling, the misuse of information by important people within this administration. And from our point of view, as Members of the House of Representatives, one of the critical aspects of all of this is the failure of this House to address this circumstance.

We know that the allegations made by the administration with regard to the connection between Iraq and the attack of September 11 were untrue. We know that the allegations concerning the relationship between Saddam Hussein and Osama bin Laden were not true. We know that the allegations with regard to weapons of mass destruction, including the prospects of a nuclear weapon, were untrue.

Why is it that this House of Representatives is not carrying out its responsibilities under the Constitution to conduct an investigation and to hold Congressional hearings with regard to this issue?

Mr. INSLEE. I think you bring a very good point about Congress's obligation to investigate the executive branch. We do have a checks-and-balances system here. I think that is very important in this case, because essentially the President has said, as he said yesterday, look, this is a criminal investigation, so I have no responsibility whatsoever, he implied this, to find out what happened here.

He says, you know, there is a prosecutor here, so I have no responsibility to find out if people who work literally

in my office had outed a security agent for punishment for someone telling the truth.

Whether there was a crime or not, any President, and this President has said so, should fire a person who discloses secret information of a covert agent's identity in part to punish a person who told the truth in criticizing the administration.

Even if that is not a crime, it is a crime against the code of the west and the expectations of millions of Americans, where we do not allow our elected officials to punish us for criticizing the administration. We do not allow a President's agents to jeopardize a man's wife who is a secret agent, and expose their two young children, and this couple have two of the most delightful young children that you will ever meet in your life, and you can assume that this covert agent for the CIA mother has the same concerns about her children that you would when you are a covert agent and someone has blown your cover, and then they attack Mr. Wilson's wife.

The President has an obligation that goes beyond simply upholding this felony laws of America. His obligation to Americans is greater than that. And he ought to call these people in and say, did you have anything to do with this? And if they did, he needs to make a decision about their continued employment. And yet he refuses to do that. That is most troublesome. You know, there are fifth amendment privileges. There are all of these little technicalities in the law. This is not a technicality, we are standing up for the proposition that Americans should not be abused in this regard.

We are running out of time. I want to yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to very briefly take this to another level. And it is about truth and trust. I, as a former ambassador representing the United States of America, was trained in the State Department as to confidentialities and secret missions that were taking place around this globe. The audacity of someone in the Executive Branch even making reference to a covert agent violates that confidentiality and puts us all at risk.

It is not something you play with. It is not something you use for retaliation. When you out an agent, you are outing all of us.

Our intelligence functions on us having operatives in places where people are plotting against our Nation. Our defense will be in the fact that they bring that information to us and we prepare our defenses.

If these people are exposed, they no longer can gather the information that can save lives and property. So I think this is the most heinous act. I am not even going to get into the debate whether it is prosecutable or not. But, any leader in the executive branch ought to understand that you cannot have people there who will leak this information. The safety of all of our citizens depends on the confidentiality.

Mr. INSLEE. I think the Congresswoman has brought up another point, and that is, the nature of this agent who is a covert agent operating under cover for her own protection, and those people, as the gentleman from New York (Mr. HINCHEY) indicated, the gentleman from New Jersey (Mr. HOLT) indicated, the people that she worked with, the people that she had lunch with in various countries around the world are now suspect.

But it was interesting in the litany of excuses for this misconduct that we have heard out of the White House for the last few days or at least their operatives around the country, one of the excuses I have heard is that the deputy chief of staff, Mr. Rove, did not know that this CIA agent was a covert agent. He just did not know that.

And, therefore, he wants to excuse that misbehavior since he did not know she was covert. Maybe she could have been just a receptionist at the front desk. There is a problem with that. When you out a CIA agent, you darn well better know whether they are covert or not before you violate your security clearance in outing that CIA agent.

And unless we hear a real good reason that Mr. Rove asked the CIA and was told inappropriately or something, there is no excuse for someone in the highest levels of government, with supposedly the sophistication working at the right hand of the President of the United States, not to know you did not out a CIA agent knowing they could be covert.

The damage that has been done here to our security, to Joe Wilson's spouse, to our trust in the Federal Government, was occasioned, regardless of the intention of the deputy chief of staff, one way or another there has been an abuse of both the family and our sense of national security.

Ms. WATSON. Mr. Speaker, there is no way that a deputy chief of staff in the White House to even mention the name of Ambassador Wilson, not naming his wife would not know, because she is the one that sent him over there to Niger.

□ 1600

So how did Robert Novak get the information to print her name in the press? So I do not buy the excuses. I do not think the American people, knowing the truth, will buy the excuses. What we have all lost is the faith and the trust in this administration to deal straightforwardly with the American people, and as the gentleman has so brilliantly enumerated all the other misinformation activities involving this administration. We must stop it and we must stop it now because the reputation of the United States has sunk to its lowest point.

Mr. INSLEE. Madam Speaker, I thank the gentlewoman for joining me.

I would like to conclude with a couple of comments. This is the greatest Nation on Earth, and it is the greatest because it works on a principle that our citizens should be in control of our democracy, not people in power.

It works on the assumption that that power will not be abused. It works on the principle that our elected officials will tell us the truth. It works on the principles that people's wives should not be attacked when a person fulfills their patriotic duty to go to Africa and ferret out the truth.

It works on the principle that people are human and they can make mistakes; but when they make mistakes, they ought to be candid and forthright with Americans. And the sooner the President of the United States is forthright and tells us what happened in this situation, the better off both for the White House and for us as a whole. And if it refuses to do that, which it is now stonewalling in its finest tradition of those who were caught red-handed, it is refusing to give Americans information.

That is why this House of Representatives needs to pass this resolution of inquiry so that we can have a bipartisan review of what happened here. Why? So that we can regain the bipartisan trust we need to go forward with and deal with our pressing problems in Iraq, our pressing problems with the threat of terrorism, and we can get back on track in this government.

Before I close, I want to thank the Wilson family for their courage in going to Africa. I want to thank Mrs. Wilson for her courage as an employee of the CIA. I want to thank them for their courage in standing up to the administration that has so willfully abused them. And I hope that the truth that they have worked so hard to bring to the American people will ultimately prevail in this affair.

HONORING RICHARD LEE WILES

The SPEAKER pro tempore (Miss MCMORRIS). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Madam Speaker, I rise today with a heavy heart. I rise today to honor Richard Lee Wiles, my friend, my former economic development and technical education coordinator, and a man who was as brilliant and farsighted as he was straightforward and unpretentious; the kind of man who brought dignity and integrity and a great deal of expertise to everything he did in life.

I am sad to report that late in June, Richard, or Dick as he was known to friends and strangers alike, passed away while conducting his duties on behalf of people of the 5th district of Pennsylvania.

Dick was more than an employee. He was a true friend and a loyal confidant. Dick graduated in 1958 from East Brady High School and in 1963 from Penn State University where he received a

bachelor's degree in agriculture and later a master's degree in communication.

For many years he operated Nova Productions, a public relations firm that was very successful. But, Madam Speaker, more than just a knowledgeable counselor and an able communicator, Dick Wiles was truly a renaissance man. Evidence of this can be seen during his high school and college years when to pay for his education, Dick started and was an active member in a well known dance band, The Rhythm Knights.

Indeed, he was a gentleman of the highest order who could cook, sing, fish, hunt, dance, paint, write poetry and prose, and charm everyone present within the sound of his voice. I used to joke that his charm almost earned him a seat in the Pennsylvania General Assembly over 25 years ago when he came within a few hundred votes of defeating a long-term popular incumbent, despite receiving absolutely no support, financial or otherwise, from the party structure or apparatus.

Madam Speaker, Dick Wiles was one of the most politically savvy and intelligent, gifted people I have ever met. What made him special, though, was how he selflessly used his talent to serve his neighbors and better his community. More than once Dick told me that he loved his job so much that he felt guilty for receiving a pay check.

But more than a humble public servant, Dick will be remembered as a humble servant of God, a man who deeply cared about the condition of his country; a husband who cherished his beautiful wife, Barbara; a father who loved his wonderful daughters, Julia and Jennifer; a grandfather who pampered his four lovely grandchildren, Seanna, Taylor, Alex and Colin; and was fond and took great care of his sister-in-law, Debbie, and her son, Ricky; a friend who reminded us all of what could be accomplished with a little hard work, gritty determination and general good will towards his fellow man.

He was one of the finest conversationalists I have met and one of the most inquiring minds I ever dealt with. His interests were broad. His memory was phenomenal.

Two years ago, Dick lost his lovely wife, Barb, unexpectedly. Since then he lived alone in east Brady and was very lonely. I knew that and I always had chatted with him often and always enjoyed those conversations, but I made it a habit to call him numerous times per day. I talked to him several times daily. I would call him on my way to the Capitol for a vote. I would call him in my apartment in the evenings. We would have lengthy chats. I would call him when I was traveling in my district at home because I have a large rural district. I enjoyed those visits I think more than he because he gave so much.

Madam Speaker, Dick was a phenomenal leader on several issues. He helped me develop technical education in the 5th district by helping equip our high schools with the newest, latest technology, and bringing technical schools and community colleges to help train our adults for the skilled technical jobs that are vital in today's high-tech economy. That was an education that we lacked.

He also was my staff person who was my specialist to help promote tourism in the 5th district. He was my steady voice on Governor Rendell's Pennsylvania Wilds Working Group, a group joining 13 counties together in beautiful north central Pennsylvania to develop our tourism potential, an area rich in natural beauty, historic sites and scenic Route 6, Pennsylvania's elk herd, Kinzua Lake and the Allegheny National Forest.

Dick truly loved his work and he was so good at it. He truly adored his family, his community, his State and his country. He was always a gentleman.

Dick, we really miss you.

Madam Speaker, I humbly submit these comments to the RECORD, and I humbly commit his spirit to the communion of saints above. May Dick rest in peace.

REFORMING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Madam Speaker, I rise today to engage, I hope, in a discussion with my colleagues about an important issue confronting our country, and it is an issue on which we have already begun a national dialogue. It is an issue that, at least before the last few months, was an issue of bipartisan concern, and that is reforming Social Security.

As you know, Madam Speaker, the former President of this Nation, Bill Clinton, raised this issue during his tenure in office and noted that the Social Security program in its current structure is in trouble and in need of reform. It is facing several serious problems.

One of them is the solvency of the program over time. And another is its fairness to the younger generations. There is a new idea here in Washington and a simple idea that has surfaced just within the last few weeks on Social Security reform that does not solve the entire problem in one fell swoop, but would start us on a path and would address the most egregious problem of all, and that is the structure of Social Security which simply is unsustainable in its current form. So I want to focus this discussion this afternoon largely on that new idea.

It is an idea that responds as the House should respond to the concerns and the interests of the American people about what is happening with their Social Security taxes, their payroll taxes. Let me begin with some of the basics.

As I think all Americans understand on both sides of the aisle, the Social Security system as it is structured today is a pay-as-you-go system. It is a system where those of us working today in the workforce pay in our payroll taxes and those payroll taxes by and large immediately go out the door to pay the retirement benefits of the Americans who are retired today. That is the structure of the current system, and that is the structure that many countries around the world created some 35 to 40 to 50 years ago.

Germany, I think, was first to substitute a Social Security program for its elderly based on this premise, that is, that we would tax workers to pay retirement benefits for those retired. There was nothing wrong with that proposal when initiated because at that time the workforce was dramatically larger than those who were on retirement. Indeed, I think most Americans now know that in 1935 when Social Security was created, there were some 42 Americans working for every American collecting retirement benefits. Clearly, 42 workers can, through their payroll taxes, support one retiree. But as most Americans know by today, those numbers have changed dramatically.

In the 1950s, it went to where we had roughly 15 or 16 workers per retiree. Again, that was sustainable. But now we face a new problem. The reality is that the workforce relative to the number of people retired has shrunk and today in America there are only 3.3 working Americans paying payroll taxes to support each individual currently retired and collecting Social Security taxes. If the trends continues, and it will, that is unsustainable. Very soon we will be down to where there are two workers and even less than two workers paying Social Security taxes, payroll taxes to support each retiree. That simply cannot be sustained over time. And so we have a problem with the structure of Social Security. We also have a problem with its long-term solvency. And, most importantly, I think we have a problem with what is referred to as generational fairness.

We all know that solvency is the issue of whether or not we have the money set aside to pay the benefits we have promised, and in point of fact we do not. While the system runs a short-term surplus today, we collect more in Social Security taxes than we pay out today in Social Security benefits. That short-term Social Security surplus of revenues in over benefits paid out will end as soon as 2017. Indeed, the surplus itself will begin to shrink, that is go down, year to year as early as 2008.

So this is a problem that confronts us very soon, and as the actuaries have told us and as I think Americans understand, the trust fund which we would have to begin drawing upon in 2017 to pay the promised benefit will itself be depleted by 2042. Thus, we have a long-term solvency problem

with the current structure where we have a shrinking number of workers per retiree.

But the other issue that is not discussed very often is the issue of generational fairness. Generational fairness is a term I use, and I think most Americans and my colleagues understand it, but then when I talk to an audience they say they do not understand it so let me try to make that point clear. Solvency is one issue, but generational fairness is a separate issue. As it turns out under the Social Security system that we have today in America, my grandparents, most Americans' grandparents, collected an effective rate of return on the Social Security taxes they paid, that is, on the payroll taxes they have paid into Social Security, when they collected their benefits, on average they got a rate of return on the money they had put in of about 5 percent.

Now, 5 percent is not a great rate of return. You and I would like to be able to invest our money and get 8 or 10 or a better rate of return on the money we invest; but for a program which is designed as this program is designed to provide a floor of protection for those Americans who have either not been able to or have not, in fact, set aside money for their retirement, if you got a rate of return on the money you put into Social Security of 5 percent, you were doing fairly well.

□ 1615

That is a decent rate of return. But because of the current structure of Social Security, that is not continuing. Indeed, our children, my children and my grandchildren, will get a rate of return of less than 1.6 percent; and, indeed, for many of them, their rate of return will be negative, that is, they will pay in more in social security taxes than they collect in their lifetimes, on average, in Social Security benefits. That is generational fairness, and it is simply not fair.

I think most Americans would agree that creating Social Security, the Social Security program we have, creating a floor of protection so that all Americans can enjoy their retirement years, safe in knowing that they have money to pay for their groceries and to pay their rent is a laudable goal, and with a rate of return of 5 percent on your money, you can do that. But with a rate of return of 1.6 percent or less, or a negative rate of return, our children and our grandchildren, if we do not make changes, will in fact not have a secure retirement. Indeed, they will not have the funds when they go to retire to even minimally get by.

Now, those are the basics that have been involved in this debate from the outset, and there are lots of ideas on the table. President Bush has put ideas on the table to deal with both the issue of solvency and the issue of generational fairness so that we can make the program financially sound for the future. Indeed, he would like to make it financially sound forever, not just for the 75-year horizon that the Social Security trustees base their analysis on. But also he would like to make sure that we guarantee the next generation as secure a retirement as this generation has had and as the last generation had.

Now, I know a lot of Americans glaze over and say, wow, I have heard so many different ideas on Social Security and on Social Security reform that I get confused. People talk to me about personal accounts. People talk to me about benefit cuts. People talk to me about increases in taxes. I want to talk about a new idea, a new idea which can solve a part of the Social Security problem and stop a practice which is offensive and a bad idea.

When I went home and did my town halls with my constituents in Phoenix, AZ, discussing the issue of Social Security, I had to explain to my constituents this short-term surplus that we have. That is the fact that today, and every year since 1983, we have been collecting more in Social Security revenues than we are paying out in benefits. So we have a surplus. And I had to explain to my constituents, as my colleagues here in the Congress have had to do, that that excess money is not being set aside for Social Security.

Indeed, the Social Security surplus that Americans are paying in collectively through their payroll taxes, that is the money in excess of the amount spent today for those retired today, is being, I would say quite frankly, misappropriated by the Congress of the United States and the Federal Government. Because when Americans pay payroll taxes to fund the Social Security program, they believe, and they have an absolute right to believe, that their money, paid as payroll taxes to fund Social Security, should be and is being used for Social Security. But that is not true today, and it has not been true since 1983.

That money, this short-term surplus of Social Security revenues or Social Security benefits paid out, is in fact taken each year by the United States Congress and spent for general government purposes. It is spent to fund the Department of Agriculture. It is spent to fund the Department of Defense. It is spent to fund the Department of Health, Education and Welfare. It is spent all over this government for general purposes having nothing to do with Social Security. And I will tell you, my constituents, when they learn that, are angry.

Now, I mentioned a moment ago that there are many ideas for reforming Social Security. And some back home say, Congressman, it is all too confusing to me. I do not understand. That is the central key element of this new idea. When I went home and when my colleagues went home to address the issue of Social Security reform, and when the American people understood that we are misappropriating the Social Security surplus to things other than Social Security, they got angry; and they said, well, I do not care how and I do not understand how you reform the entire Social Security program, but the one thing you better do, Congressman, the one thing you owe to us, the American people, the one thing you owe to every single person collecting Social Security and every single person paying social security taxes is to stop stealing, stop raiding the Social Security surplus, those payroll taxes paid in for our future retirement, and using them for general government purposes. And that is precisely what this new idea does.

A colleague of mine in the Senate, JIM DEMINT, first elected to the House and served with me here in the House, has dropped a piece of legislation, and I and a group of members on the Ways and Means Committee in the House have dropped a piece of legislation that will do precisely that. It will take, from the moment it is enacted through a 10-year period, from roughly today through 2017, the Social Security surplus that comes in and it will stop spending that money on anything other than Social Security. Now, how do we do that?

What we will do is allocate that surplus to every single American who is paying payroll taxes under the age of 55, and we will set up an account in their name and we will put that money in that account. Now, for the first 3 years, the accounts will be invested in U.S. Treasury bonds, the safest investment in the world and the same kind of investment where your social security taxes are being invested today.

But the key difference, the critical difference is that we will stop using that money for general government purposes, we will stop using it to hide the real deficit and the real debt, and we will allocate it to Social Security.

Talk about a simple notion. I, an American taxpayer, Joe Smith in my district, an American taxpayer who works at a job and pays payroll taxes, he may be one of those American taxpayers who pays more in payroll taxes than in income taxes. We are going to say to him, Beginning with the passage of this bill, which is called the GROW Act, we will make sure that every single dime you pay in payroll taxes to fund the Social Security System goes to Social Security.

Now, a portion of it will go to current retirees, but the rest will no longer be spent for Forest Service pickup trucks or for national defense or for welfare benefits, or for any other purpose than Social Security. And the way we will do that is to put it into an account in your name.

I think that is a simple, straightforward basic idea that the American people can address and they can understand, because it is not complicated, and they can embrace and say, well, if we cannot fix all the problems with Social Security, we ought to at least get started. And I am extremely excited and encouraged that this simple notion

of taking the Social Security surplus that we will have for the next decade and locking it away in individual, and use the overused term lockboxes, in the name of each American taxpayer so that we do not spend it on any other purpose, I think, is a great idea whose time has come.

By the way, these will be individual accounts. They will be in the name of each payroll taxpayer. They will be inheritable. It will be their money. Indeed, just to show you how different it is than the current system: under the current system, if you pay payroll taxes this year, and you pass away 2 years from now, and you are under the age of 65, that money that you paid in goes away. It is lost forever.

If we enact this simple bill, locking away just the Social Security surplus, and you work for 2 more years after the program goes into effect and then you pass away, still under the age of 65, instead of getting nothing, your spouse or your children or your grandchildren will inherit every dime of that money. It is your money; and when you pass away, it becomes their money.

This is not a gimmick. This is not a paper scheme. This is not a ledger entry here in Washington that never matters. This is hard, cold cash in the pockets of your children or your grandchildren beginning to accumulate the day this legislation takes effect.

There are lots of other good things to say about it, but I have been joined by my colleague from Texas (Mr. HENSARLING), and I have talked fairly long about this topic for a moment so maybe I will let him chime in and vary the discussion a little bit.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding to me, and I especially appreciate his leadership on this issue. Tens of millions of Americans, future generations, are going to have their retirement security threatened unless we do something and do something today. Every day that we postpone trying to help save and reform Social Security it is costing us an extra $200 million. The time to act is now.

Madam Speaker, for me this is much more than one's average congressional debate. This is something I take very, very seriously and very personally. I take it personally because my parents are in their 70s. Now, Social Security is an important part of their retirement security. They worked very hard their whole lives to earn that Social Security, and nobody has a plan that will take their Social Security away. As their son, as a Congressman, I am dedicated to making sure that my parents and every one of that generation gets every penny of Social Security that they have earned. I have a sacred obligation to my parents.

I have another sacred obligation. I have a 3½-year-old daughter and a 22-month-old son. And if we do not do something and do something today, Social Security as we know it will not be there for my children. We are rapidly approaching the point where we are going to lose the security from Social Security.

My colleague from Arizona, who is a great leader on this issue, and everyone should appreciate his helping coauthor the GROW account legislation, he very ably laid out for the American people, Madam Speaker, the challenges we are facing in Social Security. As much as Congress would like to, we cannot repeal the laws of demographics. So Social Security, as it was envisioned, took money from current workers to pay for current retirees. Now, that worked very well 50 years ago when we might have had 40 workers paying into a system for every one retiree. But that is not true today. Instead, we are down to 3⅓ workers now supporting every retiree, and we are rapidly on the road to having only two workers support every retiree. So we have this phenomena of having more and more retirees and fewer and fewer workers paying into the system.

Another challenge we have in Social Security, as far as demographics is concerned, is great news for seniors; it is just not particularly good news for the Social Security System. When Social Security was first created, the average life-span of an American worker was 60 years of age. You could not even draw your retirement until 65. Many folks had their name called on the roll up yonder before they could ever get a penny of retirement. Well, now, thanks to the marvels of modern medicine and technology, the average life-span of an American worker has increased to 77.

So, again, Madam Speaker, we have more and more retirees that are living longer and longer and fewer and fewer workers supporting them. And that is putting an incredible financial pressure on the system.

Something else it is doing is it is eroding the security in Social Security. Look at the amount of money people paid into a system versus what they took out. My grandparents, who are deceased, were born roughly in 1900. They received about a 12 percent rate of return on their Social Security. That is great. My parents, who were born in the late 1920s and early 1930s respectively, they receive about a 4 percent rate of return on their Social Security. Not bad.

People in my generation, represented by those who were born in roughly 1960, we are getting about 2½ percent rate on our Social Security. That will barely cover the rate of inflation. And my children, who I spoke about earlier, they are due to receive a negative rate of return.

Madam Speaker, that is absolutely unfair. We need to do something, and we need to do something today. But something as big as reforming Social Security needs to be done on a bipartisan basis.

□ 1630

I wish we could be joined by Members on the other side of the aisle who would come in and work with us on a bipartisan basis to try to do something about Social Security. Members cannot deny the underlying demographic challenges in this program.

Right now the Government Accountability Office, the Social Security trustees, and any agency that has looked at the problem says that the unfunded liability of Social Security is now $10.4 trillion. Nobody in America knows how much money that is, but to try to bring it down to a level we understand, that means every man, woman and child in America, to try to solve the long-term fiscal instability of this program, would have to write a $30,000 check out today to try to solve that problem. Surely that is not going to happen.

For those who continue to deny the problem, as so many of our colleagues on the other side of the aisle do, right now it is written in the current law that if we do not act, if we do nothing, if we ignore this problem, in 2042, there will be an automatic benefit cut of almost one-third.

Madam Speaker, I may not be here in 2042, but I hope and I pray that my children will be, and for generational fairness we need to do something.

What the gentleman from Arizona (Mr. SHADEGG) has laid out is a simple plan and a very simple first step. I am surprised it is even debatable in this body. But for years and years and years the Social Security surplus has been taken by Congresses, and I will admit both Republicans and Democrats. They have taken the surplus and spent it on other areas of government. They have spent it on Medicare wheelchairs that cost five times as much as what they did at the VA. They spent it on $2 million studies of the sexual habits of older men, and that is a study I do not even care to know what the results said. The list goes on and on and on.

That money needs to be dedicated to Social Security and nothing else. Those on the other side of the aisle said wait a second, this is very risky to create personal accounts for the Social Security surplus.

Madam Speaker, what is really risky is for Americans to leave their retirement security in the hands of Washington politicians and bureaucrats. The Social Security trust fund has been raided over 49 different times. Congress has just stepped in and spent that money on something else.

There have been over 20 tax increases in the Social Security system. Every time you are getting the same benefits but your taxes go up, your rate of return goes down. We are losing that security out of Social Security. There have been multiple benefit cuts. For example, the taxation of Social Security benefits that took place in the early 1980s. Also, very importantly, that the gentleman from Arizona (Mr. SHADEGG) pointed out, right now we have no ownership rights in our Social Security. None whatsoever. There have been several Supreme Court cases to

tell us that we do not own our Social Security.

So this is a very simple plan. We know we do have some remaining years of surplus: 10, 11, 12 years of surplus remaining. Let us take that. Let us dedicate that to Social Security and let us get it out of Washington and put it into an account with your name on it that you own and that can be inherited and passed on, something that Washington cannot waste. What a simple proposition, and I am just saddened this is even debatable at this time.

I hope anyone who is listening to this debate will let their voice be heard. We need to enact our grow accounts. We need to keep the security in Social Security for future generations.

Mr. SHADEGG. Madam Speaker, I would like to engage in a brief discussion to make this a little more followable or reasonable for our listeners to understand.

Like me, I assume the gentleman has done town halls at home on this topic.

Mr. HENSARLING. Madam Speaker, I have done at least 30.

Mr. SHADEGG. And what reaction did you get back home when people began to learn from at least 1993 forward to today, we have had an ongoing surplus of Social Security revenues over the benefits we pay out to those currently retired?

Mr. HENSARLING. Madam Speaker, I think it is one of the most violent reactions I have ever seen at a town hall meeting, particularly when seniors realize they have worked and paid into this system, and for decades, Congress has taken that money and spent it on big government. They wanted it stopped today.

Mr. SHADEGG. Madam Speaker, I am guessing the gentleman's experience is like mine, Americans have a simple image in their mind that if these are payroll taxes taken to fund Social Security, we ought to be using them to fund Social Security.

Mr. HENSARLING. Madam Speaker, it is a very simple idea and they have been told for years that money is in the trust fund. In a technical legalistic sense maybe it is in the trust fund, but in any practical sense it is not. That money has been taken away and an IOU left in its place. That is like a person writing an IOU to themself. The only way that IOU can be redeemed is by raising taxes on the American people.

People who are entering the job force today, if we do not do something to try to make up that IOU, their payroll taxes are going to have to be increased 43 percent and what is that going to do to younger families and job creation in America.

Mr. SHADEGG. Madam Speaker, the gentleman mentioned that we are quickly approaching the point where Social Security no longer has the word ''security'' in it. I have a female constituent in Arizona, born in Hungary, moved to the United States, lived here all her life, paid into Social Security. She comes to my town halls, and she used to come to my coffee cup meetings on Saturday mornings. Years ago she stood up and made it very clear that, based on a point the gentleman made a few moments ago, it is not accurately described as Social Security, it is more accurately described as social insecurity. Because as the gentleman pointed out, the United States Supreme Court has ruled in a series of decisions that if the Congress were to decide tomorrow to not fund Social Security, to not pay the benefits but to use that money for some other purpose, it could do so. If a taxpayer were to sue and say no, wait a minute, that is my money that I paid into the Social Security system so it would be used for my retirement, that taxpayer would simply lose that lawsuit.

So her description of it is because it is in the hands of the politicians and they can take it away at any time, she describes it as social insecurity.

It is important for our listeners to understand these GROW accounts would change that and change that forever. We would be taking the surplus and putting it aside in the name of the taxpayer, and from that instant forward it would be their money and they could keep it. That is a dramatic change in the system.

Mr. HENSARLING. Madam Speaker, it could not be more simple and I cannot believe that at least in my district in Texas that 99 percent of my constituents would not want to embrace that idea. Such a simple idea that number one, Social Security ought to be used for Social Security, pure and simple.

Second of all, you know own it. Washington cannot take it away. Social Security is used for Social Security, and you own it and Washington cannot take it away. That is what the GROW account is all about. There is nothing more to it. It is that simple, yet it is that important.

Again, I think we need to emphasize for those soon-to-be retired, we will be running surpluses. These people will be okay, but it is future generations. That is the challenge that we face now. Too many people in this town care about the next election and not the next generation. We could ignore this problem if we wanted to for 5, 10, 12 years, but how do you look yourself in the mirror and know that you have set the Nation on a course to cut your children and grandchildren's Social Security by a full third or to raise their taxes by 43 percent.

That is why it is so important that we start the GROW accounts, dedicate Social Security to Social Security, and let taxpayers own it, not Washington.

Mr. SHADEGG. Madam Speaker, we have been joined by the gentlewoman from North Carolina (Ms. FOXX) and I am thrilled to have her join in the discussion about what we do about Social Security, reforming Social Security, and about the new idea of the GROW accounts, of taking just the surplus that Congress has been stealing and spending on general government, take that Social Security surplus and dedicate it to accounts in the names of individuals so it is their money and so every dime of Social Security taxes goes to Social Security.

Ms. FOXX. Madam Speaker, I thank the gentleman for yielding me this time, and all those who have developed the legislation to save Social Security which we call GROW.

I am going to repeat some of the things that both Members have said because I think it is important to repeat them. There are many times when we have to say the same things over and over in order to get the message across.

We have heard a lot about Social Security reform. I just came here this year. This is my first term. I was told it was going to be an exciting term, and a lot of things would be done, and I cannot think about something more exciting than save Social Security.

There are a lot of strong opinions about doing this, but we get some of our best ideas not from Washington but from places like the Fifth District of North Carolina that I represent. That is why I commute to Washington to vote but return home every chance I get.

Recently, as I often do, I stopped by a restaurant in my district to have breakfast. While I was there, I engaged the people there in a discussion about Social Security reform. I shared with them some of the same things you have been talking about, and many people do not understand the fundamental facts about Social Security.

We have got to make sure that our current retirees and those near retirement have the peace of mind of knowing they are going to get their full Social Security benefits for their entire retirement. The government has promised them that, and that is an obligation we have. But we also have to make sure that the benefits are there for our children and grandchildren. The folks in Bojangles that I talked with understand this and certainly agree with us, but we know right now that Social Security is financially broken.

I think that the President has done a good job of explaining that to the people, but again over and over we have to say it. As the gentleman from Texas (Mr. HENSARLING) said, back in 1950, we had 16 workers working for every person drawing from Social Security, for every beneficiary. Today there are just over 3 workers paying for each person receiving benefits. Within two decades only 2 people will be supporting each retiree.

I love his phrase about the law of demographics. He is absolutely right. We can repeal a lot of laws here and pass a lot of laws, but we simply cannot repeal the law of demographics, and we are facing that in this country. We have to deal with it. We have to understand that is a reality that has to be dealt with.

The life expectancy is much longer today than it was when Social Security

was created. As he said back in 1929, people were only expected to live 57 years. In 1937 when Social Security was adopted, people were expected to live to only 60. Well, Social Security was set up to be drawn out at age 65. The people who set up Social Security never expected many people to draw from Social Security. But today, most people live to be 80, and it is not too much in the distant future that most of us are going to be living to 100.

The fact of the matter is that Social Security will begin running out of money in just 13 years and be completely broke in a matter of decades. For the millions of Americans who depend on Social Security, it is simply unacceptable. If we do not reform Social Security, taxes will have to be doubled or tripled in order for the system to keep its promises to future retirees.

In less than 40 years if we do not make changes, the government will have to take at least 30 to 40 percent of every worker's wages to pay for Social Security benefits. Compare that to 1940 when workers paid only 1 percent of their salary into the system, and that was basically the promise that was made when Social Security was adopted.

President Bush has called on Congress to help fix the Social Security system, and I agree with him that we have to take action. I think that the GROW accounts are a great step in the right direction. We have to protect Social Security benefits for our current retirees and near retirees while giving younger workers more ownership and control over their Social Security taxes.

I like the idea of giving workers control and putting their money into their personal accounts. This gives them control over their money and the government less opportunity to misuse it. I am confident that once people focus on the facts and study this issue, they will realize that Social Security reform is essential.

Many people have been misled about the need for reform. However, once they have the facts, and I am convinced of this, they agree that something has to be done to protect the retirements of our future generations. We have a responsibility to save Social Security so our children and grandchildren can receive the benefits that we have enjoyed.

□ 1645

Several different programs have been recommended to deal with the Social Security problem, but I am convinced that the plan that has come together to be called the GROW accounts is the best plan that we have right now to move us in the right direction. As other people have said, we have an obligation not only to the people who are currently drawing Social Security but those who are coming after us to make sure that their money is where they can draw it out and look to their retirement.

One of the things I ask people about all the time, too, is can anybody live on the average benefit that Social Security gives them. It is my understanding it is $921. That is the average benefit. So far in all the town hall meetings that I have had and all the discussions I have had, nobody that I know of says they can live off $921 a month.

I think that this discussion we have had on Social Security is performing a couple of good services for us. One, it is focusing on the problems with Social Security; but it is also raising the awareness of the American public that you cannot just depend on Social Security for your retirement. You have got to be looking to other ways to have the kinds of funds that you need to live comfortably in your retirement, and I think that that is the other benefit that this discussion on Social Security has brought about.

I again want to commend the gentleman and his colleagues for what they have done in bringing to us the GROW accounts, and I want to tell you that you have my support on this. This may not be where we end up on salvaging Social Security, but it is certainly a step in the right direction. As they say, a journey of a thousand miles begins with one step. We are taking the first steps. I want to thank you for doing that and pledge my support to you in educating the American public about this and hope that even more good ideas will come as a result of the discussions.

Mr. SHADEGG. If the gentlewoman will remain for a moment, I would like to just ask her, I presume you have done Social Security town halls back home.

Ms. FOXX. We have.

Mr. SHADEGG. If they went like mine, you got a lot of feedback and a lot of confusion about how the Social Security system works.

Ms. FOXX. We did.

Mr. SHADEGG. I suppose, like a lot of us, people are confused about, well, what is the right overall solution and they are not quite sure exactly which reform measure is the right one to do. Is that right?

Ms. FOXX. That is right. But they do know, as you have pointed out before, that they and others have paid money into the government and they were expecting to get that money back with some reasonable rate of return, some interest paid back on it. That is the deal we made with them.

Mr. SHADEGG. And when they discover, as our colleague from Texas (Mr. HENSARLING) explained, that we are actually taking that short-term surplus that we have, the excess of revenues we are getting in this year over the benefits we are paying out this year and we are spending it on other things, as he pointed out, we are spending it on phenomenally expensive wheelchairs or we are spending it on Forest Service pickup trucks or we are spending it on welfare benefits or we are spending it on whatever other program is out there and not spending their Social Security taxes to set aside for Social Security, not on Social Security benefits and not on paying future benefits, what kind of reaction did you get from your constituents?

Ms. FOXX. They are very upset by that. And the question is, why have you been spending the money? I am in the fortunate position, I have not been in Congress before, so I can say, I did not do that, although the gentleman from Texas is absolutely correct, it has been done by both Democrats and Republicans, so we have to fix this situation.

Mr. SHADEGG. I think it is a fair question for us to ask as Members of Congress today, and I think the gentleman from Texas was very fair on that point, both Republican Congresses and Democrat Congresses have used the Social Security surplus for non-Social Security purposes. I guess the question, though, that I want to ask you and a question that I have thought about is, could I go home to my constituents and justify to them that it is appropriate for me to take their Social Security taxes and spend them on some other purpose? I think the answer for me is no. Have you given that question some thought?

Ms. FOXX. I have. I agree with them. And when my constituents say that to me, again through this education process, they have learned the problems that have been created by Social Security and, again, they have understood these laws of demographics that we have explained. They want us to stop this. It is a pretty simple thing. Most of the people in my district are just down-to-earth folks with a lot of common sense. There is some sort of rule, what is that law, when you are in a hole, the first law is to stop digging. They just say to me, just quit doing it.

Mr. SHADEGG. Just quit digging. Quit stealing that Social Security surplus and spending it on other things.

Ms. FOXX. That is right. So the proposal you have made I think is again a step in the right direction. Down the road we may find that we have to do other things, but the most important thing is to get people to get control of their retirement. As I said, I think that this issue has brought up the point that they cannot just depend on the Federal Government to look after them. I think we have performed a cruel hoax actually on the people of this country by letting them think that their Social Security was going to take care of them in the manner to which they have become accustomed. It is only one part of it, but it should be a secure part of their retirement. As the gentleman from Texas has said, the security part has gone away.

Mr. SHADEGG. I want to thank the gentlewoman for her contribution to this discussion and invite her to stay and discuss it further.

I do want to build on a couple of points she made. First of all, I want to

make it clear that this is not my idea. I am one of the people advancing it. Here in the House, it will be introduced by the gentleman from Florida (Mr. SHAW). I think his name will be the second on the bill. The first name on the bill will be that of the gentleman from Louisiana (Mr. MCCRERY), who is the chairman of the subcommittee on Ways and Means that deals with Social Security, so it will be the gentleman from Louisiana (Mr. MCCRERY) and then the gentleman from Florida (Mr. SHAW) and then the gentleman from Wisconsin (Mr. RYAN) along with the gentleman from Texas (Mr. SAM JOHNSON). Those will be the original cosponsors along with myself here on the House side.

But I think there are literally dozens, maybe even hundreds, I would hope, of Members here on the House side who will be cosponsors of the bill when it is introduced. I have to give credit where credit is due. The original idea, as I mentioned earlier, was brought to the Congress by my former colleague here in the House, now a member of the United States Senate, JIM DEMINT, and there are at least 11 Senators who have already signed on as a coalition to try to build support for this idea on the Senate side as well. I think it is important that we build momentum for that.

When we have these discussions, it is useful for the listening audience to know that they can go other places to learn more. The policy committee which I chair has a Web site with substantial information about this idea of taking the Social Security surplus and dedicating it to individual accounts for individual taxpayers and making it their money forever; but I am certain that at your personal Web site and at my personal Web site, they can gather other information and learn about it.

The thing that occurred to me in that question about how do you oppose this, and our colleague from Texas (Mr. HENSARLING) said, Gosh, I don't even understand why this is even debatable, I would hope that Members listening to this debate, but, hopefully, Americans listening to our discussion tonight, might say to themselves, I would like to learn a little bit more about GROW accounts, I would like to at least ask my Member of Congress whether she or he thinks it is appropriate to take my payroll taxes that I pay in for Social Security and spend those on something other than Social Security, whether it is wheelchairs or jet airplanes; and if they say, no, it is not really appropriate to take the payroll taxes that I pay in for Social Security, FICA, that I get on my little pay stub and use those for something else, to ask their Member of Congress whether she or he will vote to dedicate the Social Security surplus, we have 10 more years of surplus that we know of without any reform at all, we have 10 more years of surplus, do you favor allowing the Congress to continue to steal that money and spend it on other things, agricultural programs, you name it, or will your Member of Congress agree to vote to dedicate the payroll taxes that we raise for Social Security solely to Social Security?

I certainly hope that Americans across the country when they see their Member of Congress this coming weekend or sometime over the August break, I hope they will confront them and ask them that question because I think it is the question we have to answer. Maybe we cannot solve the whole Social Security problem in a single blow. Maybe we cannot do it all at once; but the one thing we can do, and I like the way you say it, we can stop digging the hole deeper by taking the Social Security surplus and spending it on something other than Social Security.

Ms. FOXX. I think that is a very, very fair question. I think you are absolutely right. The challenge is to get a majority of the Members of Congress, in the House and the Senate, to commit to doing this. It is the only fair thing to do. Again, it is such a commonsense issue. The people of this country understand that is their money, they have worked hard for it, they and their employer are putting that money aside and they expect to be able to get that money back, again with some reasonable amount of interest when it comes time for them to retire.

People can find more information on the Internet these days than I ever even wanted to know, but they can get in touch with their Member of Congress, they can find out where he or she stands on the GROW accounts and where he or she stands on the issue of saving Social Security. I would encourage them to do so.

Mr. SHADEGG. I actually am going to spend a little time now trying, hopefully, to bring anybody who maybe joined this discussion late up to speed on this particular idea, and I want to do it first graphically.

In this discussion tonight, we have talked about what is happening with Social Security and the whole notion of Social Security reform; but we have tried to focus on a simple idea that has come forward recently to deal with the several problems that are confronting the Social Security program.

The biggest problem, of course, is that demographics make it unsustainable over time. We have too few people working and paying in benefits for the number of retirees. We have already heard about that tonight. In the long run, we are going to run out of money; but in the short run, we have a surplus and there is an idea that I think will protect America's taxpayers and strengthen our Social Security system that has just surfaced here in Washington within the last 3 or 4 weeks that I think is a brilliantly simple idea, and I want to try to explain it.

It is embodied in a bill called the GROW Act; Growing Real Ownership for Workers Account is the name of the act. It is being introduced here on the House side by several Members of the Ways and Means Committee, led by the gentleman from Louisiana (Mr. MCCRERY) and on the Senate side by Senator JIM DEMINT and 11 of his colleagues.

I just want to explain very simply the concept of the bill. First of all, I have got a blank piece of paper here. I want to just graphically show what is going on with Social Security. The first thing I want to do is put a line on the chart which shows the benefits that we are currently paying out. Those benefits are fairly level. That line just runs across the chart from left to right. You can see benefits just move across that line. That is the amount of money we have to pay out each year to retired Americans.

I want to start with today, and I want to show revenues. To show revenues, I want to show kind of the graphic notion of this temporary surplus. Right now, we are bringing in more money than we are spending in benefits. So the surplus stands out here. But that surplus begins to go down just like that. All of this is money that we are collecting in excess of what we are spending in benefits. So this is the benefit line, I will label it ''benefit,'' and this is the revenue line. You can see because the revenue line is above the benefit, we have more money coming in in Social Security taxes today than we are paying out in benefits.

What that says is that today's retirees and near retirees are secure. We are not going to do anything to touch their benefits. If you are 55 years of age or older in America, you are safe. But let us put a date on this. This is 2005. This year is 2017. What happens is that in 2017 that surplus disappears, and we begin to have a deficit. That will be a line that goes down like this. We have to deal with our ability to pay our benefits during these years by using the trust fund.

But the question is, what do we do with this surplus? I am going to label it ''S'' for the surplus. That is the money we have that comes in in payroll taxes that my constituents have deducted from their paychecks and it says FICA on it and that is the amount of money that is not needed to pay benefits. That is extra money.

What we have been talking about here tonight is that extra money every year since 1983 with only two exceptions has been spent by Congress on something other than Social Security. They may be good things. They may be welfare benefits for those in need. They may be forest fire fighting. It may be spent for missiles or tanks for our war in Iraq, but it is being spent on something other than Social Security. Fundamentally, the American people deserve to have their payroll taxes that are collected to fund Social Security spent on Social Security.

□ 1700

What the GROW Act does, this bill that is being proposed here on the House side and there on the Senate side to deal with at least a part of the Social Security problem, is to say we need to stop spending this surplus, and I am going to label the surplus as showing this block of money right here, that block of money, that we need to stop the practice of spending that Social Security surplus on things other than Social Security.

It is pretty simple when we look at it graphically. Social Security money should be spent to pay for Social Security benefits, and if there is a surplus, we should set it aside to pay the Social Security benefits of those who will retire in years to come.

Let me go through just a simple kind of a Q&A session about what this bill does because it might help people, and then I would urge people to get on the Web site of the Policy Committee or to get on the Web site of the Republican conference here in Washington and look at what this bill does and how it works. But before I do that, let me go through a Q&A, just kind of a basic so people can understand what we are talking about.

First question: What will the GROW Act do? Simply put, it stops the government from spending the Social Security surplus, a person's payroll taxes paid to fund Social Security when they retire, on anything other than Social Security. Again, in almost every year since 1983, Congress has spent this surplus of payroll taxes over payroll benefits on something other than Social Security.

How would we stop doing that, how will Congress stop spending that? The answer is we are going to put it into individual accounts. We will take this surplus. We will divide it by the number of Americans who are paying payroll taxes, and we will put it aside in an account with their name on it. From that instant forward, it is their money. It will be in an individual lock box, and that will change the way the program works rather dramatically. For one thing, as the gentleman from Texas (Mr. HENSARLING) pointed out a few moments ago, people's current Social Security benefits are not guaranteed. If the government changes its mind, if Congress were to change its mind and stop paying those benefits or even reduce, people lose to that degree. Once we start taking this money and put it into a GROW account with their name on it, in my case, my daughter is young enough to enroll in this program. It would only apply to Americans under age 55. She can enroll and her name would be on an account. It would say ''Courtney Shadegg,'' and a portion of the payroll taxes that she is paying in would go into that account in her name. If she were to pass away today, God forbid, she would get nothing and she would have nothing as an asset in her estate to pass on. But the moment we establish these GROW accounts, she would have the money in that account to give to her children if she wanted to.

People say to their themselves how much money in this surplus would that amount? If I am just an average worker in America and you take, Congressman, that surplus and you allocate it in my name, over the 10 years that we have left during which there is clearly a surplus, without any other reform, how much money would it amount to? Well, in typical Washington terms, they give us the gross number, and it is $790 billion. But what does that mean for me, individual? On average it means that every single working American paying Social Security taxes right now would have roughly $5,000 in this account in 2017, just 10 years from now. If we were to start the accounts this year, in roughly 10 years, they would have $5,000 in an account in their name that they could pass on.

Now, what happens to that money if one passes away? The answer is it is their asset. It is just like the car they own today or the savings account they own today or the bank account or the money in their checking account. If they pass away, that money goes, all of it, 100 percent of it, to their spouse or, if they are unmarried or divorced, it goes to their other heirs. It can go to their children or their grandchildren or to their brother or sister or whoever they want to leave it to just like any other asset that they own.

How does it affect current retirees? It does not affect current retirees. Current retirees are secure because we do not need this money to pay their benefits. This is, after all, the surplus after the benefits have been paid.

What is the budget impact of establishing these GROW accounts? I would call it truth in budgeting. What it says is that once we establish a GROW account and stop taking the Security Social surplus and spending that money to fund other operations of the government, we will be able to see the real deficit each year, and that way we will be able to know honestly and straightforwardly how much money we have.

What is the upside of these accounts? Well, there are so many upsides, it is hard to explain. Number one, it is a person's asset. They can keep it. Number two, initially they get to invest it in a treasury fund. For the first 3 years they may buy a treasury bill, and that is all they will be able to do is buy a treasury bill with it. But that treasury bill will be absolutely as secure as the Social Security funds are today, and indeed I will argue it will be more secure because it is theirs forever and the government cannot take it away. But 3 years from now the legislation provides that a board, an independent board, will be able to open up these GROW accounts so that they can invest them in other vehicles. They can invest them in an investment vehicle or an investment opportunity that would make a slightly better rate of return.

They will not be able to invest them wherever they want. They will not be able to invest them in any risky scheme, and they will not be able to pick a private firm to invest them for them. But they will be able to direct how they are invested, whether they leave them in a treasury or whether they put them in one of two or three other investment options. And I want to talk about that in a moment.

But there are two other basic things I want to touch upon. First, what about the issue of solvency? Well, GROW accounts alone will not solve the solvency problem. But they actually do make the solvency of the current system better. They make it better by roughly 2 years if we enact no other reform.

Let me see if I understand this, Congressman. You are telling me that this is a portion of the solution to the Social Security problem, it will set up a GROW account, we will stop spending the surplus on things other than Social Security; so every dime of Social Security taxes collected will go into Social Security and it also helps make the program more solvent over time?

I ask who would oppose that?

Before I conclude, and I do not know quite how much time I have left, but I would like to talk about the whole notion of personal accounts versus private accounts. This is a topic that has been discussed a lot in the press, and I would dare say that many people in the public do not understand the difference between a personal account and a private account, and yet there are dramatic differences. Although they right now is that Republicans call them personal accounts or individual accounts and Democrats call them private accounts. But that is not true. There are dramatic, substantive differences.

Under this proposal the individual accounts that would be established would remain in the hands of the government. They would go to a contract manager, who would manage them for everybody and who would put them only in very, very safe investments. The three most likely investments are: a municipal bond index fund; the second one is a corporate bond index fund; and the third would be a stock index fund.

What do those terms mean? Number one, since this would be a decision made by an entity that was working for the government and it would be made for all of the money in the account, a person as an individual would not have to be particularly shrewd or in any way savvy about the markets to be able to participate because they are not going to pick the individual stock or the individual bond in which the money is invested. Rather, they will be given, like those of us in the Federal Thrift Savings Plan, a choice of probably three different investments or four different investments. They can leave it in a treasury, they can put it in a municipal bond index fund, a corporate bond index fund, or a stock

index fund. And each of those will have slightly greater return.

So people do not need investment knowledge and that is very important because some critics say that one has to be a savvy investor to be able to make this work. That is simply not true.

The other point is that, because the investment decisions are made by an entity contracting with the government, the management fees are extremely low, and because they are managing a huge amount of money, the cost of investing remains extremely low.

The last point I want to make is the restriction and the difference between a personal account and a private account is not just that the government will control the funds that are picked and the manager of those funds, but also people will not be able to invest them in risky investments. Unfortunately, both Chile and England allowed true private accounts where they picked their individual stock market in which to place the money and they picked the broker and the fees were high and the investments were risky. That is not what is being talked about here.

I urge Americans to study the issue of GROW accounts. There is, I think, in reality no downside to these accounts. They enable the Congress to stop spending Social Security on anything other than Social Security, and they let each American have an individual share of the Social Security surplus that is theirs forever and can never be taken from them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BALDWIN (at the request of Ms. PELOSI) for today on account of attending the memorial service for former U.S. Senator Gaylord Nelson.

Mr. POMBO (at the request of Mr. DELAY) for July 11 and 12 on account of personal business.

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. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. CRENSHAW) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, July 20.

Mr. POE, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. MACK, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. RYAN of Wisconsin, for 5 minutes, today.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, July 14, 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:

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2005–0143; FRL–7722–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethyl Maltol; Exemption from the Requirement of a Tolerance [OPP–2005–0153; FRL–7717–1] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2640. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—3-Hexen-1-ol, (3Z); Exemption from the Requirement of a Tolerance [OPP–2005–0028; FRL–7713–2] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Two Isopropylamine Salts of Alkyl C4 and Alkyl C8-10 Ethoxyphosphate esters; Exemption from the Requirement of a Tolerance [OPP–2005–0115; FRL–7712–1] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tertraconazole; Pesticide Tolerances for Emergency Exemptions [OPP–2005–0078; FRL–7714–1] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP–2005–0142; FRL–7720–1] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2644. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance for Emergency Exemptions [OPP–2005–0155; FRL–7720–2] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2645. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Time-Limited Tolerance [OPP–2005–0119; FRL–7718–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations [FRL–7925–9] (RIN: 2060–AJ31) received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2647. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Dumping; De-Designation of Ocean Dredged Material Disposal Sites and Designation of New Sites; Correction [FRL–7930–7] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2648. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [OAR–2003–0121; FRL–7932–2] (RIN: 2060–AN09) received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2649. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of Methyl Ethyl Ketone; Toxic Chemical Release Reporting; Community Right-to-Know [TRI–2005–0027; FRL–7532–5] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2650. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Correction to the California State Implementation Plan, South Coast Air Quality Management District [R09–OAR–2005–CA–0004; FRL–7932–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2651. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Spokane PM10 Nonattainment Area Limited Maintenance Plan and Redesignation Request [Docket #: R10–OAR–2004–WA–0003; FRL–7927–2] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2652. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Minnesota [R05–OAR–2005–MN–0002; FRL–7931–2] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2653. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; State Implementation Plan Correction [SIP NO. CO–001–0072; FRL–7931–7] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2654. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Determination of Attainment by the Applicable Attainment Date for the Carbon Monoxide National Ambient Air Quality Standard within the Las Vegas Valley Nonattainament Area, Clark County, Nevada; Determination Regarding Applicability of Certain Clean Air Act Requirements [NV-FDA–129; FRL–7919–7] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2655. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Alabama: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7920–6] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2656. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona; Redesignation of Phoenix to Attainment for the 1-Hour Ozone Standard [AZ131–0088; FRL–7901–6] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2657. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment for the Ozone and Carbon Monoxide National Ambient Air Quality Standards in Washoe County, Nevada [NV-FOA–126; FRL–7907–3] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2658. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Michigan: Oxides of Nitrogen [R05–OAR–2004–MI–0002; FRL–7904–4] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2659. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [R07–OAR–2005–MO–0004; FRL–7906–7] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2660. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [R07–OAR–2005–IA–0002; FRL–7906–9] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2661. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Redesignation for the 8-Hour Ozone National Ambient Air Quality Standard; for some Counties in the States of Kansas and Missouri [R07–OAR–2005–MO–0002; FRL–7906–5] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2662. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Toxics Release Inventory Reporting Forms Modification Rule [TRI–2004–0001; FRL–7532–6] (RIN: 2025–AA15) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2663. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Nonattainment Major New Source Review Implementation Under 8-Hour Ozone National Ambient Air Quality Standard: Reconsideration [E-Docket ID No. OAR–2003–0079, FRL–7934–9] (RIN: 2060–AJ99) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2664. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j) [OAR–2002–0038, FRL–7935–4] (RIN: 2060–AK52) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2665. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Enforceable Consent Agreement and Testing Consent Order for Two Formulated Composites of Fluorotelomer-based Polymer Chemicals; Export Notification [OPPT–2004–0001; FRL–7710–4] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2666. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Enforceable Consent Agreement and Testing Consent Order for Four Formulated Composites of Fluoroploymer Chemicals; Export Notification [OPPT–2003–0071; FRL–7710–5] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2667. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Pima County Department of Environmental Quality; State of Nevada; Nevada Division of Environmental Protection [AZ-NESHAPS–131a; FRL–7935–2] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2668. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Idaho [Docket #ID–03–003; FRL–7936–1] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2669. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington; Correcting Amendments [R10–OAR–2005–WA–0006; FRL–7936–3] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2670. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7927–1] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2671. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing [OAR–2003–0193; FRL–7925–8] (RIN: 2060–AL91) received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2672. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Iowa and Kansas for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP); and Maximum Achieveable Control Technology (MACT) Standards [FRL–7927–4] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2673. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designation Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration; Correction [R06–OAR–2005–NM–0003; FRL–7928–4] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2674. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Ohio; Revised Oxides of Nitrogen (NO_X) Regulation and Revised NO__ Trading Rule [R05–OAR–2004–OH–0003; FRL–7923–2] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2675. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Washington: Spokane Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes [Docket ID No. R10–OAR–2005–WA–0001; FRL–7929–7] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2676. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control VOC Emissions From Aerospace, Mobile Equipment, and Wood Furniture Surface Coating Applications for Allegheny County [R03–OAR–2005–PA–0014; FRL–7927–5] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2677. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards in the Hampton Roads VOC Emissions Control Area [R03–OAR–2005–VA–0008; FRL–7925–6] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2678. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Implementation of the 8–Hour Ozone National Ambient Air Quality Standard—Phase 1: Reconsideration [OAR 2003–0079, FRL–7918–6] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2679. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; VOC Regulations [R01–OAR–2004–ME–0005; A–1–FRL–7913–3] received May 25, 2005, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2680. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Maricopa County [AZ–140–128; FRL–7912–3] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2681. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Smaller-Scale Electric Generating Resources [R01–OAR–2005–ME–0002; A–1–FRL–7915–1] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Celebrate the Fourth/Salem Fireworks—Salem, Massachusetts [CGD01–05–052] (RIN: 1625–AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Rochester Harbor Boat Parade, Rochester, NY [CGD09–05–019] (RIN: 1625–AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Boston Fouth of July Fireworks—Charles River, Boston, MA [CGD1–05–036] (RIN: 1625–AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety; Correcting Amendment [Docket No. FAA–1999–5401; Amendment Nos. 121–310 and 129–41] (RIN: 2120–AE42) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2686. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Disposal; Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, Connecticut. [FRL–7919–9] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2687. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2005 Appropriations Act—received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 624. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (Rept. 109–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1359. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; with an amendment (Rept. 109–167). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on Internal Relations. H.R. 2601. A bill to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes; with an amendment (Rept. 109–168). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BLACKBURN:

H.R. 3262. A bill to modify the civil money penalties incurred for unlawful employment of aliens; to the Committee on the Judiciary.

By Mr. WAMP (for himself, Mr. HALL, Mr. UDALL of Colorado, Mr. MARKEY, Mr. ALLEN, Mr. GONZALEZ, Mr. GORDON, Mr. CASTLE, Mr. EHLERS, Mr. BOEHLERT, and Mr. GILCHREST):

H.R. 3263. A bill to reduce the growth of energy use in the United States, to limit the impact of growing energy use on the economy, environment, and national security of the United States through reductions in energy demand, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Ms. CORRINE BROWN of Florida):

H.R. 3264. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself and Mr. VAN HOLLEN):

H.R. 3265. A bill to amend the Higher Education Act of 1965 to provide an interest-free deferment of student loan repayment for Federal student loan borrowers during active military service; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3266. A bill to condition the receipt of Federal housing funds by a State or political subdivision of a State, or any agency or office thereof, on the preparation of an economic housing impact analysis regarding any new rule proposed by the State, political subdivision, agency, or office that has a significant adverse economic impact on housing construction costs or housing affordability of $50,000,000 or more, and for other other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. PASTOR, Mr. FILNER, Ms. LEE, Mr. OWENS, Mr. SCHIFF, Mr. DINGELL, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. CAPUANO, Mr. ENGEL, Ms. WOOLSEY, Mr. EMANUEL, Mr. WAXMAN, Mr. SABO, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CASE, Mr. SHERMAN, Mr. GUTIERREZ, Ms. CARSON, Mr. STARK, Mr. ALLEN, Mr. MCGOVERN, Mr. MEEK of Florida, Mrs. JONES of Ohio, Ms. MATSUI, Mrs. MALONEY, Ms. BALDWIN, Ms. SLAUGHTER, Mr. LANGEVIN, Ms. NORTON, Ms. BERKLEY, Mr. HOLT, Mr. MEEHAN, Mr. WEINER, Mr. HINCHEY, Ms. WATSON, Mr. SANDERS, Mr. RANGEL, Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. ROTHMAN, Mr. LARSON of Connecticut, Mr. CLAY, Mr. INSLEE, Mr. FARR, Mr. MARKEY, and Ms. HARMAN):

H.R. 3267. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. AKIN, Mr. PITTS, Ms. HART, Ms. FOXX, Mr. SHADEGG, Mr. GRAVES, and Mr. MACK):

H.R. 3268. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 3269. A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements; to the Committee on International Relations.

By Ms. NORTON (for herself, Mr. MENENDEZ, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. SPRATT, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. DICKS, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, and Ms. ZOE LOFGREN of California):

H.R. 3270. A bill to improve the security of public transportation and rail systems in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. MYRICK, and Mr. CONAWAY):

H.R. 3271. A bill to improve the enforcement of international trade agreements; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan:

H.R. 3272. A bill to provide for a demonstration project under which a basic housing allowance will be afforded to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. GERLACH):

H.R. 3273. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for flexible fuel vehicles; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mr. GERLACH):

H.R. 3274. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified clean-fuel vehicle refueling property and to amend the Clean Air Act to make ethanol fuels more available to motorists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself and Mr. UDALL of Colorado):

H.R. 3275. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

By Mr. ISTOOK (for himself, Mr. TAYLOR of Mississippi, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BEAUPREZ, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASE, Mr. CHABOT, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EDWARDS, Mr. EHLERS, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FORD, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Ms. HARRIS, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. JENKINS, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KUHL of New York, Mr. LAHOOD, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCINTYRE, Mr. MCKEON, Miss MCMORRIS, Mr. MICA, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PENCE, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. REICHERT, Mr. ROSS, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SIMPSON, Mr. STEARNS, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WELDON of Florida, Mr. WELLER, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H.J. Res. 58. A joint resolution proposing a balanced budget amendment the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. SENSENBRENNER, Ms. PELOSI, Mr. NADLER, Mr. MEEHAN, Ms. BALDWIN, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. HALL, Mr. PALLONE, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. SANDERS, Mr. COOPER, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GENE GREEN of Texas, Mr. THOMPSON of Mississippi, Mrs. MALONEY, Mr. JACKSON of Illinois, Mr. DOGGETT, Ms. CARSON, Mr. DAVIS of Illinois, Ms. LEE, Mr. SHIMKUS, Ms. BERKLEY, Mr. CROWLEY, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. HOLT, Mr. SMITH of Washington, Mr. HONDA, Ms. WATSON, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, Mr. GRIJALVA, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. FITZPATRICK of Pennsylvania, Mr. CLEAVER, Ms. HERSETH, and Ms. MATSUI):

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

By Mr. BUYER (for himself and Mr. EVANS):

H. Res. 361. A resolution recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. MOORE of Kansas.
H.R. 13: Mr. SIMPSON.
H.R. 23: Ms. SCHWARTZ of Pennsylvania, Mr. RYAN of Ohio, Mr. CUELLAR, Mr. BONNER, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. BURTON of Indiana, Mr. SHERMAN, and Mr. AL GREEN of Texas.
H.R. 223: Mr. TERRY.
H.R. 314: Mr. SIMPSON.
H.R. 408: Mr. DANIEL E. LUNGREN of California.
H.R. 475: Ms. SCHWARTZ of Pennsylvania.
H.R. 550: Mr. LEVIN and Ms. VELÁZQUEZ.
H.R. 551: Ms. MILLENDER-MCDONALD and Mr. FRANK of Massachusetts.
H.R. 586: Mr. PAUL.
H.R. 595: Mr. FATTAH.
H.R. 633: Mr. BOUCHER.
H.R. 818: Mrs. MALONEY.
H.R. 896: Mr. SCHIFF.
H.R. 917: Mr. GRIJALVA and Mr. ROHRABACHER.
H.R. 1039: Mrs. EMERSON and Mr. HERGER.
H.R. 1081: Mr. VISCLOSKY.
H.R. 1188: Mr. UDALL of Colorado, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. GRIJALVA.
H.R. 1202: Mr. KIND and Mr. CONYERS.
H.R. 1214: Ms. ROYBAL-ALLARD and Ms. SCHAKOWSKY.
H.R. 1245: Mr. CROWLEY.
H.R. 1246: Mr. JENKINS, Mr. FORD, and Mr. SKELTON.
H.R. 1287: Mrs. BIGGERT.
H.R. 1288: Mr. SHERWOOD, Mr. ROGERS of Michigan, and Mrs. CAPITO.
H.R. 1298: Mr. BOREN.
H.R. 1366: Mr. MARSHALL.
H.R. 1480: Mr. TIERNEY.
H.R. 1502: Mr. WEINER, Mr. GUTIERREZ, and Mr. STARK.
H.R. 1554: Mr. MICHAUD.
H.R. 1600: Mr. DOYLE.
H.R. 1667: Mr. ABERCROMBIE and Mr. CONYERS.
H.R. 2103: Ms. WOOLSEY, Ms. MCKINNEY, and Mr. MCCAUL of Texas.
H.R. 2121: Ms. HART and Mrs. MCCARTHY.
H.R. 2207: Mr. WEXLER, Mr. FILNER, and Mr. PAYNE.
H.R. 2338: Mr. REHBERG.
H.R. 2355: Mr. SIMMONS.
H.R. 2365: Mr. OWENS, Mrs. CAPPS, Mr. KILDEE, and Mr. MCCOTTER.
H.R. 2429: Mr. CLEAVER.
H.R. 2533: Mr. LAHOOD.
H.R. 2658: Mr. NEY.
H.R. 2716: Ms. JACKSON-LEE of Texas, Mr. SANDERS, Mr. OWENS, Mr. BRADY of Pennsylvania, and Mr. CHANDLER.
H.R. 2747: Mrs. CHRISTENSEN and Mr. GRIJALVA.
H.R. 2794: Mr. WYNN.
H.R. 2865: Mr. OWENS.
H.R. 2868: Mr. RADANOVICH.
H.R. 2942: Mr. BOSWELL.
H.R. 2952: Mr. WALDEN of Oregon, Mr. FARR, Mr. HUNTER, Mrs. TAUSCHER, and Mr. CULBERSON.
H.R. 2989: Mrs. CUBIN and Ms. ESHOO.
H.R. 3009: Mr. OWENS, Mr. KILDEE, and Mr. MCCOTTER.
H.R. 3087: Mr. SESSIONS.
H.R. 3137: Mr. SESSIONS, Mr. TANCREDO, Mr. PLATTS, Mrs. JO ANN DAVIS of Virginia, Ms. GINNY BROWN-WAITE of Florida, and Mr. BRADLEY of New Hampshire.
H.R. 3147: Mr. CASE.
H.R. 3200: Mr. UDALL of New Mexico.
H.J. Res. 55: Mr. TIERNEY, Mr. MARKEY, and Mr. GRIJALVA.
H. Con. Res. 138: Mr. BISHOP of Georgia and Mr. CONYERS.
H. Con. Res. 140: Mr. KLINE.
H. Con. Res. 174: Mr. STRICKLAND.
H. Con. Res. 178: Mr. MCDERMOTT, Mr. MARKEY, and Ms. KAPTUR.
H. Res. 220: Mr. NUSSLE, Mr. POMEROY, Mrs. MYRICK, Mr. JINDAL, Mr. ISTOOK, Mr. ROTHMAN, Mr. INGLIS of South Carolina, Mr. BROWN of South Carolina, and Mr. JEFFERSON.
H. Res. 276: Mr. DAVIS of Florida, Mr. WAXMAN, and Mr. DENT.
H. Res. 313: Mr. EVANS and Mr. ROHRABACHER.
H. Res. 360: Mr. BRADY of Pennsylvania and Mr. CASE.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, JULY 13, 2005 No. 94

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God, thank You for the opportunity to share Your love and compassion with others. Guide us to those who need words of encouragement, and make us Your voice of hope in our world. Use us to bless others, and empower us with Your goodness and mercy.

Strengthen our Senators for today's work. Give them wise speech that will bring life and engender trust. Direct their steps on the roads they travel, and bring them safely to their desired destination. As they make decisions with potentially cataclysmic consequences, Lord, help them to count the cost.

Bless the many people who work with our leaders. Remind them often that their labors are not in vain.

Search our spirits and purify our motives. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will return to the pending business of the Homeland Security appropriations bill. We have six amendments that were called up yesterday and are currently pending. The two managers have been working on the sequencing of amendments. Therefore, we should have an additional lineup of amendments that are expected during today's session.

As we stated at closing last night, we have two Senate delegations today, one attending the funeral of former Senator Gaylord Nelson and another delegation in Florida. It is lining up in such a way that we will have very productive debate over the course of the day, but we will be voting later this evening. I do not know exactly what time that will be. We will have the exact timing of these votes announced later today as we look at the appropriate schedules. I doubt that there will be voting before 7:45 or so tonight. We will be voting tonight.

I have said on many occasions that we will be finishing homeland security legislation before we leave this week. I believe we have a good shot at completing that bill tomorrow night. I don't know what time that will be. We will go to another bill on Friday. That bill will be determined over the course of today.

The funding legislation we are currently addressing in the Senate is too important to not complete this week. We will be using debate time throughout the course of the day. We will have the votes this evening. We will have a very busy session tomorrow.

I also wish to take the opportunity to remind my colleagues we will have an all-Senate briefing this afternoon, for those who are interested, from 3 to 4 o'clock by Director Negroponte. I believe Secretary Chertoff will also be coming by as well.

SUPREME COURT CONFIRMATION

Mr. FRIST. Mr. President, I have some brief remarks about confirmation of a new Supreme Court Justice.

As we all have witnessed, the process is off to a great start. Consultation is well underway between the President of the United States and the Senate. It is ongoing. The President and his staff are reaching out to Senators from both parties to listen to their suggestions, both in person and through phone calls. To date, the administration, the President and his staff, have contacted directly more than 60 Senators, more than two-thirds of the Democratic caucus, every member of the Judiciary Committee. The President's approach has been bipartisan and open and unprecedented in scope. I commend him for that effort.

As we look ahead, I encourage each Senator to reflect upon the nominee we will consider and the confirmation process we will undertake. As Senators, confirming a nominee to the Supreme Court is one of our highest constitutional duties. The new Justice, whomever the President chooses, will influence American law for years and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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years to come. He or she will impact the lives of millions of Americans.

As Senators, we should ask ourselves, What kind of Justice does America expect on the Supreme Court? I am confident President Bush will choose a qualified nominee who will make America proud, someone of demonstrated character and integrity, someone who is fair, intelligent, open-minded, and impartial; he or she will listen to the merits of every case and make a determination based on the facts, the law, and the Constitution, not driven to prejudge cases, predetermine outcomes, or advance a personal political agenda; the nominee will treat litigants and their attorneys fairly and with dignity and respect; and above all, this person will uphold the Constitution and be fully committed to equal justice under the law.

I am confident of all these things because every day I have seen the care, seriousness, and the thoughtfulness President Bush brings to this task.

In addition to considering the type of nominee America expects, I also encourage my colleagues to ask themselves, What kind of Supreme Court nomination process does America expect from the Senate? The American people, through their votes, have put their trust in us. They have entrusted us to govern as their elected representatives. History will reflect on the Senate's deliberations, how Senators conduct themselves, how we treat a nominee, and how we reach a decision.

We owe it to the American people to conduct a fair process that treats nominees with dignity and respect. It should include a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on the confirmation. This process should not become a trial. It is a process by which we examine the character and credentials of someone willing to volunteer to serve America on its highest court.

In the past, the judicial nominations process has been marked by obstruction, many times partisan obstruction, and attacks on the character and integrity of nominees. I hope we have put this painful and humiliating process behind us. Given the monumental role this nominee will play sitting on America's highest court, we need the best of the best legal minds. This requires a process that will not deter the best of the best from serving. The fair and dignified nomination process requires civility, requires common sense and some self-restraint.

As we consider the nominee who will soon come before the Senate, I encourage my colleagues to focus on questions that are relevant to the nominee's qualifications and experience, questions such as: Will the nominee be fair, independent, and unbiased? Will the nominee consider each case before the Court with an open mind, examining the facts, the law, and the Constitution very carefully? Will the nominee place the Constitution and the law above personal political ideology? Will the nominee approach his or her role as a Justice as an interpreter of the law and the Constitution and not as a lawmaker who will legislate from the bench? Is the nominee qualified to serve on our highest court? Does he or she have the necessary experience to serve as a Supreme Court Justice?

These are the questions nominees should be asked to answer honestly and thoroughly. They should not be asked to prejudge cases or to speculate on how they would rule or not rule on a hypothetical scenario that may or may not come before the Court.

I look forward to working with our colleagues on both sides of the aisle in the coming weeks. We should work together to conduct the kind of confirmation process America expects from its elected representatives, a fair and thorough confirmation process that treats nominees with dignity and respect and confirms a new Justice before the Supreme Court starts its new term on October 3. I am confident the President will nominate someone who will make America proud, someone who will be worthy of this seat he or she will fill. This is what the American people expect, what our justice system needs, and what our Nation and the nominee deserves.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

SUPREME COURT NOMINATION PROCESS

Mr. REID. Mr. President, regarding the statement of my distinguished friend, my counterpart, the Republican leader, 90 percent of what he said is right on target. It is absolutely true that we need a process. That is why Senators HATCH and SPECTER have been working on this for several weeks prior to the resignation of Sandra Day O'Connor. The process is moving along very well.

I acknowledge that the meetings I have had with the President on this matter have been very productive. They have been good and are pointed in the right direction.

However, on a couple of things I disagree with my distinguished friend, the senior Senator from Tennessee; that is, we need to be very careful and put these problems we have had behind us, dealing with the so-called nuclear option. It is easy to throw words around like ''obstructionism,'' but the fact is the vast majority of the President's nominees were approved easily. I don't know the exact numbers, but I believe 210 out of 219 were approved, and a number of them withdrew. The battles over 5 turned out to be 5 out of 219. We do not need words like that. We need to look at this in a positive sense.

There are times, as has been indicated in the recent debate that occurred in the Senate, where certain nominees have to be viewed very cautiously and carefully. For example, the person the President has chosen to go to the United Nations has caused close scrutiny of this individual.

The other two people the President sent to the United Nations as our Ambassador are people who the minority proudly voted for. Ambassador Negroponte went through here very quickly. And then, of course, Jack Danforth, the former Senator from Missouri, whipped through here and was our United Nations Ambassador. John Bolton is a different story. We had to take a look at him. That is not obstructionism. We asked for certain information. It was not forthcoming.

So as I said, I agree with my friend from Tennessee that this is a process that needs to have the view of the American public, and they need to be proud of the work we do. I think we are headed in the right direction. I am cautiously optimistic we can move through this. I have given President Bush the benefit of every doubt that he is doing this with his heart in the right place. I have told him personally and in writing how much I appreciate his reaching out to me. And I continually will be optimistic until there is no need to do so.

It would be so good for the country if they could see the Senate at its best, moving a nomination that is a consensus candidate; that is, someone Democrats and Republicans both support to this very high, honorable position, a member of the U.S. Supreme Court.

I look forward to my continued consultation with the administration. I had a conversation yesterday with one of the President's representatives, his legal counsel. I am going to continue to do whatever I can to make this process move as quickly as possible, and not only as quickly as possible but as dignified as possible. And having done this, it would be a strong message for us to send to the people of America.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Byrd amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974.

Akaka amendment No. 1112, to increase funding for State and local grant programs.

Akaka amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004.

Durbin (for Boxer) amendment No. 1216, to provide for the strengthening of security at nuclear power plants.

Durbin (for Stabenow) amendment No. 1217, to provide funding for interoperable communications equipment grants.

Mr. GREGG. Mr. President, what is the regular order under the bill? What is the pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 1217 offered on behalf of Senator STABENOW.

Mr. GREGG. Thank you. Today, Mr. President, we are going to try to continue to move forward on the Homeland Security appropriations bill. I hope Members, if they have amendments, will bring them to the floor so we can expedite this bill. I understand there are a number of Members who do intend to come to the floor, and we will look forward to entertaining their ideas.

AMENDMENT NO. 1124

Initially, Mr. President, let me send to the desk an amendment on behalf of Senator ENSIGN. I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I ask that the amendment be reported.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] for Mr. ENSIGN, proposes an amendment numbered 1124.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures)

On page 77, line 20, insert ''of which $367,552,000 shall be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and'' after ''local grants,''.

Mr. GREGG. Mr. President, I have sent the amendment to the desk on behalf of Senator ENSIGN. I do not necessarily support this amendment as the chairman of the subcommittee, but as a courtesy to the Senator, I wanted to send it up to get him in the queue. We look forward to having other Senators bring amendments forward, and we will try to assist them in getting time and votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. 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. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1207, 1209, AND 1210, EN BLOC

Mr. SALAZAR. Mr. President, I send to the desk three amendments en bloc, Nos. 1207, 1209, and 1210.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes amendments numbered 1207, 1209, and 1210, en bloc.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1207

(Purpose: To provide for a report on the effectiveness of programs concerning State and local government emergency officials, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. (a) Not later than September 30, 2006, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives that includes—

(1) the results of the survey under subsection (c); and

(2) a plan to implement changes to address problems identified in the survey.

(b) Not later than June 30, 2006, the Secretary of Homeland Security shall submit an interim report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives on the specific design of the survey under subsection (c).

(c) In preparing the report under subsection (a), the Secretary of Homeland Security shall conduct a survey of State and local government emergency officials that—

(1) involve enough respondents to get an adequate, representational response from police, fire, medical, and emergency planners on the regional, State, county, and municipal levels, and other State and local homeland security officials as determined by the Secretary; and

(2) identifies problems relating to the effectiveness and user-friendliness of programs in which the Department of Homeland Security interacts with State and local officials, including grant management, intelligence sharing, training, incident management, regional coordination, critical infrastructure prioritization, and long-term homeland security planning.

AMENDMENT NO. 1209

(Purpose: To require a quadrennial review by the Department of Homeland Security)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct every 4 years, during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the next 20 years. Each review under this paragraph shall be known as the ''quadrennial homeland defense review''.

(2) CONSULTATION.—Each quadrennial homeland defense review under paragraph (1) shall be conducted in consultation with the Attorney General of the United States and the Secretaries of State, Defense, Health and Human Services, and the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with that national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk, and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security, and

(E) any other matter the Secretary of Homeland Security considers appropriate.

AMENDMENT NO. 1210

(Purpose: To express the sense of the Senate regarding rail tunnel security research)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations have been identified as particularly high risk terrorist targets because of the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 898 miles of rail tunnels in transit systems across the country;

(4)(A) security experts have identified a number of technology and training needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks;

(B) technological needs include detection systems, dispersal control, and decontamination techniques; and

(C) training for emergency response to a variety of scenarios is also needed; and

(5) the Department of Transportations Transportation Technology Center in Pueblo, Colorado—

(A) is one of the Nation's largest and most advanced rail safety research centers in the Nation; and

(B) offers full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies as well as training classes to prepare first responders and test new safety technologies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Homeland Security is urged to invest in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies; and

(2) employing existing Federal facilities in this effort can result in efficiencies and permit this important research to proceed at decreased cost to the taxpayer and with minimal interference with ongoing passenger and freight rail traffic.

Mr. SALAZAR. Mr. President, I rise today to address an issue that is perhaps the most important challenge of our National Government, and that is protecting the security of our people in this Nation, securing our borders, and making sure we have a homeland security that addresses the concerns of the post-9/11 world in which we live.

For 6 years, I had the honor of serving with 14,000 men and women who are peace officers in the State of Colorado. I worked with them to ensure that we had public safety on our streets and to help in the development of the best strategies we could develop in creating a homeland security that addressed the war on terror and the threats from terrorism within the State of Colorado.

The legislation we are currently considering is legislation that is specifically intended to address that issue on a national level. While there can be no doubt we have spent billions of dollars on the issue of homeland security since 9/11, the recent events in London remind us all that we can never be too far from having this issue at the forefront of our radar screens.

It is with that approach that I would like to speak about these amendments, as well as the amendment I cosponsored with Senators LIEBERMAN and COLLINS yesterday.

I commend Senator COLLINS and Senator LIEBERMAN on their efforts to dramatically improve our Nation's homeland security grant process. I also would like to discuss my three simple and straightforward amendments to the Homeland Security appropriations bill.

Before I arrived in the Senate, I was Colorado's attorney general. I worked hard to establish greater coordination between law enforcement agencies at the local, regional, and State level. This is a complicated task because often what happens with law enforcement agencies is they work within the stovepipes of their own jurisdictions. So bringing law enforcement agencies together to make sure they are coordinating and providing the greatest degree of public safety has been one of the monumental challenges of the last several years.

Unfortunately, at a national level, there is often very little consultation with local officials. Too often, lawmakers in Washington develop Federal policy without taking advantage of the expertise of the people who are on the ground. Too many local emergency officials in my State feel that the Department of Homeland Security policies are dictated to them from above.

One of the first things I did when I came to Washington was to survey Colorado's emergency response officials to ask them what they thought about a variety of issues. Those responses were alarming. Those chiefs of police and sheriffs told me that 66 percent of Colorado's first responders faced significant problems using radio equipment to communicate with other agencies. Fifty-nine percent said that Federal grants are not going to the right priorities. Fifty-nine percent said that the Federal grants were not going to the right priorities. And by a 4-to-1 margin, Colorado officials feel unprepared to handle a weapon of mass destruction. That is 4 to 1 of people on the ground in my State feel they are unprepared to handle a weapon-of-mass-destruction attack within my State.

By a 3-to-1 margin, responders feel that antiterrorism information they receive from the Federal Government is insufficient or not actionable. That is a 3-to-1 margin. So my survey at the bottom line says that we must do better in preparing our homeland to be more secure.

Senator COLLINS and Senator LIEBERMAN have sponsored, and we in this Senate last night adopted, a thoughtful and comprehensive piece of legislation that will make Americans safer. It will significantly increase the amount of Federal money targeted to high-risk States and cities while assuring that first responders in all States receive the necessary equipment and training to prevent and to be prepared for potential terrorist acts. That is an important balance.

We obviously have to focus money where there has historically been a greater threat. New York and Washington in the past have been targets, and there are other areas of the Nation that have been impacted. Likewise, in California, an attack on the ports of Los Angeles could cost the Nation's economy billions of dollars. We clearly need to step up security efforts in America's largest cities and in the port cities of our Nation.

However, in the past, we also have seen that the terrorists are constantly looking for targets of opportunity no matter where they lie. Whether it was the bombing of the USS *Cole* in Yemen or the Oklahoma City bombing or the hostage takeover in the Russian schoolhouse in Beslan or the bombing of hotels in Bali, the terrorists struck, and they will strike where they can. We cannot, therefore, make any assumptions about where the enemy will strike. If we can make New York a fortress, the terrorists may hit Philadelphia or Seattle or Denver or any of the rural communities which span the countryside of America. Our national security is only as strong as our weakest link.

This amendment, which I was proud to cosponsor, succeeds in maintaining that critical balance between assuring that our Nation's top cities are protected and that the entire Nation has the resources and infrastructure to keep us safe.

The amendment also takes huge steps toward reducing waste in Federal homeland security spending and giving State and local officials guidance and resources needed to improve long-term planning and grant administration. Its focus on essential capabilities and coordination of homeland security grants across the Federal agencies will help make sure we get the most bang for our homeland security bucks.

I was proud to work with Senator COLLINS and Senator LIEBERMAN to improve their already good amendment. My proposals included in this amendment would ensure that State and local officials have a seat at the table when Federal officials review the Homeland Security Grant Program. We task the Department of Homeland Security to

make grant applications as user-friendly as possible, especially for the smaller police and fire departments of our Nation. My changes would also stiffen requirements on States that they do proper long-term planning and administration.

Together these changes will make it much easier for State and local officials to work with the Department of Homeland Security. They should ease the burdens on local first responders and help make America safer.

My amendments to the underlying appropriations bill build on the spirit of Collins-Lieberman and on the knowledge I have gained from Colorado's first responders.

My first amendment would improve the Department of Homeland Security's long-term planning. Every 4 years, the Department of Defense conducts a Quadrennial Defense Review. This invaluable document paints a detailed picture of the threats our country faces and a comprehensive plan for how to confront those threats in the future. My amendment would simply require the Department of Homeland Security to do the same.

The Homeland Security Secretary would work with the Director of National Intelligence to identify the greatest threats to our homeland security. The Secretary also would consult with the Department of Defense and other Federal agencies on how best to work together.

This is not just another reporting requirement. It is a move toward rational, strategic, long-term planning that will empower the Department of Homeland Security and Congress to make better decisions to protect the American people.

My second amendment would build on the knowledge I gained from the recent survey in Colorado. It would require the Department of Homeland Security to conduct a nationwide survey of police, fire, medical, and emergency management officials about the problems they are experiencing with Federal grants, intelligence sharing, infrastructure protection, and regional coordination. The Department of Homeland Security would have to report the results to Congress and come up with a plan on how to address the problems the locals have identified. This survey would help ensure that our significant investments in homeland security are going to the right priorities and that local officials are getting better direction to guide their efforts.

This sounds like a simple task, and it is, but I promise you that when we get this survey back, we will all learn something new that will help us improve America's security.

My last amendment is a sense of the Senate in support of research on tunnel rail safety. We have known for some time that subway and rail tunnels are particularly tempting terrorist targets. For the cost of a subway fare, a would-be bomber has access to thousands of people crammed into a very small space. A relatively small amount of explosives can cause many deaths and bring an entire city to a halt, as we have recently seen in London. That carnage in London last week showed that a handful of terrorists can strike subway tunnels and cause grave havoc for a city. Our prayers go out to the more than 50 people who perished during that cowardly attack. America has known the terrible pain of terrorism, and last week, Americans were all Londoners.

In America, there are more than 898 miles of rail tunnels and transit systems across the country. Many of our rail tunnels have structural deficiencies, ventilation problems, lack of communications equipment, and insufficient emergency access and exits. Detection systems, dispersal control, and decontamination techniques can greatly mitigate the effects of an attack, as can adequate training for emergency responders.

The Department of Transportation has long recognized the need to improve rail safety and has invested millions of dollars in researching new technologies and training first responders. The Department of Transportation's Transportation Technology Center in Pueblo, CO, is one of the largest and most advanced safety centers in the world. The Transportation Technology Center offers full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies, as well as training classes to prepare first responders and test new safety technologies. The center features 48 miles of test track and a variety of freight, passenger, and hazardous material cars, as well as other test vehicles. What the center does not yet have is the capability to simulate rail tunnel accidents. That is why the Transportation Technology Center's backers are now hoping to build a facility for underground rail security testing. This proposed complex of 1.5 miles of aboveground tunnels would simulate every major rail tunnel system in the country.

My amendment would not single out this or any particular facility. It simply encourages investment in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies. It would put the Senate on record for taking a small step forward in protecting the millions of Americans who depend on subways and passenger trains all across the country.

I urge my colleagues to support these three amendments, and I urge my colleagues to move forward in working on what is our most important agenda, and that is making sure we are doing everything we can to protect America's homeland from the kinds of attacks we saw on 9/11 or the attacks we saw last week in London.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I congratulate my friend and colleague from Colorado for his excellent statement and his leadership on this issue and so many other issues. Since coming to the Senate 6 months ago, the Senator from Colorado has demonstrated his compassion, intelligence, and ability to speak to the issues that people in this country desperately care about and desperately need. I congratulate him, once again, on having amendments that are very important for the families of our country.

AMENDMENT NO. 1217

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendments be set aside and call up my amendment No. 1217.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is pending.

Ms. STABENOW. Mr. President, I ask further unanimous consent that Senators LEVIN, CORZINE, AKAKA, DODD, and LAUTENBERG be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, one of the most important appropriations bills is before us now, and that is our Homeland Security bill. Certainly we are reminded again, because of what happened in London last week, that we on our soil are vulnerable and are looking to stop terrorists overseas.

Our goal, certainly the goal of our caucus, our goal as Democrats, has been to make sure Americans are prepared and protected both at home and abroad. That is what this bill is really all about. It is not a partisan issue. This is an American issue. All of us I know care about this issue, and we need to make sure this budget reflects the goals of making sure that our first responders are prepared, that all Americans are prepared, and that we are protected from terrorism in America. My amendment addresses a very important piece of that. We have come together in a bipartisan way to make sure that soldiers in America and Afghanistan have the most sophisticated technology so that they can be prepared to protect themselves and fight successfully abroad. Unfortunately, the same is not true at home for our police officers, our firefighters, and our emergency responders. Too many of them rely on outdated technology and equipment that is not integrated with our State departments, our transportation departments and our homeland security departments.

Even if we are defeating terrorists in Iraq, we are not providing the resources and the equipment at home to make sure that we are fully prepared to fight, succeed and, most importantly, protect our families and communities at home.

Too many of our police officers, our firefighters, our emergency medical services personnel and transportation officials are not able to communicate with each other. They have the basics.

That is what my amendment speaks to, the ability to make sure that every part of our emergency preparedness system has the ability to communicate with each other. Interoperability is the term often used.

Right now, they are not able to communicate with each other. How much more basic can we get than creating a way for everyone to be able to talk to each other, to literally be on the same wavelength as well as figuratively. Too many first responders, whom I have spoken to as I have moved around Michigan in the last 4 years, have said to me that their communications, alerts going up or down, often come from CNN. The communications are received from CNN before they actually receive them directly to their departments. This does not make any sense.

A June 2004 survey by the U.S. Conference of Mayors found that 80 percent of the cities that responded do not have communications equipment and the ability to communicate with the Department of Homeland Security or the Justice Department. My guess is that the people we represent in our States assume something very different, as they should. After September 11, 2001, everyone assumes that these things have been addressed, and yet they have not been addressed.

The survey also found that 94 percent of cities do not have interoperable capability between their rail facilities, their police, their fire, and their emergency responders. This is especially troubling, given what just happened and the tragic attacks on London's subway system last week.

Their survey also said almost half of the cities said that a lack of interoperable communications had made a response to an incident within the last year very difficult. Sixty percent of the cities said they do not have the communications capability within the State emergency operations center. I have spoken with police and fire chiefs across my State, and overwhelmingly they have expressed concern about this issue, as well as the fact that they actually have fewer police and firefighters in their departments now than they did before 9/11.

I believe we find ourselves in a very vulnerable situation for a number of reasons as it relates to homeland security, but a basic area that needs improvement, in terms of infrastructure, is our ability to have our communications systems connected so that our emergency responders can talk to each other and can respond quickly, both before something happens and during an emergency, and do it effectively.

This is a crisis now, not just a nagging inconvenience. Our lack of interoperable communications is a crisis in this country.

The September 11 attacks highlighted this crisis when New York police and fire personnel were on different radio systems and could not communicate. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon that they could not talk to each other.

On more than one occasion now, we have had circumstances where we have been on the Senate floor, and there has come an alert to evacuate this very Chamber. We have been asked to move out away from the Capital complex over to Union Station or to other places around the city. We assume that folks are able to talk to each other, are able to communicate what is going on. Yet, unfortunately, the communication systems that need to be in place are not in place for full interoperable communications.

Nearly 4 years after September 11, 2001, the No. 1 request for appropriations that I receive each year from communities is on communication systems. This year, Michigan communities made over 41 requests. They requested over $75 million for interoperable communications in this bill and in the CJS appropriations bill alone. My guess is, if I went to every community, they would gladly have a request for help to be able to be connected. We can do something about it, and that is what this amendment does.

Most estimates place the cost of equipping America's first responders with interoperable communications in excess of $15 billion. In November 2003, the Congressional Budget Office testified before Congress that there is insufficient funding in place to solve our Nation's communications problems, and it would cost over $15 billion to begin to fix the problem.

So my amendment begins that process by suggesting a 3-year funding stream. My amendment would provide the first year funding for that, $5 billion for interoperable communications grants for America's first responders to provide a strong Federal commitment to the safety of our citizens. I might add, while that is a substantial sum of dollars, that is approximately what we are investing in Iraq each month. So my amendment would ask that we commit 1 month for America; 1 month for America's preparedness to protect the people of America; 1 month to be able to say that we have provided the resources, we have begun to make sure that we are prepared, that we are protected, that our communications systems are connected, and that we are doing all we can do to keep our families safe.

I urge the support of the Stabenow amendment on communications.

I see my colleague standing, I assume to make a motion, but I want to speak to one other amendment, briefly.

Mr. GREGG. Will the Senator from Michigan yield?

Ms. STABENOW. I would be happy to yield while retaining the floor, yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. My hope is that we can accept the amendments of the Senator from Colorado, then we will have further discussion of the pending amendment of the Senator from Michigan, probably with a point of order being made at that point, and then we would turn to the Senator from Massachusetts for up to 15 minutes. That is the game plan, hopefully. So when the Senator from Michigan completes her statement, I will proceed with that proposal.

Ms. STABENOW. Mr. President, I rise to speak to an amendment that Senator DODD will be offering on his and my behalf in the next hour, I am sure. This relates to the other piece of what needs to happen to make sure that we are thoroughly prepared and protected. Again, that is our goal, to be prepared and protected. That is what we are fighting for. That is what we are working toward. That is what we need to do together.

My amendment would invest in the interoperable communication so that everyone could speak to each other and be able to respond.

There is another amendment that Senator DODD and I are introducing that speaks to the larger question of whether we are providing all that we need to, to invest at home in our first responders and what they need to be successful. We know that right now, based on a report that was done back in the spring of 2003, there was a blue ribbon panel of experts, led by former Republican Senator Warren Rudman, that found the United States is drastically underfunding local emergency responders and, in their words, remains dangerously unprepared to handle a catastrophic attack on American soil. They recommended at that time a major investment over a 5-year period to fully prepare us so that our families and communities are protected.

After that report was given to us, Senator DODD and I came to the Senate floor 2 years ago and offered an amendment for the first year of that 5-year funding.

It was not passed. We came last year and offered it again. We stand today asking our colleagues, with an even greater sense of urgency, to finally pass this amendment so that we can begin that 5-year process of fully preparing our first responders and supporting them so that our families are protected. It is a major investment of $15 billion this year. But when we look at what we are spending abroad, we cannot be just concerned about fighting terrorism in somebody else's country. We know we have to be prepared to fight it here. Yet we see hundreds of billions being spent in Iraq, being spent overseas. I supported those dollars so our troops are successful, so they have what they need, but that is not enough. If the troops on the ground in America—our police officers, our firefighters, our emergency responders—do not have the same commitment from us, why would we say we are going to make sure our troops have what they need overseas and then dramatically underfund what they need at home? It makes absolutely no sense.

This is way beyond anything that is viewed as a partisan issue because it does not matter, Democrat or Republican, when we look at the vulnerabilities for our families and communities for us right now, this is something we should all be rallying around. I hope that we are not in a situation looking back at some point and saying we should have done this but, rather, aren't we glad that we did.

The Rudman report that was given to us in the spring of 2003 found that, on average, our fire departments have only half the number of radios they need, and I spoke to that in my other amendment, only enough breathing apparatus for one-third of their firefighters. So one out of three gets breathing equipment. Police departments across America do not have the protective gear to respond to a WMD attack. Our public health laboratories lack the basic equipment to respond to a chemical or biological attack and most report that they are overwhelmed with testing requests.

Finally, our first responders do not have the equipment they need to determine what kind of hazardous material they may be facing. The administration's support for first responders has been on a steady decline. It is less in this budget than it was in last year's budget. That makes no sense.

For example, last year's funding for Michigan State homeland security grants dropped from $47 million to $29.7 million. In this budget, the administration eliminates the law enforcement terrorism training program, cutting another $400 million from our first responders.

Last week's tragedy in London has again shown how important it is to be able to respond quickly and effectively, for them to be able to speak to each other, for us to be able to have enough personnel who can respond. Michigan has three of the busiest commercial crossings in the United States—approximately 3,200 miles of coastline, three nuclear powerplants, ports, and other numerous critical infrastructure that we must protect. Our homeland security needs are somewhere between $1.4 billion and $2.7 billion that we need to invest in every year, yet the allocation in this budget is less than $30 million—again, down from $47 million. That is not even close to what we need to be prepared and protected—not even close.

I have also spoken with police and fire chiefs across the State. Again, it is amazing to me. I do not believe the average person would believe what is happening until they talk to local law enforcement officials. When I talk to them, there are fewer police officers on the beat today than 9/11/2001. It is shocking. It is truly shocking, and I believe it is truly irresponsible.

Last month we spent about $5 billion in Iraq and Afghanistan. We need to put this in perspective. If we take 3 months of what we are spending there, we can fully fund what the Rudman report says is necessary for our first responders. I believe we cannot afford another day without acting on this and other critical areas of infrastructure need. This is about whether we are going to be committed to protect the people of America.

The two amendments about which I have spoken today address and would make sure that we begin to invest in being fully prepared in case of a terrorist attack here at home, and that our families are truly protected.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to respond to the Senator from Michigan, but prior to doing that, I yield to the Senator from Colorado so we can straighten out his amendments.

AMENDMENTS NOS. 1209 AND 1210, AS MODIFIED

Mr. SALAZAR. I ask unanimous consent amendments Nos. 1209 and 1210 be modified with the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1209, AS MODIFIED

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct every 4 years, during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the next 20 years. Each review under this paragraph shall be known as the ''quadrennial homeland defense review''.

(2) CONSULTATION.—Each quadrennial homeland defense review under paragraph (1) shall be conducted in consultation with the Attorney General of the United States and the Secretaries of State, Defense, Health and Human Services, and the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with that national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk, and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Secretary of Homeland Security in consultation with the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security, and

(E) any other matter the Secretary of Homeland Security considers appropriate.

AMENDMENT NO. 1210, AS MODIFIED

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations have been identified as particularly high risk terrorist targets because of the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 898 miles of rail tunnels in transit systems across the country;

(4)(A) security experts have identified a number of technology and training needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks;

(B) technological needs include detection systems, dispersal control, and decontamination techniques; and

(C) training for emergency response to a variety of scenarios is also needed; and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Homeland Security is urged to invest in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies; and

(2) employing existing Federal facilities in this effort can result in efficiencies and permit this important research to proceed at decreased cost to the taxpayer and with minimal interference with ongoing passenger and freight rail traffic.

Mr. GREGG. I ask unanimous consent the three amendments which are pending, by the Senator from Colorado, 1207, 1209, and 1210 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1207); (No. 1209), as modified; and (No. 1210), as modified, were agreed to.

Mr. GREGG. Mr. President, the Senator from Michigan has offered one amendment and intends to offer another amendment. The first amendment that is pending is her amendment relative to interoperability which would increase spending in this account by $5 billion next year. The entire budget for homeland security, of course, is $30 billion, so this would be a 20-percent plus-up in her amendment for the entire budget in one line item which line item does not exist. Interoperability is obviously a major issue of concern.

It should be noted, however, that the purchasing of communication equipment has traditionally fallen to the responsibility of and to the decision-making process of the local departments, whether they be fire, police, or first responders in the area of health. Equipment purchasing has been done by those departments over the years, city by city, town by town, State by State. The failure to have interoperability is not so much a Federal failure, it is a decision made at the local level for local reasons not to have interoperability. If a local police department wants to buy a type of communications equipment and the local fire department in the same town wants to buy a type of communications equipment and they decide to buy communications equipment that does not communicate with each other, that is a local decision. That equipment is physically in place. It is not as if these departments don't have the equipment. They purchased the equipment.

It is not the Federal role to come in and rebuy equipment for every police, fire, and health first responder in this country. That still remains a local responsibility to a large degree. However, we do as a Federal Government request that States put forward what is known as a plan of action relative to first responder coordination.

As part of their plan of action, a State can decide to fund interoperability grants to local communities. As part of the first responder initiative, that has occurred and is occurring across the country. In fact, within the first responder grants that have gone out so far, approximately $1.8 or $1.9 billion of that has been spent on interoperability activity by States deciding they wanted to pursue interoperability or communities deciding they wanted to pursue interoperability.

However, the concept that we should increase funding in this interoperability initiative by $5 billion in 1 year is essentially an extraordinary statement as to what the priorities should be for the Federal Government in fighting terrorism. The Department of Homeland Security has a lot of issues of responsibility. The Federal Government has priority responsibility, for example, for protecting our borders. It has priority responsibility, for example, for protecting our airlines and air travel. It has priority responsibility for making sure we are ready to fight and address the threat of weapons of mass destruction.

It does not necessarily have, as a first responsibility, making sure that every police department and fire department in this country buys new radio equipment that can communicate with every other police and fire department. In fact, this effort is, and always has been, a State and local effort. In fact, there is still no consensus as to how interoperability should occur. There has been an attempt to reach a standard agreement on interoperability going on for 25 years, called the P–25 standards, and those standards simply have not been reached. I know from my experience in New Hampshire we had a problem in Vermont. The New Hampshire police couldn't talk to the Vermont police and our State police couldn't talk to our local police and our Fish and Game people couldn't talk to our State Police and our Customs officers along the borders couldn't talk to anybody other than the other Customs officers, so we sat down in a room and figured out how to do it and we got everybody on the same page. But that was a State decision on the issue of interoperability. Then the State decided to take funds and use them to fund interoperability coming through the State grants.

That is the way you approach this problem. But by taking the Homeland Security budget and increasing it 20 percent for a line item that doesn't exist to fund interoperability grants is, in my opinion, not the best way to spend dollars in this present context. It should be put in the fuller context, which is this: These funds would go into a pot of money which presently exists, first responder money, of which $7 billion still has not been spent. Seven billion dollars is still sitting here in the Federal Treasury waiting to be spent because the plans are not in place for how to efficiently spend it at the State and local level. So to put another $5 billion on top of that, and then I understand Senator DODD and the Senator from Michigan are going to come forward with another $15 billion or $20 billion plus-up of State and local grants for next year when we still have $7 billion in the pipeline that hasn't been spent is, to say the least, I think not good management of our dollars in the area of how we protect our Nation.

Much higher priorities exist. To the extent we can find additional resources, those high priorities such as the borders, such as fighting weapons of mass destruction, such as hardening our systems in the area of chemical plants, in the area of nuclear plants, in the area of intelligence gathering—which is the key to this whole exercise—are priorities.

Yesterday Secretary Chertoff outlined how he intends to refocus the priorities of the Homeland Security agency and, yes, first responders are a key part of this. But a 20-percent plus-up makes no sense.

This amendment has, as part of its elements, an emergency designation. Under the Budget Act an emergency is something that is sudden, urgent, and unforeseen. The failure of the police department to be able to talk to the fire department in Epping, NH, has been occurring for a long time. It is not a sudden, urgent, unforeseen event. It is actually something that should have been planned for. I am not picking Epping out, because I suspect Epping actually has everybody speaking to each other, knowing it is a very well-run town. But interoperability is not a sudden, unforeseen, urgent event. It is an event that needs to be addressed, it needs to be managed, and needs to be managed within the context of the plans the States have for developing their first responder response.

We know it is a big issue. Each State is hopefully grappling with this and coming forward with their plans. But clearly it does not fall within the context of an emergency designation as the budget perceives emergency designations. So this amendment as proposed is clearly outside the emergency designation qualification and it does represent a $5 billion plus-up, which would be an addition to our deficit of $5 billion were it to pass, and therefore is subject to a point of order and is not, in my humble opinion, good policy to pursue at this time.

Therefore, pursuant to section 401(b)(5) of H. Con. Res. 95 for the fiscal year 2006 Budget Resolution, I raise a point of order against the emergency designation provisions contained in this amendment and make that point of order.

Ms. STABENOW. Mr. President, I move to waive the applicable sections of the Congressional Budget Act for purposes of considering my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, at a later time today we will set up this motion to waive the Budget Act vote. It looks as if we are not going to have votes until quite late this evening, probably not starting until 7:30 or 8 o'clock. This will obviously be one of those votes, should the leader decide he wants to hold votes at that time, and I appreciate the courtesy of the Senator from Michigan.

Pursuant to the prior discussion, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

(The remarks of the Senator from Massachusetts, Mr. KENNEDY, are printed in today's RECORD under "Morning Business.")

Mr. KENNEDY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. 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. CORNYN. Mr. President, I will speak for a few minutes and highlight some of the important provisions of this appropriations bill, specifically as they pertain to the issue of border security. The Senator from New Hampshire, the chairman of the Subcommittee on Homeland Security, along with the entire Appropriations Committee, have done much good that should be heralded. But those steps should also be seen as just a first step toward getting us in the right direction, which is to obtain operational security of our Nation's borders, something we do not have now and something which represents a clear threat to our national security.

As the Senate Committee on Appropriations recognized, these resources are just a first step toward true reform of our immigration system. Additional enforcement resources along the border will be needed. In that connection, Senator KYL, the junior Senator from Arizona, and I will be filing a bill within the next couple of weeks that will authorize additional resources to secure our border.

Our Nation's immigration and border security system is badly broken. It leaves our borders unprotected and threatens our national security. It makes a mockery of the rule of law. This system unfortunately has suffered from years of neglect. But in a post-September 11 world we simply cannot tolerate this situation any longer. We stand here today almost 4 years from that terrible date, and we are reminded as recently as just last week—with the attacks in London—that terrorism is a real and tangible threat to the free world.

National security demands a comprehensive solution to our immigration system. That means both stronger enforcement and reasonable reform of our immigration laws. We have to confess that we have not devoted the funds, the resources, and the manpower necessary to enforce our immigration laws and protect our borders.

Representing a border State with about 1,600 miles of border with Mexico, I can state that for too long Washington has simply taken the attitude that this is a local or State problem. If it is not the duty of the Federal Government to deal with the security of our borders, whose responsibility is it? It is a Federal responsibility, and it is one that has simply been abdicated for far too long.

No discussion of comprehensive immigration reform, however, is possible without a clear commitment to and a substantial and dramatic escalation of our efforts to enforce the law. In my capacity as the chairman of the Subcommittee on Immigration, Border Security and Citizenship of the Senate Judiciary Committee, we have held a number of hearings on this issue of border security and immigration enforcement. They have been quite revealing. I will share some of the information with our colleagues because it supports the direction in which this Homeland Security appropriations bill takes us, and puts us one step closer to the final goal: control of our borders and a secure, orderly immigration process.

The Department of Homeland Security has testified recently that they do not have operational control over parts of the southern border. That is obvious to those who live and work along that border and represent those States.

My constituents have told me as recently as last week when I traveled to south Texas, to Laredo, TX, when I traveled to McAllen, TX, and the Rio Grande Valley that the nature of the immigrants coming across our southern border is vastly different from what it has historically been. For example, over the last 3 years, the number of apprehensions of those designated as ''OTM,''—other than Mexican—has doubled from 37,316 in 2002 to 75,000-plus in 2004. This year, it is currently 96,000. It is likely that the number will be twice this year what is was last year.

The vast majority of these individuals who are apprehended as they come across the border are from countries that you would expect: Mexico and countries in Central and South America. However, the Border Patrol chief, Chief Aguilar, has testified at one of our hearings that 400 aliens from special-interest countries had been apprehended last year. Some come from countries that support international terrorism. That ought to be a grave concern to all of us. We need to expend additional resources, both to ensure we are apprehending aliens who are trying to enter our country illegally, and to make sure we detain them and remove them in an expedited fashion.

Let me bring to the attention of our colleagues some of the facts because they may not be aware of them. I think they will be shocked to find out how unsuccessful we are, despite the best efforts of the Department of Homeland Security.

Last year alone, the Border Patrol detained roughly 1.1 million people coming across our borders. Now, my information, from those who are on the ground who deal with this on a day-in-and-day-out basis, is that they think they probably are capturing between one out of every three or one out of every four. Yet last year alone they captured approximately 1.1 million and detained them.

But the concern is that we only have roughly 20,000 detention beds. So what the Border Patrol does is, after doing a background check, after which they run these aliens' names against a terrorist watch list and various criminal justice data bases, they engage in what can only be called a catch-and-release program. In other words, they release them on their own recognizance based on their promise to return for further proceedings later on. It should come as no surprise that the overwhelming number of these detainees do not reappear for their hearing, and they simply melt into the landscape.

As a result of this flawed policy, we know we have approximately 10 million people living in our country outside of our laws. And those numbers are getting bigger, not smaller.

I do not know how we can stand here, particularly in the face of the threat of international terrorism, and tell the American people we are doing the job they sent us here to do. Because we know that organized crime groups, which are only interested in making money, do not care whether they deal with human beings who want to come here to work, whether they engage in human trafficking, whether they engage in illegal drug transactions, illegal arms transactions, or any one of a number of other activities that are designed to generate money. We know in these organized smuggling activities, many of which originate from Asia and the Middle East, people are literally brought across the ocean to South America, or to Mexico, or Central America, and then they take advantage of our porous southern border and potentially threaten our national security.

I hope, and indeed I believe, that most of the people who come to this country across our border outside of our laws are coming here for the same reason they have always come here; and that is, to find work and the ability to support their families because they cannot do so where they live. But we have to acknowledge this porous border we have and our failure to obtain operational security of our borders is a national security threat because the same avenues of entry into the country by which construction workers and others might come are available for exploitation by international terrorists.

We have no idea, and no agency of the Federal Government can tell us, whether or not we have sleeper cells of terrorists who have exploited that border to come here. But we know they continue to come, that vulnerability continues to exist, as long as the Federal Government fails to live up to its responsibility to secure our border.

This bill, to the great credit of the subcommittee and its chairman, the Senator from New Hampshire, recommends a total of about $6 billion for securing the Nation's borders, including $1.7 billion for border staffing between the ports of entry.

Separately, the bill includes $81 million for construction requirements associated with 1,000 new Border Patrol agents. I mentioned the issue of detention beds. There are only 20,000 beds right now, which is woefully inadequate. Given our failure to implement nationwide expedited removal processes for people who come to our country illegally, the Border Patrol and the

Federal agencies are simply left with this unworkable and inexcusable system of catch-and-release, which merely exacerbates the problem we have in this country with illegal immigration.

This bill moves us in the right direction by funding an additional 2,240 detention beds, with a $77 million increase, bringing the total up to almost 23,000 beds. It is still not enough, but clearly this moves us in the right direction.

The Intelligence Reform Act authorizes 8,000 beds per year, and the Iraq war supplemental funded almost 2,000 beds.

The bill I alluded to earlier that Senator KYL and I intend to file shortly calls for an additional 10,000 detention beds to be constructed each year, at an estimated cost of $330 million, which is an increase of 2,000 beds per year over what was authorized in the Intelligence Reform Act.

The recent surge of people coming illegally into our country outside of just our immediate neighbor of Mexico demonstrates this catch-and-release policy must be changed. It is only through the commitment of resources, such as being done in this bill, that we are going to get to where we need to be.

I am pleased to see the recommendations that are made as to additional resources in this bill, but I remind my colleagues there is still much that needs to be done when it comes to ensuring our security and our safety by enforcement of our laws.

I hope at another time to be able to come back and address my colleagues on the details of the bill Senator KYL and I intend to introduce which is composed of four main provisions.

One provision has to do with enhanced border security, which I have already alluded to here. The second provision has to do with interior enforcement. In other words, once people get past the border, then they are simply lost to our Federal law enforcement agencies. We simply, as the Federal Government, do not provide them the additional resources they need in order to be partners in our law enforcement effort when it comes to border security and immigration law enforcement.

Last week, I visited with a group of sheriffs in Victoria and Goliad Counties. They are about 200 miles inland. But you may recall, Mr. President, and my colleagues may recall, it was about 2 years ago when 19 immigrants, who had been smuggled illegally into the country, were left to die in a trailer because the human smuggler—a coyote, as they are called in our part of the country—cared nothing about them and left them to die in over 100-degree temperatures inside a cattle trailer.

These local law enforcement officials are willing to help and willing to be of assistance, but they want the training and they need additional resources so they can hire the personnel. We must meet our obligations to provide the additional resources they need so we can work as partners with local law enforcement and State law enforcement to enforce the law.

So the first component is enhanced border security, and the second component is enhanced interior enforcement.

The third component of the bill Senator KYL and I will file has to do with employer accountability. It may come as a shock to the people of America to know we currently do not have in place an effective way for employers to authoritatively determine whether the person standing in front of them, who wants to be hired, is in fact authorized to work in the United States of America or whether they happen to be an illegal immigrant who cannot legally be hired by American employers.

What our bill will do is remedy that deficiency and provide employers with a reliable means to document the fact that indeed this perspective employee is authorized to work in the United States, and to do so in a reliable fashion.

We will also at the same time insist that employers, once we give them the tools they need, enforce the law and make sure they document that, in fact, this perspective employee is authorized to work in the United States.

The fourth and last component has to do with a temporary worker program. The President talked about this a couple of years ago. I think he is exactly right. But the problem is, it has to be combined with enhanced border security, enhanced interior enforcement, and tools that employers need in order to determine the legal status of the perspective employees that stand in front of them. But we also have to acknowledge the facts: America's economy is strong, and we have a demand for the labor many immigrants provide, but we simply need to provide a legal means for people to work and perform those jobs that American citizens do not want or are not available to do.

Then we need to provide a means to return those individuals who come here on a temporary basis and work in the United States under this legal regime, to return them to their home, with the skills and the savings they have acquired working in the United States. Because unless we deal also with the economic aspects of this problem that affects our national security, we will never have any hope of solving it.

I will speak more on that later. But I did want to give our colleagues a preview of what is being worked on as a comprehensive solution. And I did want to come to the floor and express my great appreciation to the Senator from New Hampshire, the chairman of the subcommittee, and all of those who have made it possible for us to focus our efforts on enhanced border security, and to explain why I believe it is absolutely critical to the safety and security of the American people that we obtain operational security of our border. It is something we cannot claim now and which, indeed, law enforcement officials of the U.S. Government admit we do not currently have.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAUNCH OF SPACE SHUTTLE ''DISCOVERY''

Mr. CORNYN. Mr. President, I would like to take about a minute more of our colleagues' time. I neglected to make some additional brief comments that I would like to make on the space shuttle launch that is occurring today.

It was my very first speech on the Senate floor, sadly, when I paid tribute to the astronauts who lost their lives in the *Columbia* disaster in February of 2003. The thoughts and admiration of the Nation are with the brave astronauts aboard *Discovery* today as they make their journey into space. It is the first one this Nation has attempted since that terrible tragedy in February 2003.

I believe the robust manned space program is critical to both America's proud tradition of exploration and its commercial and military preeminence in space.

NASA's missions foster technological and scientific advances and help ensure our national security as well as create jobs for thousands of Texans and thousands of Americans.

I believe the mission of NASA, together with the President's vision for future space exploration, will also encourage young people to study math and science and prepare for space-related careers. As so many young children have done in the past, they are inspired by the feats of daring and accomplishment by these brave astronauts who are launching into space again today. These goals are set not just for our current benefit, but also for future generations of leaders and innovators in Texas and across America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under ''Morning Business.'')

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1202

Mr. DODD. Madam President, I call up amendment No. 1202 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Ms. STABENOW, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1202.

Mr. DODD. Madam President, 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 fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million)

On page 77, line 22, strike $425,000,000 and insert $2,058,178,673.

On page 78, line 13, strike $365,000,000 and insert $1,878,088,040.

On page 78, line 16, strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22, strike $5,000,000 and insert $25,727,233.

On page 78, line 24, strike $10,000,000 and insert $51,454,467.

On page 77, line 18, strike $2,694,000,000 and insert $13,863,377,000.

On page 77, line 20, strike $1,518,000,000 and insert $7,810,788,066.

On page 79, line 1, strike $100,000,000 and insert $514,544,668.

On page 79, line 5, strike $50,000,000 and insert $257,272,334.

On page 79, line 7, strike $50,000,000 and insert $257,272,334.

On page 79, line 9, strike $40,000,000 and insert $205,817,867.

On page 79, line 21, strike $321,300,000 and insert $1,653,232,019.

On page 81, line 24, strike $615,000,000 and insert $3,164,802,000.

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $334,491,000.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 83, line 12, strike $203,499,000 and insert $1,047,210,000.

On Page 89, line 3, strike $194,000,000 and insert $998,327,800.

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my colleague from Michigan, Senator STABENOW, along with Senators CORZINE and LAUTENBERG of New Jersey.

The purpose of this amendment is very simple, although the amount I am asking for here is rather large. The purpose is to fund sufficiently the urgent priorities of our Nation's firefighters, law enforcement personnel, emergency medical personnel, transportation systems, and other critical infrastructure such as our ports and chemical plants. The amendment's language suggests paying for these vital priorities by limiting some of the tax breaks for individuals with annual incomes in excess of $1 million. I assume that at an appropriate time my colleague from New Hampshire or others will make a point of order against this amendment. I will then move to waive that point of order. In the meantime, let me explain the amendment.

It is one I initially offered two years ago during a similar debate regarding homeland security. I was not successful in having the amendment adopted then. I am hopeful that I will be successful today, especially in light of events during the last several days in London. But I understand, given the size of the amount I am requesting, that the chances of this amendment being adopted are not great.

Nevertheless, it is important to offer this measure anyway because it isn't an amendment I crafted per se, although I offer it here legislatively. The language and request of this amendment were a result of two task forces conducted by the Council on Foreign Relations that examined America's needs in the wake of the attacks on September 11, 2001, and laid out, by our former colleagues Senators Warren Rudman and Gary Hart, along with members of their task force, the vital importance of sufficiently preparing for the inevitable events that are occurring at the hands of terrorist organizations. I don't know how many more events it is going to take for us to respond with the kinds of resources we need to have in place.

I was a Member of this body when the Marine barracks in Lebanon were hit, the Lockerbie incident happened, the World Trade Center was first bombed, the USS *Cole* was attacked, the embassies in Africa were bombed, and then, of course, when the World Trade Center was attacked for the second time. We have seen in Tokyo the subway attacks in 1996, the Madrid train bombing in March of 2004 and, of course, the London Underground attacks only a few days ago. These are just a few of the hundreds of terrorist attacks that have taken place around our world over the last couple of decades.

Mr. DODD. Let me outline the Rudman report and why this amendment is important.

Two years ago the Council on Foreign Relations convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This task force was chaired by our former colleague Senator Rudman. In June 2003, the task force issued a comprehensive report entitled ''Emergency Responders: Dramatically Underfunded, Dangerously Unprepared.''

Former Senator Rudman was joined on this task force by a very distinguished group of our fellow American citizens. I ask unanimous consent to print in the RECORD the entire list of those people who prepared the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TASK FORCE MEMBERS

Charles G. Boyd is currently Chief Executive Officer and President of Business Executives for National Security (BENS). Before retiring from the U.S. Air Force in August 1995, General Boyd served as Deputy Commander in Chief for the U.S. European Command.

Richard A. Clarke is Senior Adviser to the Council on Foreign Relations and is currently Chairman of Good Harbor Consulting, LLC. Previously Mr. Clarke served under the last three presidents as a senior White House adviser.

William J. Crowe is Senior Adviser at Global Options. Previously, Admiral Crowe served as Chairman of the Joint Chiefs of Staff under President Ronald Reagan.

Margaret A. Hamburg is Vice President for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, Dr. Hamburg was Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services.

James Kallstrom is Senior Executive Vice President at MBNA America Bank. After September 11, 2001, Mr. Kallstrom took a leave of absence from MBNA America and served as Director of the Office of Public Security for the State of New York.

Joshua Lederberg is a Nobel Laureate and currently serves as President Emeritus and Sackler Foundation Scholar at Rockefeller University.

Donald B. Marron is Chairman of UBS America as well as Lightyear Capital. Previously, he served for twenty years as Chairman and Chief Executive Officer of Paine Webber Group, Inc., until its merger with UBS in 2000.

Jamie F. Metzl is Senior Fellow and Coordinator for Homeland Security Programs at the Council on Foreign Relations. He has served on the National Security Council at the White House, in the Department of State, and as Deputy Staff Director of the Senate Foreign Relations Committee.

Philip Odeen is former Chairman of TRW Inc. Previously, Mr. Odeen was President of BDM International, Inc., and a Vice Chairman at Coopers & Lybrand LLP.

Norman J. Ornstein is a Resident Scholar at the American Enterprise Institute, and Senior Counselor to the Continuity of Government Commission.

Dennis Reimer is Director of the National Memorial Institute for the Prevention of Terrorism in Oklahoma City. Prior to that, General Reimer served in the U.S. Army in a variety of joint and combined assignments, retiring after 37 years as the Chief of Staff of the U.S. Army in 1999.

Warren B. Rudman is Chairman of the Independent Task Force on Emergency Responders. He is currently a partner in the international law firm Paul, Weiss, Rifkind, Wharton and Garrison and formerly Chairman of the President's Foreign Intelligence Advisory Board under President Clinton. Previously, he represented New Hampshire in the U.S. Senate from 1980 to 1992.

George P. Shultz is the Thomas W. and Susan B. Ford Distinguished Fellow at the Hoover Institution. He has served as Secretary of State, Secretary of the Treasury, Secretary of Labor, and director of the Office of Management and Budget.

Anne-Marie Slaughter is Dean of the Woodrow Wilson School of Public and International Affairs at Princeton University.

Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

David Stern has been Commissioner of the National Basketball Association since 1984. He joined the NBA in 1978 as General Counsel and became the league's Executive Vice President in 1980.

Paul Tagliabue is Commissioner of the National Football League. Prior to becoming NFL Commissioner in 1990, he served as Chief Legal Counsel to his predecessor.

Harold E. Varmus is President and Chief Executive Officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as Director of the National Institutes of Health.

John W. Vessey is Chairman of the Council on Foreign Relations' Center for Preventive Action and previously served as Chairman of the Joint Chiefs of Staff as well as Vice Chief of Staff of the U.S. Army.

William H. Webster is a Partner at the law firm of Milbank, Tweed, Hadley & McCloy. He previously served as Director of the Central Intelligence Agency from 1987 to 1991 and Director of the Federal Bureau of Investigation from 1978 to 1987.

Steven Weinberg is Director of the Theory Group of the University of Texas. He is a Nobel Laureate in Physics, and a recipient of the National Medal of Science.

Mary Jo White is Chair of the 192 lawyer litigation group of Debevoise & Plimpton. She also served as U.S. Attorney for the Southern District of New York from 1993 until 2002.

Mr. DODD. Let me mention several of them because they are important. What I am offering as an amendment were suggestions made by this panel to the Department of Homeland Security and to the Congress as a way of bolstering our security needs across the Nation.

The membership of this distinguished panel included George Shultz, former Secretary of State, Treasury, and Labor; William Webster, former Director of the Central Intelligence Agency; Charles Boyd, chief executive officer and president of the Business Executives for National Security; Margaret Hamburg, vice president for biological weapons at the Nuclear Threat Initiative and former Assistant Secretary for planning and evaluation at the Department of Health and Human Services; Don Marron, former chairman of UBS America; James Metzl, former staff member of the NSC, the Department of State, and former staff director of the Senate Foreign Relations Committee; Norman Ornstein, resident scholar at the American Enterprise Institute; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Institute.

The list goes on. These are the people who ''prepared,'' in a sense, the amendment I am offering. The suggestions I am offering are ones suggested as a result of the task force's recommendations.

Let me say that I have great respect for Senator GREGG and Senator BYRD who have dealt with these issues in their capacities as Chairman and Ranking Member on the Homeland Security Appropriations Subcommittee respectively. It is not easy to put together these bills under budget caps. I understand that, and I have respect for it. I understand the constraints under which my colleagues operate. Certainly, they are trying to provide adequate resources for our emergency responders and critical infrastructure needs in this country.

If the tragic events in London and the events I mentioned at the outset say anything to us as a people, it is that we must renew and redouble our efforts to prevent and respond to terrorism at home. The Rudman report only underscores the sense of urgency that we ought to have about protecting our country from the risk of terrorism.

I appreciate that the managers of the bill are seeking to have $100 million of added resources for transit security. They are working within very tight budget constraints. Nevertheless, the security needs of our country far exceed what the managers are able to provide with the limited resources they have been given under this bill.

The Rudman report says our Nation should immediately spend—and this was 2 years ago—$20 billion per year for 5 years to hire, equip, and train first responders and to better protect our critical infrastructure from attack. This bill spends roughly $3.9 billion—less than one-fifth of what the Rudman report called for 2 years ago. That, I might add, is close to $700 million less than was spent 2 years ago. So it appears we are headed in the wrong direction and doing less than what we should be doing.

I would like to read various passages of the Rudman report to try to persuade Members of the sense of urgency that Senator Rudman and the Commission certainly had 2 years ago, and to shed light, if you will, on a survey and study done by those who are very knowledgeable about the challenges posed by international terrorism and about the needs and steps that need to be taken to make our Nation more prepared to meet those challenges.

I will read the conclusion of the report prepared by Senator Rudman:

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on United States soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

I do not think any words can express the problem before us more clearly than those of Senator Rudman.

I will quote from the foreword written by Les Gelb, the former President of the Council on Foreign Relations:

> As I sit to write this forward, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the very same time, diplomats, legislators, military, and intelligence officers, police, fire, and emergency medical personnel, and others in the U.S. and across the globe are working feverishly to prevent or prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Several months prior to the issuance of the Rudman report, in October 2002, the Council on Foreign Relations convened another task force, the Independent Task Force on Homeland Security, which issued the report, ''America: Still Unprepared, Still in Danger.'' The task force, co-chaired by Senators Rudman and Hart, came to the general conclusion that:

> America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned that:

> America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist, and the risk of self-inflicted harm to America's liberties and the way of life is greatest during and immediately following a national trauma.

So here you have two seminal reports, issued within 8 months of one another, prepared by some of the most respected individuals in this country, who have longstanding experience in the matters of diplomacy and national security. These are not lightweights who made these recommendations I am offering as part of this amendment. They are top experts and they have sounded the alarm to us. They sounded it after 9/11; they sounded it before Madrid and London. How many more events before we put the kind of resources in place that allows this Nation to have a much higher sense of security, as we ought to have in light of the attacks presently being prepared and focused against us?

The funding level that Senator STABENOW and I are proposing in this amendment is over $16 billion. It is huge; I understand that. It supplements the approximately $4 billion that the underlying measure devotes to emergency responders and infrastructure security. Together the bill and the amendment provide $20 billion in emergency responder funding over the next year.

This is the recommendation of the Rudman report. This is the recommendation of the individuals who helped prepare that report. It is a recommendation made by respected experts and leaders in the fields of national security, intelligence, foreign relations, military affairs, bio-terrorism, business, public health, and budget analysis. These distinguished

men and women spent significant time analyzing the problems facing our first responders and our Nation's security. They gave us their best professional judgment of what we need to do. Regrettably, we are falling woefully short of what needs to be done in this country.

I understand the need for a budget resolution that sets caps on appropriations bills. Effective budget resolutions in the Senate are those that achieve balance. They curb reckless spending while providing a sound investment in our domestic and foreign priorities. Unfortunately, I don't find the current budget resolution and the caps it has imposed very balanced at all. While constraining our ability to invest adequately in our emergency responders and domestic security, this resolution causes, in my view, the national deficit to increase by at least $130 billion over the next 5 years, principally through tax cuts that only benefit the most affluent of our citizens.

I represent if not the most affluent State, one of the most affluent States in the country. I have no doubt that the people of Connecticut would certainly be prepared—when asked whether they could do with a little less in order to provide the Nation with more security—to agree. They understand this issue. I believe that given the choice, they would rather see the tax cut they are receiving go to this kind of investment.

The report before us represents an uncomfortable reality that we have to face as a nation. I certainly applaud the hard and groundbreaking work done so far to reduce the threat of terrorism in this Nation. A lot of good people are working hard at this. Yet as the tragedy in London vividly showed us last week, no nation, including ours, is invulnerable. We still possess weaknesses in our domestic security and our infrastructure that must be strengthened.

For over 2 years now, we have possessed in the form of the Rudman and Hart reports a clear message from the most qualified experts in our Nation that we need to do more to prepare ourselves. While I apologize for offering an amendment that costs over $16 billion, I ask my colleagues why we should not offer an amendment that encompasses what the Rudman report recommends and what is dearly needed. Why not offer an amendment that meets the needs of our emergency responders while doing significantly more to boost security measures along our rails, on our trucks, and in our seaports and harbors? In my view, we should decide whether we think the recommendations made by these distinguished Americans deserve our support and whether we have the will to do what is needed to be done to put our country on a more sound and secure footing.

The Rudman report makes several comprehensive recommendations to increase our investment in emergency responders and domestic security. Among these recommendations are: One, developing a standard for emergency responder minimum essential capabilities in fields such as training, interoperable communications systems, and response equipment; two, developing a standard for determining the nature of cost sharing between Federal, State, and municipal governments for homeland security activities; three, guaranteeing multiyear Federal funding for homeland security activities funded jointly by Federal municipal resources; four, reforming congressional oversight; five, allowing for greater flexibility in using Federal homeland security resources; six, developing a standard for evaluating best practices; and seven, developing a standard to ensure more effective coordination between Federal, State, and municipal governments.

While the Department of Homeland Security has started to address some of these recommendations—and I note that this morning Secretary Chertoff announced some significant administrative changes to the Department of Homeland Security, and I applaud him for that—I think many more changes and resources must be implemented and provided respectively to meet the Rudman report recommendations fully. I think we ought to be doing more by supporting the financial needs that are going to provide for the various gaps that occur in the security of our various infrastructure systems.

Finally, we all know that the cost of this amendment is large. I want to put this figure in perspective. We are spending roughly $5 billion every month in Iraq and Afghanistan—$1 billion a week in Iraq and $1 billion a month in Afghanistan. That is $15 billion in vital spending and funding every 3 months to ensure that our men and women in uniform can deal with the threats in those foreign lands. Senator STABENOW, the other cosponsors of this amendment, and I are asking for $16 billion for a whole year to make us more secure at home. I understand the needs and I have supported the funding for our troops in the field. We know as a result of the Rudman report that we are woefully short in what needs to be done at home to keep our Nation more secure.

As I mentioned a moment ago at the outset of these remarks, how many more incidents need to occur before we do what the Rudman report has called for? How many more times do we have to be attacked to realize what major steps need to be taken to be better prepared?

I believe that if we have the will, we can find the resources that we know are needed to make sure we have the infrastructure security in place and the personnel support in place to give our fellow citizenry the greater sense of security that they ought to have.

With that, at the appropriate time, I will ask for the yeas and nays on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, it is my intention to respond to the amendment proposed by the Senator from Connecticut and make a point of order relative to it. Prior to doing that, I will yield to the Senator from Arkansas for 5 minutes so he may offer an amendment and get it in the queue. Then we can agree to it.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1125

Mr. PRYOR. Madam President, I ask that amendment No. 1125 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 1125.

Mr. PRYOR. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the acquisition by the Secretary of Homeland Security of an integrated mobile medical system)

On page 83, line 26, before the period, insert the following: '': *Provided further*, That of the total amount made available under this heading for the support and acquisition of mobile medical units to be used by the Federal Emergency Management Agency, Directorate of Emergency Preparedness and Response, in response to domestic disasters, the Secretary of Homeland Security is encouarged to acquire an integrated mobile medical system for testing and evaluation in accordance with subchapter V of chapter 35 of title 31, United States Code (commonly known as the 'Competition in Contracting Act')''.

Mr. PRYOR. Madam President, my amendment simply encourages the Secretary of Homeland Security to consider an integrated mobile medical system as part of the Department's requirement for mobile medical systems.

The DOD is currently evaluating a fully integrated mobile medical system, and it appears that this system holds very promising results to provide quality medical treatment for emergency situations.

My amendment encourages the Department of Homeland Security to look at this issue and maybe allocate some resources for it.

I thank the majority staff, as well as the minority staff, and the two bill managers for their assistance on this amendment. The amendment has been agreed to. I thank my staff as well for all the hard work and diligence they put into it. The amendment has been cleared on both sides. I thank specifically Chairman GREGG and Senator BYRD for their support and assistance.

Madam President, I ask for the immediate consideration of amendment No. 1125.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1125) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1202

Mr. GREGG. Madam President, the Senator from Connecticut, joined by the Senator from Michigan, as I understand it, has offered an amendment which would increase the funding for first responder activity by $16 billion. I note, as an initial comment, that this represents a 50-percent increase in funding for this bill in toto. In other words, the entire funding of the Homeland Security agency is about $31 billion, and $15 billion on top of that would be a dramatic increase, to say the least.

The logic for the approach is that there is a representation that the Rudman Commission and other people who have looked at this issue say first responders need more money. It is hard to argue with the fact that first responders do need more money, but the question becomes, in a world where we do not have unlimited resources, where should we put the resources to get the best results in this fight on the war on terrorism?

An additional logic for their position is because we are spending significant dollars in Iraq and Afghanistan on a monthly basis, $5 billion is the number suggested by both Senators that we should be able to simply, easily afford and $15 billion of additional spending for the Homeland Security agency in the area of first responder activity.

I suggest, at the beginning, that type of logic could lead to basically there being no end of spending on all sorts of programs. If we are going to use the example of the amount of dollars it takes to keep our service people properly equipped and properly armed and properly taken care of when they are in a field of battle, when they are engaged with an enemy on a daily basis, if we are going to use that number as the number which defines what we should spend, whether it is fire departments in New Hampshire or education departments in Connecticut or libraries in Michigan or colleges in West Virginia, we are going to end up with amendment after amendment which spends billions upon billions of dollars on the representation that, gee, we are spending all this money in fighting this war to try to make sure our troops are properly supported so, therefore, why can't we spend a lot of money somewhere else? I do not think there is a lot of consistency to that logic.

We know we have a limited amount of money as a Federal Government to spend—at least we should. We did pass a budget to try to put in place the context of how much money we have to spend. And in the context of that budget, we did fund the war, we did fund the Defense Department, and we did fund the other functions of Government at a certain level. We dramatically increased the funding, for example, in education, we dramatically increased the funding in the area of homeland security, and we dramatically increased the funding for first responders, but within the context of a budget.

So when you bring an amendment to the floor that essentially says, Ignore the budget and spend $15 billion next year on first responders and then spend another $5 billion on top of that, which would be the Stabenow amendment on providing communications equipment, you are essentially saying we have no fiscal discipline and our purposes are not controlled by any sort of logic as to the relationship of the amount of money which the Federal Government takes in versus the amount of money the Federal Government spends.

The representation from the Senator from Connecticut is, if we were simply to repeal some of these permanent taxes that were extended in the budget, we could pay for this. I note for the Senator from Connecticut that he may not have noted this because he did not vote for the budget, and I understand he may not have focused a lot of time on it. But the budget, as passed by the Congress, did not have any permanent tax extensions in it relative to general income tax.

The only permanent extensions in the budget are for tuition tax credits for kids going to school, tax deductions for teachers who spend money to pay for school supplies in their classrooms, and a couple of other lesser tax deductions within the Code. So maybe he wants to repeal those extensions. I think those extensions are good policy. If that is his position, that will recover maybe—I don't know, I am not sure how much it would recover off the top of my head, but it would not be a great deal of money, and it certainly would not be enough money to cover this $16 billion which is being proposed.

The budget did not, and it is a misrepresentation to come to the floor and represent that it did, extend permanently any rate tax cuts at all.

So this argument that, well, we can just do it by changing the budget, by changing the terms as to the way it applies to tax policy is incorrect on its face because there were no permanent extensions.

The issue really is this: Within the context of a reasonable budget for national defense and for homeland security, where should the dollars go first? What are the priorities? We made a conscious decision in this bill to focus the dollars on what we saw as the primary threats. I believe, and I was joined by the Senator from West Virginia and I think he agrees, that we should have a threat-based funding approach to the whole issue of homeland security. If one listened to Secretary Chertoff yesterday, that is what he plans to do.

What are the priority threats? No. 1, right at the top of the list, unquestionably the most significant threat is the question of weapons of mass destruction. So we have put a significant amount of dollars into trying to increase our capacity to address, first, the detection and, second, a response capability in the area of weapons of mass destruction.

No. 2, the second largest threat which we have, in our opinion, is the fact that we have borders which are extraordinarily porous. Madam President, 3 million a year is the estimate of how many people come into this country illegally; 500 million people come into this country legally, and we really do not know a great deal about what their purpose is or what they are doing coming in and out of the country. In fact, we do not know if they are criminals because our databases are not capable of analyzing their entry documentation to determine whether they are some sort of threat or whether they are just citizens from another country who are coming here to enjoy our great Nation.

We have committed significant resources in this bill. We have moved more than $600 million from various accounts into border security, specifically putting more feet on the border in the sense of adding many more Border Patrol personnel, giving those Border Patrol personnel the capital structure they need to support themselves, physical infrastructure, adding more detention beds, focusing on upgrading our computer and IT systems relative to entry-exit activity, especially the US–VISIT Program. That is because that is a huge threat.

Those are the two huge priority threats on which we focused.

The issue of first responders is a priority for us as a nation, but is it the No. 1 item that should be focused on in this bill? No. Is it Homeland Security's first line of activity? Quite honestly, it is not. It is a major line of activity, but the first lines of activity are the ones for which Federal Government is primarily responsible, such as airline safety, border safety, making sure we are ready to deal with weapons of mass destruction. That is why we mention those issues. But in the specific area of first responder accounts, this proposal, which would up the funding in first responders by $16 billion and the proposal of the Senator from Michigan which would up the funding for a new line item, it would create a new line item in first responders of $5 billion for communications assistance, truly is a misallocation of resources.

Even if we could afford it, we would not want to put that money into those accounts at that level. Why? Because these groups involved in developing first responder capability are not capable of spending that amount of money. How do we know that? Because we have $7 billion—$3 billion from the year 2004 and $4 billion from the year 2005—sitting in Washington, in the Federal Treasury, which has not gone out yet for first responder funding activity.

Why is that? It is because, first, the Department of Homeland Security has some problems, and we are trying to address those in this bill, and we put in specific language to try to change that, and I know Secretary Chertoff has addressed it, but it is larger than that. It is not just the homeland security issue, it is the fact that one of the points the Rudman Commission made, and was even more aggressively made by the Gilmore Commission, which was another high-quality group of people who got together to study this issue, was that until you have a plan for how you are going to spend this money, if you just send it back to the States and to the communities without a plan which they have to follow, all you are doing is revenue sharing. It is going to end up being a plus-up for local agencies. Some will buy new cruisers or buy bomb dogs or just buy dogs, and they will buy whatever they want to buy without any plan or organization.

The reason the $7 billion is still in the Treasury instead of out there on the streets helping out the fire, police, and local agencies is that the assessment plans, which are critical to the effort of getting in place a thoughtful approach to first responder funding and how they use these dollars, have not yet been completed. States are still working on assessment plans so they can come forward with these plans, and then the money will go out, and it will be spent in an orderly way instead of a haphazard way.

We do not want to get back into the situation we had in the 1970s, where essentially we were sending out hundreds of millions of dollars—not billions of dollars as we are today—to various groups across the country in the name of better law enforcement. A great deal of it ended up buying equipment and items that turned out to be not only not productive but counterproductive because a lot of interoperability communications was bought with that money when there was no plan overlying that LEA money to require interoperability. So the police department would get a grant for $20,000, $30,000 and go out and buy their system of communications, and then the fire department in the same town would get their $20,000 or $30,000, and they would go out and buy theirs, and neither could talk to each other because there was no plan.

The whole concept behind the assessment approach is so we can have a plan so that the civil defense centers in the States—fire in the States, police in the States, first responder health care communities in the States—are all coordinated and the money goes out in a coordinated way, that when it is completed, we actually have a situation where, if there is an incident and these folks who are so committed to making their communities stronger and better have to respond to it, it will be done in a focused and coordinated way pursuant to a plan which has been funded and focused in a coordinated way.

First off, the theory behind this, that we can spend another $21 billion because we are spending $30 billion in Iraq is—I think that theory totally disconnects.

Secondly, the concept that this may be paid for some day by repealing the budget point on permanent extension of tax cuts is purely incorrect because there were no permanent extensions in the budget.

Thirdly, if we are going to spend money on national security in the homeland area, we should spend it on threat-based activity, which is what this bill does. And the threats, in order of priority, put the issue of first responders lower than some of the first responsibilities of Homeland Security, such as border security, airline security, weapons of mass destruction protection, and intelligence-gathering agencies. That is absolutely critical.

Fourth, as a practical matter, we can appropriate all this money, but it cannot be spent, so there is no point in appropriating it at this time. Maybe a year from now, maybe 2 years from now, after that $7 billion has come down a little bit. Remember, we are adding another $4 billion to it this year anyway. This bill is not cheap on the side of first responders. We are putting another $4 billion on top of the $7 billion that still has not been spent.

When these assessment plans get in place and we start to generate some proper activity that allows this money to be spent in an orderly way and does not get wasted, then we might want to significantly increase this funding because we know it will be effectively used. But right now, to increase this funding just means it is going to sit at the Treasury, instead of being used where it really needs to be used, which is on threats which exist today and which we have to address today, which brings me to the underlying issue of threat because we are going to hear about this again and again. There is going to be an attempt to spend another $1 billion, $2 billion, or $3 billion—I do not know what the final number will be—on mass transit.

The key to our capacity to defend ourselves from these terrorists is our capacity to stop them before they get here, and that means we have to have better intelligence and we have to have better border security. When they do get here, the key is to make sure they do not have the opportunity to use their hate and their commitment to trying to kill Americans in a vast way versus in a confined way by stopping them from having weapons of mass destruction or using a vehicle that would allow them to plus up their heinous crimes such as they did on 9/11 when they used airplanes as weapons, as missiles essentially.

So it all becomes a matter of order of threat, where the dollars should be. And the No. 1 issue we have to address is better gathering of intelligence, in which Homeland Security has a limited role, but Secretary Chertoff is going to expand that effort; followed by the issue of weapons of mass destruction; followed by border security; followed by the first responsibilities of the Federal Government which are things such as air traffic control and air management; followed by, of course, funding and helping out first responders, which we have done, which is why there is still $7 billion sitting in the bank because we have done it, but the system is not yet ready to effectively handle that money. It will be soon, hopefully. A lot of pressure is being put on both the Department of Homeland Security in this bill and on the State assessment plans to accomplish that.

This proposal is maybe well intentioned, but it is misguided at all sorts of different levels. Therefore, I cannot support it. Obviously, even if it were within the budget I would not support it because this is not where we need to allocate resources at this time at this level of activity.

I make my point of order at this time that under section 302(f) of the Congressional Budget Act the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. DODD. Madam President, I move to waive the budget point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I simply note that we will be voting on this, hopefully, later today when we have more of a contingency available to participate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I know my colleague from Hawaii is in the Chamber, but I want to respond to comments made by my friend from New Hampshire. He gave a good response to this amendment. It is a good bureaucratic response. As I said during my remarks, I apologize for offering an amendment of this magnitude. The Senator from New Hampshire is absolutely correct, the entire budget we are talking about for homeland security is around $31 billion. This amendment is 50 percent of that budget.

I was fully aware, when I came to the floor to offer this amendment, of the reaction it would receive, but I also happen to believe the Rudman report, written by a group of people who are serious about these matters, has laid out for us very clearly what needs to be done.

Whether our domestic security is funded by reducing millionaire tax cuts or by some other mechanism, I am willing to listen. I just tried to offer one idea of where these resources could come from. Obviously, when an amendment like this is offered, I do not have the right to offer necessarily an offset so large. Tax cuts provided to the most affluent Americans was simply a suggestion as to where the resources could come from.

The underlying point needs to be made that we are not doing enough in the areas where we are terribly vulnerable. I will state how we are spending this money and lay it out. First, we are spending actually less this year than we have in the previous 2 years. In the Office of State and Local Government Coordination and Preparedness, which covers port security, truck security, rail security, training, technical assistance and development, we are going to spend just under $2.7 billion. Last year, it was in excess of $3 billion. The numbers are coming down, and yet almost everyone now knows in this country that our ports across the Nation are entirely vulnerable.

Less than 5 percent of containers have any screening done on them. Our rail and freight systems are virtually wide open. Stories get written every single day about the vulnerabilities that exist. We take the bulk of the funding proposed by this amendment—in excess of $11 billion—and put it into these critical areas.

Again, I know it is a lot of money, but let another attack occur in this country, as I believe it will, and then look back and say: I wonder if we might have done a little more in the areas where we were vulnerable to prevent the attack, or I wonder whether or not the Senator from Connecticut was asking for too much.

I merely cited Iraq and Afghanistan to give a sense of proportionality. I have strongly supported the resources that ensure our troops receive the adequate funding they need.

And by the way, in certain areas like equipment, they are not even getting what they ought to be getting.

I make the point that there we are spending roughly $15 billion every 3 months. This amendment costs roughly the same amount over a full year.

I have a pretty good sense, after a number of years here, as to what is going to happen with this amendment. It is probably going to fail. But I want the American public to know there are those of us who believe that if one has the will, one can find a way to do this. Whether one likes my proposed offset or not, if one believes that we ought to be doing more to make our ports, our rail systems, our truck security, and other infrastructure far better prepared than they are today, then they ought to support this amendment.

If they think we are doing enough already, then vote against it. I believe we are not doing enough, and I think many people in this country believe that as well. That is why I offer this amendment.

In conclusion, I would like to add a summary of the conclusions and recommendations of the Rudman report. The full report is some 70 or 80 pages and that is too long to include in the RECORD. It is available to Members who would care to have a full copy of it. This is approximately 12 pages. I ask unanimous consent that the conclusions and recommendations of the Rudman Report on Homeland Security be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT PREPARED BY THE COUNCIL ON FOREIGN RELATIONS—CONCLUSIONS AND RECOMMENDATIONS

1. DEFINE AND PROVIDE FOR MINIMUM ESSENTIAL CAPABILITIES

The Task Force found that there is no systematic national standard that defines the essential minimum capabilities for emergency responders that every jurisdiction of a given population size should possess or be able to access. Because of this, there are currently no comprehensive, systematic, and consolidated principles or measures against which the degree and quality of preparedness can be tracked nationwide. Current efforts to develop such standards are inconsistent and dispersed among various government agencies and nongovernmental organizations. Additionally, existing standards for minimum capabilities for emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficient to address many major challenges—including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute ''national standards for emergency response training and preparedness,'' as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas may still lack fundamental emergency responder capabilities.

Congress should require DHS and HHS to work with other federal agencies, state and local emergency responder agencies and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period. These capabilities must be measurable and subject to federal audit.

Congress should require that the FY05 budget request for DHS be accompanied by a minimum essential emergency responder capability standard of WMD—and terrorism-related disaster equipment and training per 100,000 persons in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to achieve that standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.

National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. DEVELOP REQUIREMENTS METHODOLOGY

National capability standards for levels of preparedness must drive an emergency preparedness requirements process. This process must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for addressing threats determined, and requirements generated for establishing or otherwise gaining access to necessary capabilities. The Task Force found that the administration and Congress were funding emergency preparedness without any agreement on methodology to determine how much is enough or what the requirements are. It is therefore extremely difficult, if not impossible, to measure how well prepared the United States is.

Congress should include in the FY04 appropriations for DHS and HHS a provision calling on each agency to accompany the FY05 budget request with a detailed methodology for determining the national requirements for emergency responder capability and assistance.

Congress should require that DHS and HHS submit a coordinated plan for meeting national preparedness standards by the end of FY07.

Congress should require DHS and HHS to report annually on the status of emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness, evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

3. ACCEPT NECESSARY BURDEN-SHARING

The Task Force found that there were no accepted national guidelines for determining the nature of burden-sharing between the federal government and state and local jurisdictions. Although state and local jurisdictions should maintain primary responsibility for funding normal levels of public health and safety readiness, the Task Force found that the federal government should be responsible for providing the funds necessary to cover the incremental costs of achieving essential standards in responding to the additional national security threat posed by terrorism. In some outstanding cases, federal funds may be required to enhance state and local emergency responder infrastructure that has been starved of resources if the deterioration of capabilities is such that it poses a threat to national security and state and local resources are not reasonably sufficient for addressing this shortfall.

4. GUARANTEE SUSTAINED MULTIYEAR FUNDING

The Task Force found that many state and local governments are unwilling or unable to accept federal funding for programs that will generate long-term costs in the absence of guarantees that the federal government will make funds available for sustaining such programs. Stable and long-term funding is critical for encouraging state and local governments to develop the necessary emergency response capabilities and, most critically, to sustain them over time.

Congress should accompany all authorizations for emergency responder assistance grants in FY04 and thereafter with budget authority for sustaining those grants through the following two fiscal years.

5. REFOCUS FUNDING PRIORITIES

The Task Force found existing systems for determining the distribution of appropriated funds to states to be badly in need of reform. The federal government currently determines levels for emergency preparedness funding to states primarily on a formula that guarantees minimum funding levels to all states and then determines additional funding based on each state's population. All citizens of the United States deserve a base level of protection regardless of where they live. Nevertheless, the state and population-drive approach has led to highly uneven funding outcomes. Wyoming, for example,

receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority. In addition, decision by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.

Congress should also require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

6. RATIONALIZE CONGRESSIONAL OVERSIGHT

The Task Force found that the proliferation of committees and subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have a lead committee, or an effective joint committee, to shape overall policy. Otherwise the system is likely to be fragmented and plagued with pork.

The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. ACCELERATE DELIVERY OF ASSISTANCE

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting federal requirements and increased amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a balance should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current danger is too great to allow for business as usual. According to the National Emergency Managers Association, ''appropriation cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and then forcing them to thoughtfully and strategically apply several years of federal funds and millions of dollars at one time.'' (NEMA, State Spending and Homeland Security Funds, April 2, 2003) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness in the FY03 consolidated appropriations measure (P.L. 108–7) to distribute grant funds to states within 60 days of the enactment of the bill and required states to distribute at least 80 percent of those funds to localities within 45 days of receipt.

Congress should ensure that all future appropriations bills funding emergency response include strict distribution timeframes as exemplified by the FY03 consolidated appropriations measure.

Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to states.

Congress should grant DHS the authority to allow states greater flexibility in using past homeland security funding. As a first step in this direction, Congress should authorize greater flexibility in the federal guidelines laid out in the FY03 Omnibus Appropriations Bill for the percentages of funds that can be used for various emergency response activities (e.g., 70 percent for equipment, 18 percent for exercises, 7 percent for planning, 5 percent for training) to make it possible for states to better allocate resources according to their most urgent needs. This authority should be granted on a case by case basis by means of a waiver from the Secretary of the Department of Homeland Security.

8. FIX FUNDING MECHANISMS

Many states have been mandated to develop more than five separate homeland security plans. While the information requested by each homeland security plan is similar, states and communities are often required to reinvent the wheel from one emergency plan to the next.

DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Government Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.

Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated ''one-stop shopping'' for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grant programs that support day-to-day operations of emergency responder entities. In many cases, such grants must be expanded.

Congress should create an interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. DISSEMINATE BEST PRACTICES

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices and lessons learned, these disparate efforts generally are narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security. Access to this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and should coordinate closely with HHS to ensure that best practices for responding to biological attack are sufficiently incorporated into the knowledge base.

10. ENHANCE COORDINATION AND PLANNING

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are neither sufficiently coordinating emergency response disciplines within their jurisdictions nor adequately reaching across jurisdictional lines to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106–390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, this authority has not been applied sufficiently to ensure adequate levels of coordination and planning between and among federal, state, and local jurisdictions. In addition, state and local emergency management agencies lack the resources to develop and maintain critical emergency management capabilities. More also needs to be done to encourage and facilitate mutual aid and other cross-jurisdictional agreements that pool resources, minimize costs, and enhance national preparedness.

DHS should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be required in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.

DHS should develop a comprehensive national program for exercises that coordinates exercise activities involving federal agencies, state and local governments, and representatives from appropriate private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders for all types of hazards, with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.

Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

Mr. DODD. Again, I have great respect for my colleague from New Hampshire. He has a very difficult job, and there are constraints, but I also have been around long enough to know that when faced with emergencies that we have a way of getting around those constraints and doing what needs to be done. We have certainly done that in Iraq. We have done it in Afghanistan. I believe we ought to do it at home as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. CHAFEE.) The Senator from Arizona.

Mr. MCCAIN. Mr. President, I send three modifications of my amendments Nos. 1171, No. 1150, and No. 1151, to the desk and ask unanimous consent those modifications be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I have now three pending amendments that have been modified, is that correct?

The PRESIDING OFFICER. Does the Senator wish to make those amendments pending?

Mr. MCCAIN. Mr. President, I believe they are not pending.

The PRESIDING OFFICER. The amendments have been filed for future consideration.

Mr. MCCAIN. Yes. That is fine. The modifications to the filed amendments have been agreed to.

I would like to make a statement about rail security legislation and then, after conversations with Senator GREGG, bring up an amendment on UAVs, which is filed, and then have two additional amendments pending, because I am afraid I may need up-or-down votes.

I am pleased the Senate continues to make progress on the Department of Homeland Security appropriations bill. It is important that we adequately fund this Department and its essential programs which are critical to our Nation's efforts to secure our homeland as we fight the war on terrorism.

In addition to this funding measure, legislation authorizing security efforts is equally important. I am particularly concerned about an authorizing bill the Senate passed by unanimous consent in the 108th Congress, but which has not yet been enacted. Earlier this week I introduced the Rail Security Act of 2005, legislation that is nearly identical to the rail security bill that passed the Senate last year, as I say, unanimously. I sincerely hope we once again pass this important legislation and, given current events, the sooner we act, the better. Rail security must be made a top priority in this Congress.

I would like to mention the Rail Security Act we passed in the 108th Congress was the product of numerous hearings in the Commerce Committee, with expert witnesses and with administration support. So that is why I believe it should have relatively little controversy associated with it.

We are all deeply saddened by the tragic loss of life caused by the terrorist attacks in London last week. Those instances are a painful reminder of the cruel nature of our enemies in this war and of what we must do to fight and win against those who wish to eradicate our way of life. I have said on many occasions that we cannot just play defense in this war, that instead we must take the fight to the enemy. Still, we must do what is possible to protect Americans at home. The London bombings and the attacks on Madrid's commuter rail system last year demonstrate all too vividly the continuing need for this legislation.

We have taken considerable action to address aviation security and devoted significant resources to that mode. I think all would agree aviation is safer now than before 9/11. However, since the terrorist attacks nearly 4 years ago, only relatively modest resources have been dedicated to rail security. Our Nation's transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist attacks, this despite the fact that the Department of Homeland Security has identified as potential terrorist targets the freight and rail passenger networks, which are critical to the Nation's transportation system and national defense.

The 9/11 Commission, in its report on the facts and circumstances surrounding the 9/11 attacks, called for improved security in all modes of transportation, noting that ''terrorists may turn their attention to other modes.''

The Rail Security Act would authorize a total of almost $1.2 billion for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Penn Station, which is used by over 500,000 transit, commuter, and inner city passengers each workday. The legislation would also establish a grant program authorized at $350 million to encourage security enhancements by the freight railroads, Amtrak shippers of hazardous materials, and local governments with security responsibility for passenger stations not owned by Amtrak.

Further, DHS would be required to complete a vulnerability assessment of the rail network to terrorist attack, and make recommendations to Congress for addressing security weaknesses. Importantly, to protect the taxpayers' interests, all Amtrak authorizations would be managed by the Department of Transportation through formal grant agreements.

We face a dedicated, focused, intelligent foe in the war on terrorism. This enemy will probe to find our weaknesses and move against them. We have seen the vulnerability of rail to terrorism in other countries and the devastating consequences of such an attack. It is essential we move expeditiously to protect all the modes of transportation from potential attack.

Also, at this time I ask unanimous consent that the Senator from Delaware, Mr. BIDEN, be listed as a cosponsor of the Rail Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I thank the Senator for his cosponsorship of this legislation, particularly given that Mr. BIDEN travels daily on the rails, back and forth to his home in Delaware.

I trust the Senate will move quickly to once again pass this essential legislation. We owe at least that much to the American people as we continue our struggle against an enemy that wants nothing less than to destroy everything we stand for and believe in.

AMENDMENT NO. 1151, AS MODIFIED

Mr. MCCAIN. I ask unanimous consent to set aside pending legislation and take up amendment 1151 as modified, UAVs at the southwestern border.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1151, as modified.

The amendment is as follows:

(Purpose: To specify how certain vehicles are to be deployed to enhance border security)

On page 61, line 26, insert ''which may be deployed between ports of entry along the southwestern border of the United States, taking into consideration the particular security risks in the area and the need for constant surveillance of such border,'' after ''unmanned aerial vehicles,''.

Mr. MCCAIN. Mr. President, despite the worthy efforts that have been made to secure our homeland, much remains to be done. I, for one, do not believe we can ever expect to fully secure our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement requirements. We cannot accomplish that in this pending bill, but in the meantime we can still take additional measures to better secure our border.

I commend the chairman, subcommittee chairman, and the ranking members for putting forward an appropriations bill that includes a number of sound border security funding provisions. One area I would like to see strengthened, as is proposed by this amendment, is to ensure we are more fully monitoring the southwestern border where most of the illegal crossing and needless deaths occur annually.

Let me cite a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died in the desert last year trying to cross the border. About 200 of those deaths occurred in the Arizona desert. The Border Patrol is currently apprehending approximately 1,300 undocumented immigrants a day in Arizona. This number is expected to rise. An estimated 3,000 people enter the United States illegally from Mexico every single day. Last year, 1.1 million illegal immigrants were caught by the Border Patrol and more than half of those were in the State of Arizona. The Border Patrol releases more than 90 percent of the people they catch through voluntary repatriation, because the system is simply overwhelmed.

I want to repeat that, Mr. President. Anybody who has visited our border and seen those wonderful men and women who serve there in the Border Patrol and Immigration will agree they are simply overwhelmed.

We have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both, but I hope by the time it passes the Senate that we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation. In that law we authorize for the coming year 2,000 more Border Patrol agents, twice as many as would be provided for in the underlying bill, and 8,000 detention beds, 5,790 more than provided for in the bill before us.

I filed amendments to fulfill these authorized levels and would like to work with the bill managers to address these important security issues.

Another area of particular concern along the southwestern border, particularly to Arizonans, since our State is now the leading gateway to illegal entry, is the Federal Government's use of technologies that are already available to strengthen our security efforts.

Manpower alone is not the answer when we are dealing with a 6,000-mile border area. The February grounding of the unmanned aerial vehicles, UAVs, in southern Arizona sent the absolute wrong message to those seeking to illegally enter our country. They are a helpful and needed deterrent to illegal entry and have been very useful in helping to monitor and better secure our southern border. Halting this program even temporarily needlessly jeopardizes our citizens and Nation.

The temperature today on the border between Arizona and Mexico is probably, in the middle of the day, 120 degrees. It is awfully hard on Border Patrol people, and there is no way we can patrol these hundreds of miles of border simply with ground vehicles. UAVs have proved extremely effective in Afghanistan, Iraq, and other places in the world. Clearly it would have tremendous utility in monitoring what is happening along our borders, not only to prevent illegal crossings but also, once those crossings are made, to track down and arrest those who are doing so. And as is well known, not everyone who is crossing the border is simply coming for a job. We have significant drug trafficking, and the Director of the FBI has stated that we are apprehending more and more citizens of ''countries of interest'' that are crossing our borders as well.

In our efforts to counter terrorism and promote national security, it is essential that we use all appropriate assets available to ensure the safety of our citizens and the security of our borders. As we learned through extensive military operations, UAVs have proven to be a highly effective aerial surveillance system that can be used as a force multiplier in coordination with other air and ground surveillance technologies. Of course, we should work to ensure the most effective UAV technologies are employed over the border, but it is important that some form of UAV be deployed in the short term to augment ongoing enforcement efforts. Grounding the UAVs also creates a perception in an already volatile border region that the Federal Government is abandoning its responsibilities.

We are now into our fifth month with grounded UAVs at the southern border, and I find this inexcusable and unacceptable. A UAV program not only helps to deter illegal immigrants but also maximizes the effectiveness of our law enforcement agents on the ground.

I commend the bill managers for recognizing the need for UAVs and hope they can agree to support my amendment that will make clear to DHS that the funding provided in this bill is not to support grounded technologies but, rather, is provided to support a robust UAV program that best meets the area's security risks while recognizing the need for constant surveillance along the southwestern border.

I urge my colleagues to support this amendment to ensure UAV surveillance at the Nation's borders and maximize our law enforcement efforts.

Mr. President, it is my understanding that the managers of the bill would agree to this amendment by voice vote at the appropriate time, but I would clearly await the presence of the managers before proceeding.

Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1150, AS MODIFIED

Mr. MCCAIN. Mr. President, I call up amendment No. 1150 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1150, as modified.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated for salaries and expenses by title II under the heading ''CUSTOMS AND BORDER PROTECTION'' is increased by $367,552,000, all of which may be made available to hire an additional 1,000 border patrol agents.

(b) The amount appropriated by title III for State and local grants under the heading ''STATE AND LOCAL PROGRAMS'' is reduced by $367,552,000.

Mr. MCCAIN. Mr. President, despite worthy efforts to secure our homeland, much remains to be done, and I do not believe we can expect to secure fully our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement requirements.

I commend the chairman and subcommittee chairman and ranking members for putting forward an appropriations bill that includes a number of important border security funding provisions. Clearly, they do not have an easy job. And I know they have worked to fund critical homeland security needs.

One area that I strongly believe should be strengthened, however, concerns the number of Border Patrol agents as they play one of the most critical roles in securing our homeland.

To help my colleagues to understand the great need for more manpower, let me cite just a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died last year; an estimated 3,000 people enter the United States from Mexico every day. A few weeks ago, 79 people were found in a Phoenix alley crammed into a commercial horse trailer. The heat was over 100 degrees, and they had been there for several days. Of the 79, 11 were children, including a 4-month-old baby. At the beginning of the summer, when the temperature in the desert rose unexpectedly, 12 people died crossing into Arizona in 1 weekend.

Mr. President, we have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both. But I hope that by the time it passes the Senate, we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation.

Mr. President, a dangerous state of lawlessness exists along the southwestern border, and it has become increasingly volatile. The Federal Government's inability to stem the illegal traffic flowing across the border has shifted substantial financial and social burdens to residents of the border region. Recent action by minutemen along the Arizona border provided the Nation with an image of the frustration felt by many Americans.

Border States are suffering from the immediate and downstream problems associated with illegal immigration. Our hospitals are burdened with enormous uncompensated costs, and so are our State and local law enforcement agencies. We simply need more manpower to protect the border in the near term. While I strongly believe that once we fix our broken immigration system, we will see the day that some of our border resources can be shifted to other priorities, until then Congress must have the will to take the action needed to reform our broken immigration system. We need to have a robust Border Patrol force hired, trained, and on the job.

While providing solid resources to state and local officials to ensure the readiness of our first responders is imperative, the men and women serving in the Border Patrol are literally on the front lines in the fight to keep the terrorists out of our country. CIA Director Muller has said that more and more people from ''countries of interest'' are looking at our southwest border as a possible point of entry into the

United States. Why shouldn't they. Hundreds of thousands and potentially millions of migrants who enter the United States illegally each year to work represent the perfect cover for potential terrorists. Of course, if others have offsets to suggest, that would be preferable. I am open to any and all options that will enable us to meet the full level of Border Patrol agents so desperately needed on the front lines.

Mr. President, I am aware that the managers are not in agreement with this amendment, and that is why I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1171, AS MODIFIED

Mr. MCCAIN. Mr. President, I call up amendment No. 1171 as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1171, as modified.

The amendment is as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated for salaries and expenses by title II under the heading ''IMMIGRATION AND CUSTOMS ENFORCEMENT'' is increased by $198,990,000, all of which may be made available to add an additional 5,760 detention beds and additional positions or FTEs in the United States.

(b) The amount appropriated by title III for State and local grants under the heading ''STATE AND LOCAL PROGRAMS'' is reduced by $198,990,000.

Mr. MCCAIN. Mr. President, the situation on our borders, as I have said, has reached a critical juncture. I have given the statistics. The Border Patrol releases more than 90 percent of the people they catch. I want to repeat that. The Border Patrol releases through voluntary repatriation more than 90 percent of the people they catch because the system is overwhelmed. That probably sounds unbelievable to most Americans. The unfortunate reality is that the Border Patrol simply cannot take into custody the vast number of people that are apprehended. Because of this, they must prioritize. Due to space limitations, our Federal agents rightly give a higher priority to aliens who represent potential criminal threats.

Mexican nationals who are apprehended are usually returned to Mexican Government officials, voluntarily taken back across the border, and, in the case of a recent pilot program, repatriated to the interior of Mexico with the hope they are less likely to risk crossing again.

However, foreign nationals from other countries often get off much easier. Because of the lack of detention space, the fact that their home countries are farther away, and limitations in our immigration laws, nationals from Guatemala, El Salvador, Brazil, and a number of other countries are frequently apprehended by Federal officials, given a court summons to report to deportation proceedings, and released.

Mr. President, let me tell you that again. They are apprehended, they find out they are from Brazil, they say, OK, show up in court, show up in court inside the United States, and then they are released. How many of those do you think we ever see again?

The reality has become demoralizing to the men and women serving in the Border Patrol. Word about this loophole has quickly traveled back to Central and South American countries. Summonses to report to deportation proceedings are frequently called ''permisos'' or permission slips. Smugglers now take migrants as far as they can and tell them to approach the first Border Patrol agent they see and turn themselves in. After migrants obtain their permiso, they are then free to continue their journey to Chicago, New York, or wherever there is a job or a family member awaiting them.

One result of this loophole has been a dramatic increase in the number of Brazilians crossing the border illegally.

Fox News channel, Monday, July 11, 2005. ''Other Than Mexicans? Welcome to America.''

LOS ANGELES.—For many people around the world, the U.S.-Mexico border is a doorway to opportunity—one that's unlocked and wide open.

Brazilians, Chinese, Pakistanis and many others are joining the tide of Mexicans who sneak across every day.

''OTMs include people from all over the world—South America, the Middle East, the Caribbean,'' explained former Immigration and Naturalization Service Special Agent Michael W. Cutler, currently a fellow at the Center for Immigration Studies. ''Anyone other than Mexican is an OTM.''

In 2001 5,251 ''OTMs'' were caught crossing over from Mexico. Last year the number was more than 35,000.

In the first eight months of this fiscal year, it's up to 70,000 already—230 people a day—and they're only the ones getting caught.

''The vulnerability of a porous border is a security problem, and we always have to be concerned the real bad guys will exploit these vulnerabilities,'' said Frank Sharry, executive director of the National Immigration Forum.

Critics are concerned at the way OTMs are handled.

Mexicans are processed and sent back across the border within a few hours but Mexico won't allow the United States to send them citizens from other countries—and under U.S. law they're entitled to a deportation hearing.

Because the immigration service lacks prison beds to hold them, the vast majority of OTMs are released from custody and asked to voluntarily return for their court date—which the majority of them obviously do not do.

''They are given a piece of paper called a notice to appear, which administratively starts the ball rolling for a deportation hearing,'' said Cutler. ''Not surprisingly, fewer than 15 percent show up.

''Our bureaucracy is not up to the challenge of protecting this country, our Congress is not dealing with the reality in a 21st Century way, our immigration laws are terribly out of place,'' commented Sharry.

So what's the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immigrants a free pass is no solution at all.

I read from another article, ''Loophole to America'':

In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breast-stroked through the gentle current.

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants from countries beyond Mexico.

''We used to chase them; now they're chasing us,'' Border Patrol Agent Gus Balderas said as he frisked the Brazilians and collected their passports late last month.

What happened next explains the odd reversal.

The group was detained overnight and given a court summons that allowed them to stay in the United States pending an immigration hearing. Then a Border Patrol agent drove them to the McAllen bus station, where they continued their journey into America.

The formal term for the court summons is a ''notice to appear.'' Border Patrol agents have another name for it. They call it a ''notice to disappear.''

Of the 8,908 notices to appear that the immigration court in nearby Harlingen issued last year to non-Mexicans, 8,767 failed to show up for their hearings, according to statistics compiled by the Justice Department's Executive Office of Immigration Review. That is a no-show rate of 98 percent.

The problem is that U.S. immigration authorities are short on detention space. They can send Mexicans back across the border within hours. But international law prohibits them from sending non-Mexicans to Mexico. Instead, they must arrange travel documents and flights directly to the immigrant's country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry for a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome wagon than a barrier.

It is one example of the tears in the ''seamless web of enforcement'' that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents. It also helps explain why the nation's illegal immigrant population has grown to record levels despite the buildup.

The morning after Agent Balderas encountered the 20 Brazilians, another Border Patrol agent drove them to the McAllen bus station where they headed toward their destinations. They were armed with notices to appear that carried them safely past Border Patrol checkpoints.

Two days later, Graice De Olveira-Silva and three companions from Brazil were working for her relatives' house-cleaning business in Atlanta.

It is a world turned upside down for the Border Patrol, especially here in South Texas. Back in 1985, things were so different that a woman was convicted on charges that she drove illegal immigrants from El Salvador around the Border Patrol and to the same McAllen bus station.

Now smugglers operate with impunity. After their loads of immigrants splash

ashore, the smugglers slip back across the river.

As word of this border loophole filters back to Central and South America, the volume of people coming to exploit it is likely to grow, according to Border Patrol agents.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, ''Anyone who has a little money will be coming.''

Mr. President, I ask unanimous consent both articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From FoxNews.com, July 11, 2005]

OTHER THAN MEXICAN? WELCOME TO AMERICA

LOS ANGELES.—For many people around the world, the U.S.-Mexico border is a doorway to opportunity—one that's unlocked and wide open.

Brazilians, Chinese, Pakistanis and many others are joining the tide of Mexicans who sneak across every day.

''OTMs include people from all over the world—South America, the Middle East, the Caribbean,'' explained former Immigration and Naturalization Service Special Agent Michael W. Cutler, currently a fellow at the Center for Immigration Studies. ''Anyone other than Mexican is an OTM.''

In 2001, 5,251 ''OTMs'' were caught crossing over from Mexico. Last year, the number was more than 35,000.

In the first eight months of this fiscal year, it's up to 70,000 already—230 people a day—and they're only the ones getting caught. Hundreds more make it across undetected, experts believe.

''The vulnerability of a porous border is a security problem, and we always have to be concerned that the real bad guys will exploit those vulnerabilities,'' said Frank Sharry, executive director of the National Immigration Forum.

Critics are concerned at the way OTMs are handled.

Mexicans are processed and sent back across the border within a few hours but Mexico won't allow the United States to send them citizens from other countries—and under U.S. law, they're entitled to a deportation hearing.

Because the immigration service lacks prison beds to hold them, the vast majority of OTMs are released from custody and asked to voluntarily return for their court date—which the majority of them do not do.

''They are given a piece of paper called a notice to appear, which administratively starts the ball rolling for a deportation hearing,'' said Cutler. ''Not surprisingly, fewer than 15 percent show up.''

''Our bureaucracy is not up to the challenge of protecting this country, our congress is not dealing with the reality in a 21st-century way, our immigration laws are terribly out of place,'' commented Sharry.

So what's the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immigrants a free pass is no solution at all.

[From SignOnSanDiego.com, June 4, 2005]

LOOPHOLE TO AMERICA

(By Jerry Kammer)

MCALLEN, TX.—In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breaststroked through the gentle current.

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants from countries beyond Mexico.

''We used to chase them; now they're chasing us,'' Border Patrol Agent Gus Balderas said as he frisked the Brazilians and collected their passports late last month.

What happened next explains the odd reversal.

The group was detained overnight and given a court summons that allowed them to stay in the United States pending an immigration hearing. Then a Border Patrol agent drove them to the McAllen bus station, where they continued their journey into America.

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The problem is that U.S. immigration authorities are short on detention space. They can send Mexicans back across the border within hours. But international law prohibits them from sending non-Mexicans to Mexico. Instead, they must arrange travel documents and flights directly to the immigrant's country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry for a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome wagon than a barrier.

It is one example of the tears in the ''seamless web of enforcement'' that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents. It also helps explain why the nation's illegal immigrant population has grown to record levels despite the buildup.

The morning after Agent Balderas encountered the 20 Brazilians, another Border Patrol agent drove them to the McAllen bus station where they headed toward their destinations. They were armed with notices to appear that carried them safely past Border Patrol checkpoints.

Two days later, Graice De Olveira-Silva and three companions from Brazil were working for her relatives' house-cleaning business in Atlanta.

It is a world turned upside down for the Border Patrol, especially here in South Texas. Back in 1985, things were so different that a woman was convicted on charges that she drove illegal immigrants from El Salvador around the Border Patrol and to the same McAllen bus station.

Now smugglers operate with impunity. After their loads of immigrants splash ashore, the smugglers slip back across the river.

As word of this border loophole filters back to Central and South America, the volume of people coming to exploit it is likely to grow, according to Border Patrol agents.

Apprehension statistics bolster their assertion. Arrests of non-Mexicans along the U.S.-Mexico border totaled 14,935 in 1995, 28,598 in 2000 and 65,814 last year. In the first eight months of this federal fiscal year, which began Oct. 1, more than 85,000 have been apprehended. Nearly all are no-shows at their court hearings, but comprehensive federal figures are not available.

Statistics aren't the only evidence. Interviews with immigrants caught sneaking across the border recently suggest the problem will only increase as Central and South American migrants learn of the unintended opportunity.

''We thought they were going to deport us,'' said Ceidy Milady Canales Alvarez, a 22-year-old Honduran recently arrested by the Border Patrol in the McAllen sector. She said a cousin in Atlanta had encouraged her to make the trip. So she quit her $50-a-week job sewing shirts and pants that are exported to the United States and crossed the border.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, ''Anyone who has a little money will be coming.''

In his office on Capitol Hill, Rep. Silvestre Reyes, D-Texas., fumed at the news from South Texas and called for emergency measures similar to those he adopted in 1989, when he was the Border Patrol's agent in charge of the McAllen sector.

''We need somebody with a stiff spine who can make a decision and say, 'We're going to build a temporary detention facility,' '' Reyes said. ''We need to send a message that anybody who crosses that border illegally is going to be detained. That message gets back (to the sending countries) instantaneously.''

Sixteen years ago, Reyes faced a rush of immigrants fleeing the violence of Central American civil wars. Most of their asylum claims were rejected, but only after the migrants had moved far away, armed with notices to appear in court.

''They were coming across and flagging my men down,'' Reyes said. ''It was destroying their morale.''

He got permission from the commissioner of the old Immigration and Naturalization Service to establish a temporary tent city with several thousand beds for detained immigrants. That measure, coupled with an increase in the number of agents at key border crossing points, shut off the flow, Reyes said.

But the current director of immigration detention and removal operations in South Texas wants nothing to do with such emergency measures.

''Anytime you have temporary facilities, you have a degradation of services, you have anxieties,'' said Marc Moore, who administers 1,700 detention spaces.

Reyes reacted angrily to Moore's remarks. While a temporary facility would be expensive and might not be as tidy as Moore would like, Reyes said, ''All these things are worth it given the alternative of the permiso syndrome.''

Central and South Americans call the notice to appear their ''permiso,'' which in Spanish means permission slip.

About 19,450 immigration detention beds are available nationwide under funding levels established by Congress. Although that is twice the number of beds Congress funded a decade ago, it is far less than the number needed.

With the shortage of beds, immigration authorities must choose between using a bed to hold a migrant with a serious criminal record in the United States or one who has come across the border without a criminal record. It's an easy choice. They release the immigrant without the criminal record.

Many Border Patrol agents express frustration over the dilemma. They also worry that the high volume of non-Mexicans is taking up much of their time and might be making it easier for potential terrorists to slip past. Some said they spend much of their 10-hour shift processing non-Mexicans.

One night last month when six agents were processing non-Mexicans at the Border Patrol's Rio Grande City station, for example,

only seven agents were patrolling the 84 miles of river under their watch.

Agent Isidro Noyola, who that night detained illegal immigrants from Brazil and Honduras, said, ''Our fear is that when we are processing and not patrolling the border, somebody else is going to be coming through.''

Another agent expressed astonishment at the cheekiness of some of the migrants.

''They come up to you and say, 'I want my permiso,' '' Agent Larry Alvarez said. ''They want us to hurry up and get them out of here.''

Others with the Border Patrol complained that they are being reduced to little more than gun-toting travel agents in uniforms.

In particular, the growth in the number of Brazilians taking advantage of the loophole has been spectacular, largely because of that country's poor economic conditions. In 1995, the Border Patrol detained 260 Brazilians along the Mexican border. Five years later, the number had grown to 1,241. But over the past eight months, it has soared to some 22,000.

The number of Brazilians floating north over the Rio Grande might continue to increase because of a prime-time soap opera in Brazil whose central character is smuggled across the Mexican border and finds work as an exotic dancer in Miami.

Since its first episode aired in March, ''America'' has become Brazil's most popular ''telenovela.'' In a country of 178 million, it has an audience of some 60 million.

Mr. McCAIN. I am not sure this amendment will solve that problem, but I do believe a clear case is made for more detention beds. The underlying bill adds 2,240 new detention beds for fiscal year 2006. The amendment I am offering today further increases the number of detention beds by 5,760 beds, bringing the number of new beds to the level we authorized 7 months ago in the Intelligence Reform and Terrorism Prevention Act of 2004.

Lest there be any mistake made about me authorizing on an appropriations bill, this is authorized by the Intelligence Reform and Terrorism Prevention Act, as is the previous amendment.

I look forward to working with the managers of the bill on both of these amendments. I am grateful the first amendment I proposed has been agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1183 WITHDRAWN

Mr. SCHUMER. Mr. President, I ask that amendment 1183 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1183.

Mr. SCHUMER. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding to counter man portable air defense systems)

On page 91, line 23, insert before the period '': *Provided further*, That of the total funds made available under this heading, not less than $140,000,000 shall be for activities to demonstrate the viability, economic costs, and effectiveness of adapting military technology to protect commercial aircraft against the treat of man portable air defense systems (MANPADS).

Mr. SCHUMER. I now ask that amendment 1183 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1183) was withdrawn.

AMENDMENT NO. 1184, AS MODIFIED

Mr. SCHUMER. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I rise to call up amendment 1184, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. BOXER, proposes an amendment numbered 1184, as modified.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the Secretary of Homeland Security to designate an agency within the Department of Homeland Security as having responsibility for countermeasures for man portable air defense systems (MANPADS))

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Upon completion of the Department of Homeland Security's operational testing of man portable air defense system (MANPAD) countermeasure systems for commercial aircraft, the Secretary of Homeland Security is encouraged to designate an agency within the Department as having responsibility for managing the procurement and installation of such systems, and may use any unobligated funds provided under title I to establish an office within the designated agency for that purpose.

Mr. SCHUMER. Mr. President, this amendment is about something the Senator from California and I have long cared about, arming our planes with Stinger missiles.

It is my understanding the managers of the bill have cleared the modified text. I ask unanimous consent the amendment as modified be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1184), as modified, was agreed to.

AMENDMENT NO. 1189

Mr. SCHUMER. Mr. President, I rise to call up amendment No. 1189.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. LIEBERMAN, proposes an amendment numbered 1189.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that certain air cargo security programs are implemented, and for other purposes)

On page 69, beginning on line 2, strike $4,452,318,000 and all that follows through ''That'' on line 5, and insert the following: ''$4,754,299,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the amount made available under this heading, not to exceed $2,000,000 shall be available to carry out section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3728): *Provided further*, That of the amount made available under this heading, not to exceed $100,000,000 shall be available to carry out the improvements described in section 4052(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3728): *Provided further*, That of the amount made available under this heading, not to exceed $200,000,000 shall be available to carry out the research and development described section 4052(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3728): *Provided further*, That''.

Mr. SCHUMER. Mr. President, my amendment addresses the issues of air cargo security and how we need to be doing much more to protect our Nation's skies. Right now, TSA security procedures leave a staggering 95 percent of cargo on passenger and all-cargo flights unscreened. In addition, TSA security regulations are voluntary and go unenforced.

My amendment provides a total of $302 million for fiscal year 2006 to improve air cargo security. We all know not only are there planes that carry cargo exclusively but most commercial flights have cargo in the belly of their plane.

I ask a rhetorical question: What good does it do to make sure all of the passengers onboard the plane are screened so that there are no explosives or any other weapons, yet allow cargo that would ride in the belly of the plane to not be screened 19 out of 20 times, thus keeping every passenger on that plane, as well as the pilots and everyone else, at risk? The answer is obvious. It makes no sense.

For all the money we have put into passenger screening, we are leaving a gaping hole alongside, and that is cargo screening. While passenger screening has, indeed, improved rather significantly—anyone who goes to any airport in this country knows that—cargo security has not.

My amendment gives $200 million to improve the existing air cargo security measure and $100 million for a competitive grant program to fund private research and development into air cargo

security technology, and $2 million to fund a pilot program to evaluate the use of blast-resistant cargo containers in commercial and all-cargo aircraft.

Last year, I was proud to join our good friend, former Senator Hollings from South Carolina, in cosponsoring an amendment included in the Intelligence Reform and Terrorism Prevention Act and signed into law by the President, authorizing these exact funding levels, totaling almost $1 billion over 3 years to improve air cargo security.

My amendment would fully fund 1 year of the 3 years of authorization. This is the second step in something that this body has found very necessary; that is, adequately protecting us from terrorists who might put bombs, explosives, or whatever in air cargo. The potential threat from unchecked air cargo is just as serious, just as dangerous as a threat from an actual terrorist boarding a commercial flight.

It has been reported that TSA considers the likelihood of a terrorist bombing a passenger airplane to be between 35 and 65 percent. It is the likely primary aviation target for terrorists.

An analysis done by the RAND Corporation on security measures at Los Angeles International Airport determined that a bomb smuggled onto a passenger plane by a passenger but through uninspected cargo posed the greatest threat relative to other types of attack. RAND determined it would be the most likely to succeed and, unfortunately, the most likely to kill the most people.

Twenty-six percent of all air cargo in the United States is not carried on cargo planes but rather on passenger flights, and only a tiny fraction of that is inspected. Even more cause for alarm is the fact that 46 percent of all international air cargo is carried on international cargo flights. The best way to protect against biological, chemical, or nuclear weapons being smuggled onto a flight is to ensure that as much cargo as possible is screened through advanced detection systems. However, TSA only screens 5 percent of the nearly 3 billion tons of cargo carried on commercial flights each year.

My amendment does three things. It gives $200 million to improve existing air cargo security measures, in addition to the $50 million already recommended by the committee for air cargo security activities.

Right now, TSA's principal means for checking cargo are through known shipper programs where so-called ''trusted'' shippers can avoid additional screening in exchange for following stricter security protocols. However, TSA does little to ensure that shippers are trustworthy and have adequate security measures in place. In addition, enrollment in a known shipper program is voluntary, with only a third of domestic shippers currently participating. Since the TSA screens such a small percentage of cargo, it is very likely something could be missed.

It is clear we need an additional line of defense. That is why I am proposing such a significant investment in new screening equipment and security infrastructure so the TSA can check more cargo and protect more flights.

Second, the amendment adds $100 million for the Secretary of Homeland Security to establish and carry out a competitive grant program to encourage the development of advanced air cargo security technology. The amendment will fund research into new cargo screening technology, including the use of x rays, CT scans, and chemical trace detection to speed up the screening process and allow more cargo to be screened more effectively.

Third, my amendment would fully fund a pilot program to evaluate the use of blast-resistant cargo containers, cargo baggage containers. You put the baggage in a container and even if, God forbid, it explodes, it cannot damage the plane. The 9/11 Commission recommended every passenger aircraft have at least one hardened container in which questionable or suspicious cargo can be shipped to reduce or eliminate the risk to passengers in the case of an explosion.

I know there are many competing demands for Homeland Security funding, but we are not investing enough time, effort, and resources into air cargo security. This amendment will help address this critical area. I hope my colleagues will support the amendment.

AMENDMENT NO. 1190

Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I call up amendment numbered 1190.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1190.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $70,000,000 to identify and track hazardous materials shipments)

On page 71, between lines 10 and 11, insert the following:

For necessary expenses of the Transportation Security Administration related to developing and implementing a system for identifying and tracking shipments of hazardous materials (as defined in section 385.402 of title 49, Code of Federal Regulations) by truck using global positioning system technology, $70,000,000.

Mr. SCHUMER. Mr. President, this amendment is about truck security and how we need to be doing much more to protect our highways and communities from the threat of truck bombs and stolen hazardous material.

Madrid was a wake-up call for us. And now London is a second wake-up call. Obviously, there is a lot of focus on rail. I support that focus and had my amendment which was going to add another $300 million to the $100 million already requested in rail security, but I have joined efforts with the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Mr. SARBANES, and the Senator from Rhode Island, Mr. REED, and others to have one mass transit amendment which will have an amount far greater than the amount I was going to propose—and we will also have a colloquy—so that money can go to more things.

The MTA, in my area, the leading mass transit agency that runs New York City subways, the Long Island railroad, Metro-North, carrying millions of passengers every year—billions of passengers every year, and millions, I guess, every week—has said they cannot spend the money on what they need, such as explosive-detecting dogs, which is one of the best types of ways to stop explosives. But that is rail security. As I said, that will come for another time in debate, I believe, tomorrow.

But what Madrid also teaches us and London also teaches us is that terrorists look for weak pressure points. If we strengthen air, they may look to rail. If we strengthen rail, they may look to trucks. If we strengthen trucks, they may look to our ports. So it is extremely important we have a multifaceted war on terror at home.

As you know, I support a strong war on terror abroad. And we are fighting a strong war on terror abroad, maybe too strong in the eyes of some. But we also have to have not only a good offense in the war on terror, we have to have a good defense. We have to look across the board. It has been a great concern of mine that we are not doing enough in various areas. I have tried to put my efforts into the areas where there is clearly a great danger compared to meager effort. Truck security is one of those areas.

My amendment gives $70 million—not a large sum in this very large budget—to the Transportation Security Administration to develop and implement a system for identifying and tracking hazardous material shipments using global positioning system technology.

According to the 1997 Census of Interstate Commerce, 740,000 Hazmat shipments travel by truck each day in the United States. Approximately 50,000 trips are made daily by gasoline tankers, and many of them hold as much fuel as a Boeing 757. These trips often end with a late-night delivery to a deserted gas station.

Trucks also cross the country carrying potentially deadly chemicals, such as ammonium nitrate, chlorine, and cyanide. An attack with these types of chemicals could cause an even greater level of destruction because these chemicals can form clouds of

deadly fumes which would affect individuals miles away from the site of a terrorist incident.

My amendment simply provides TSA with the financial resources to look into how we go about monitoring what has been shown to us as a vulnerability within our existing plan to secure our country from terrorist threats.

Have we forgotten the initial attack on the World Trade Center in 1993 and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, both of which were the result of truck bombs? While the Nation has completely revamped aviation security since the September 11 attacks—we have a longer way to go, but we have come a long way—we have done next to nothing to secure our country from the danger that can be caused by a truck filled with explosives, chemicals, or biological weapons.

Today, on their own, many of the larger trucking companies have GPS systems on their trucks, like an ever-growing percentage of American automobiles. Frankly, they have put the GPS systems on often to deal with theft as much as to deal with the threat from terrorism. The systems allow the companies to know where the trucks in the fleet are. If the truck moves off a route, the company knows. If a truck is stolen, the company knows.

I believe it is important the TSA take a similar approach and create a nationwide tracking system so that if a terrorist should steal or hijack a truck loaded with dangerous materials, we will find them quickly. It would be very similar to when a plane goes off track, we now know that. F–16s are scrambled. We have learned that here in the Capitol over the last year, twice. The same thing can be done with trucks, not very expensively.

My amendment provides TSA with tremendous flexibility and much-needed funds to address truck security and have none of the mandates or the high costs to industry that the ATA alleges.

In addition, my amendment specifically limits the type of commercial vehicles and content subject to tracking to the most dangerous and high-hazard materials. It is not going to affect every truck shipment.

Both the TSA and DOT are currently working on improving truck-tracking systems and background checks for commercial driver's licenses with a Hazmat endorsement. My amendment would help continue and build on those existing efforts, which have been slow, in part, due to lack of funding.

So I urge my colleagues to support this amendment and help close this hole in our Nation's homeland security.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if I can get the attention of the Senator from New York, as I understand it, we reached an understanding on your amendment No. 1184, as modified. Are you going to send a modification to the desk? We can just agree to it now.

Mr. SCHUMER. I believe I have sent the modification to the desk.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator's amendment No. 1184 be agreed to.

Mr. SCHUMER. Be?

Mr. GREGG. Be agreed to, unless the Senator wishes to oppose it.

Mr. SCHUMER. No. I think I have asked that already. But if you want to do it twice, maybe it will increase my legislative batting average.

The PRESIDING OFFICER. It has been agreed to.

Mr. GREGG. It has been agreed to? OK, we missed that.

Mr. SCHUMER. If my colleague from New Hampshire would yield, I also withdrew amendment No. 1183, as per our agreement.

Mr. GREGG. All right. Great. So that leaves us with your amendment No. 1189, dealing with air cargo, and amendment No. 1190, dealing with hazardous materials; is that correct?

Mr. SCHUMER. Correct.

Mr. GREGG. We are on the same page. That is good. That is a starting point.

AMENDMENT NO. 1171

Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on amendment No. 1171, Senator MCCAIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. It is in order to request the yeas and nays on that amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays on amendment No. 1171.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Thank you.

AMENDMENTS NOS. 1189 AND 1190

Mr. President, as to the two proposals by the Senator from New York, I am going to make a point of order that both proposals exceed the budget allocation which we received. Obviously, they are well-intentioned, and they are reasonably confined compared to some of the other proposals we have received this morning in the billions of dollars. These are in the hundreds of millions—in one case even under $100 million.

The fact is, in both instances, the Department does not believe it is necessary to do this at this time. They believe they have proposals in the pipeline which will address air cargo, and they have proposals in the pipeline which will deal with hazardous material shipments. But as of right now, they are not ready to deal with these additional dollars in a way that will use them constructively. So the Department opposes both of these proposals based essentially on the fact that they are pilot programs, and their initiatives in these areas are not ripe enough, are not at the level of capacity yet to handle these types of dollars.

As the Senator from New York has noted, this is really a question for us, as a Congress, and for the Homeland Security agency, as an agency, to allocate resources where they can get the most return and the most effective use. And within the limited dollars we have—and they are fairly significant dollars; actually, the increase in homeland security is significant—the focus has been on areas where we think we can get constructive results quickly with the dollars put into the accounts, specifically: weapons of mass destruction, water patrol—I have mentioned this before a number of times—and other items like that.

So, Mr. President, these dollars at this time exceed the budget and, therefore, I make a point of order against each of these two amendments. And so, on each amendment, beginning with 1189, I make a point of order that under section 302(f) of the Budget Act that the amendment provides spending in excess of the subcommittee's allocation under 302(f).

The PRESIDING OFFICER. The Senator is making it against 1189?

Mr. GREGG. Yes, 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act as applicable to 1189 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I make a budget point of order against amendment No. 1190 by the Senator from New York. It is the same point of order I just made against 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to spend a few moments talking about an issue of great concern, and that is transit security. I know my colleagues are working as we speak. I will be working with them—the Senator from New Hampshire; the Senator from West Virginia; my colleague, Senator SHELBY from Alabama—to raise the amount of resources devoted to transit security. The sticking point at the moment is how much we can raise these funds. I have urged a significant increase because of the significant threat.

We were all shocked last Thursday when we became aware of the news that 52 innocent transit riders in London were killed and over 700 injured in a series of cowardly attacks in the heart of London on their transit system, both on their underground system and their aboveground bus system. This horrific attack was reminiscent of other attacks in Madrid, Moscow, Israel, and elsewhere. All these attacks are specifically targeted to public transportation. We know this is a target for terrorists. We also understand that our system in the United States is still vulnerable to those types of attacks.

Every workday, 14 million Americans take a train or a bus. To put that in perspective, that is roughly 28 times the population of the State of Wyoming. Each and every day these 14 million Americans get on a bus or take a metro subway to work and to other necessary obligations and appointments. We know, quite clearly, that these transit systems are the prime target of terrorists. Subways, light rail, buses, and ferries are designed for easy access and to move large numbers of people efficiently. As a result, they do not have all the panoplies today of protection that you see at airline terminals, for example.

The facts are clear. There have already been numerous attacks on transit. We have 6,000 transit systems in the United States, with 14 million riders every workday. I do not think anyone could disagree with those facts or disagree with the fact that we have to do more to harden and protect our transit systems.

Yet the Federal Government's response to these facts has been underwhelming at best. In contrast to aviation, where we have invested $9 in security improvements per passenger, to date we have invested roughly $0.006 per passenger, a little over half a cent, to protect transit passengers throughout the country.

Now, I think we have to do much better. Perhaps we can never reach the level of protection for airlines because of the nature of that process—we can put screening devices in terminals; we can have elaborate followthrough in terms of passenger lists and identifying who is getting on which aircraft—but we have to do more in public transit. That is a consensus, a conclusion, I hope we all reach. Again, I think the debate today and tomorrow will be about how much we can do.

Now, I will make the case we have to do much more. I am working with my colleagues. I hope we can achieve a sufficient level of investment in transit security that is commensurate with the threat that has materialized just a few days ago, and, unfortunately, is likely to materialize again here or across the globe.

Now, after September 11, when I was serving as chairman of the Subcommittee on Housing and Transportation, I held a hearing on the topic of transit security. At that time it was clear that we needed to do more than simply rely on the Federal Transit Administration, whose expertise is building systems, not essentially making them secure. Their efforts were commendable but very limited. They were reviewing security procedures. They were trying to disseminate information. But they were not able to because of their expertise as well as because of the resources needed to go in and start making significant capital improvements, supporting operational changes, doing all those things that are absolutely key to protecting our security systems, our transit systems.

After the hearing, Senator SARBANES and I asked the General Accounting Office to do a study on transit security. That report was completed in 2002. They found that one-third of all terrorist attacks throughout the world were directed against transit. Yet we have nowhere committed the resources commensurate with that level of activity. And even more telling was the GAO's conclusion that, in their words, ''insufficient funding is the most significant obstacle agencies face in trying to make their systems more safe and secure.''

Typically, in the United States, transit systems are local systems. They depend upon riders' fares, local and State subsidies, and all of these sources are highly constrained in terms of coming up with the extra dollars to ensure protection of the system. Because of these conclusions from the GAO report, from our hearings, Senator SARBANES and I have come to the floor on several occasions to argue for additional funding. We have done this with respect to supplemental appropriations bills. We have done it with respect to other Department of Homeland Security appropriations bills. And indeed, we also tried to suggest increased funding during the National Intelligence Reform Act debate.

I have been pleased to work with many colleagues, particularly Senator SHELBY, chairman of the Banking Committee. Last year we were able to pass authorizing legislation in the Senate that would have created a threat-based transit security policy, along with authorizing $3.5 billion to help transit systems deter, detect, and respond to terrorist attacks. While the Senate did its part in passing the legislation, regrettably it was not passed by the House, nor was it supported with the kind of energy and enthusiasm by the administration which is so critical to achieving the objective of improved transit security. We are here again today on this legislation, in the wake of London, arguing for additional resources so that we can meet this threat to our transit systems.

There are some who might oppose these efforts. They might say it is too much money. Frankly, when you look at what has to be done—6,000 transit systems—when you look at the amount of training, the amount of capital equipment—just in terms of communications, for example—that is a huge number. And when you measure that with the threat—a third of all terrorist attacks over the last several decades have been directed at transit, and we have seen it in Madrid, in London, in Moscow, in Tokyo, where a Japanese fanatical group attempted to disperse a chemical agent in the tunnels—the threat is there; the resources are not.

Since 1992, the Federal Government actually has invested $68 billion to construct transit systems, but we haven't yet been able to commit ourselves to protecting those systems adequately. It has been estimated that roughly $6 million is necessary to provide the kind of protection that at least provides a minimal level of protection. These investments range from fencing to high-tech explosive detection systems, to communication upgrades. All of these things could be put in place, enhancing significantly the security of our systems.

In the wake of London, in the wake of Madrid, in the wake of the transit attacks in Russia, I don't think it is too much to ask to spend 12 cents per transit passenger, as some amendments have proposed, to protect them.

I have also heard that we should direct all of our efforts to threat-based approaches—don't single out transit, don't single out aviation, any particular mode of transportation or infrastructure. But frankly, the attractiveness—and I say this with regret—of transit to terrorists as a target is so compelling that this argument also does not hold water.

I also hope that we can continue to support these efforts, understanding that the primary responsibility is local. These systems are local or regional. The States and the localities have an obligation. But the reality is—and I don't think I have to spend too much time saying this—most transit systems are already just scraping by in terms of keeping their ridership up, making sure fares are affordable, making sure that they can make improvements in their basic rolling stock and facilities. These additional resources for security properly could be supported by the Federal Government.

We also authorized and created a few years ago the Department of Homeland Security. It is the appropriations for that Department we are discussing today. With respect to that Department, there was an acknowledgment that the Federal Government was stepping up to the issue of protecting all of our vital infrastructure, including transit, that we do have an obligation. We have assumed that obligation with the creation of the Department of Homeland Security and other steps to protect all of our vital infrastructure. Indeed, our situation with respect to transit is one that cries out for additional resources.

The President just ordered, in the wake of London, our transit systems to go to alert level orange. The threat is

there. I hope our efforts over today and tomorrow will not only recognize this threat but match it with commensurate resources so that we can begin to seriously protect our transit systems and our riders.

One other point, too. Our transit systems—buses, subways—are integral parts of our economy. That is one reason why they are so attractive to terrorists. The attack in London was planned so that the bombs would go off right in the midst of the financial district, not only with the intent to cause the loss of life, the symbolic and psychological horror of such a dastardly act, but also to cripple the economy. If a successful attack is conducted against a transit system in a major city, it will not be measured just in terms of casualties but also in potentially huge economic losses. Our efforts today are not only sensible because of the threat, sensible because of the need to protect Americans in areas where they are vulnerable, but to avoid the kind of economic chaos that could result from a successful attack against transit.

I hope in the next few hours we can come together with support for these efforts. I know Senators BYRD and GREGG, SHELBY and SARBANES, and others, are working toward that end so we can come up with sufficient resources to meet this great threat.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1075

Mr. VOINOVICH. Mr. President, I rise today to offer amendment No. 1075 to the Department of Homeland Security Appropriations Act of 2006.

First, I acknowledge the hard work of Senators GREGG and BYRD and thank them for their diligence in coming to a consensus on this crucial legislation. The balance between enhanced security and responsible stewardship of the taxpayers' dollars is a fine one. I applaud their attention to both, and I support the legislation.

In an effort to increase the sound management of homeland security funds, I offer an amendment that would increase the funding of the Emergency Management Performance Grant Program by $10 million. I am joined on this amendment by Senators COLLINS and LIEBERMAN, the chair and ranking members of the Homeland Security and Governmental Affairs Committee, as well as 17 other Senators. I thank them all for their support. I believe that redirecting funds to the EMPG Program, which has a proven track record, is both fiscally responsible and strategically sound.

The EMPG Program assists the emergency management agencies and programs of the States, the District of Columbia, U.S. Territories, and local and tribal governments to prepare for all hazards and disasters, both natural and manmade. The EMPG Program is the only source of Federal assistance that supports comprehensive emergency management, coordination, and planning.

Funding for this program is split 50/50 between the Federal and State governments. This unique and important program provides States and localities with the flexibility to allocate funds according to risk, which helps address their most urgent needs in disaster mitigation, preparedness, response and recovery. Most importantly, EMPG funds are also used to pay for personnel costs, including training and exercises. This aspect of the program is important given the tight budget constraints and increased counterterrorism responsibilities currently faced by State and local governments. States also have the flexibility to develop intrastate emergency management systems that encourage the building of partnerships which include government, business, volunteer, and community organizations.

As Governor of Ohio, I had first-hand experience with the EMPG Program and would note some examples that illustrate its effectiveness.

Since 2002, Ohio has issued eight major disaster declarations and two emergency declarations. The 2005 winter storm was the most widespread disaster in Ohio's history, with 59 counties declared disaster areas with damage assessments that exceeded $260 million. EMPG funding has played a critical role in allowing Ohio State and local emergency management agencies to plan for these disasters, respond in a timely manner to those areas hit hardest, and pay the salaries of local emergency management staff.

Additionally, Ohio has elected to use a portion of the annual EMPG funding for special projects, such as local emergency operations center construction. This is one of the few funding streams that allow for brick and mortar type projects. At any given time there are several counties benefiting from the use of these dollars.

Ohio is not the only State that has benefited from the EMPG Program. For example, EMPG funds play a critical role in helping the State of Alabama develop its plans to respond to natural disasters, particularly hurricanes. EMPG grants have been used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical aid to those affected by the storms.

The State of Kansas is struck by nearly 50 tornadoes every spring. Without local government emergency management staff paid for by EMPG funding, there wouldn't be adequate coordination to help respond to those tornadoes in a timely manner.

York County, ME, has had 12 declared disasters in 12 years, including coastal flooding and severe ice storms. The York County Office of Emergency Management works with 29 towns on the full range of emergency management, including preparedness, response, recovery and mitigation. Without the help of EMPG funds they would have only one full-time person; with EMPG support they have three.

Additionally, during last year's devastating hurricane season, the EMPG Program proved its worth. The Emergency Management Assistance Compact, which is funded by the EMPG, enabled 38 States to provide $15 million worth of aid and over 800 personnel to support Florida and the other impacted States for over 85 days.

These are just a few examples of how EMPG funds are used to help State and local governments prepare for the worst situations. They demonstrate that EMPG funds are the backbone of emergency management and disaster response in America.

Many of the people who have been involved in emergency management in the States have been impacted by the budget crisis we are experiencing in many States throughout the country. In Ohio, for example, they substantially cut back on the State funds for local and State government. Again, they are being asked to do the ordinary work that they do in emergency management and, at the same time, take on added responsibilities to deal with the issue of responding to terrorists.

I will now address how EMPG funds have been spent relative to other grant programs. The Senator from New Hampshire has noted how billions of dollars of Department of Homeland Security grant money remains unspent by State and local government. However, according to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs. In other words, there may be a problem with some of these other funds getting through to the folks who need them, but in this particular case, these moneys flow very rapidly.

In other words, if Congress appropriates extra EMPG funding, it will not go unused. Although both Congress and President Bush have recognized the importance of this program, it still faces a shortfall. The disaster relief fund is our Government's rainy day fund, and it is robust in comparison to other programs in this bill. Therefore, my amendment would take $10 million from this $2 billion account to increase EMPG funding. Increased EMPG funding will ensure strong management and planning prior to any disaster. In other words, when asked about the logic of taking $10 million out of the $2 billion account for the disaster relief fund, our arguments would be, as a result of this additional money, we can do a lot better job of preventing more of these disasters in the long run and make sure the dollars that are spent in the disaster relief fund are spent in the most efficient and effective way.

Increased EMPG funding will ensure strong management and planning prior

to any disaster. In other words, redirecting these funds will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery and ensure we get the biggest bang for the buck when it comes to Federal disaster relief funding.

Again, there are some other funds in the Homeland Security appropriations. It was our best judgment that going after the disaster relief fund was the most logical way to pay and add this $10 million to the EMPG program.

As I mentioned, this amendment is sponsored by both the chairman and ranking member of the Homeland Security and Governmental Affairs Committee which has the oversight responsibility for homeland security, as well as 17 other Senators, including Senator GRASSLEY, chairman of the Finance Committee, which is significant.

In closing, we must prepare for terrorist attacks in addition to natural disasters. The EMPG program is a proven method of doing this. It is my strong belief that by enhancing the EMPG funding, we increase the capacity of State and local emergency management agencies to get the job done when the needs of our citizens are the greatest.

Once again I applaud the efforts of Senator GREGG and Senator BYRD, and I ask my colleagues to support increased funding for the EMPG program.

Mr. President, I was going to ask for the yeas and nays, but the fact is, we are negotiating now with Senator GREGG's staff and Senator GREGG and perhaps we can find some other language that might be more acceptable to them. I am not going to ask for the yeas and nays now. If we are unable to reach a compromise, then I will ask for the yeas and nays at a later date.

I yield the floor.

The PRESIDING OFFICER. If the Senator will withhold, does the Senator wish to request that the pending amendments be set aside so his amendment can be called up?

Mr. VOINOVICH. Yes, I do request that.

The PRESIDING OFFICER. Without objection, the amendment will be considered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 1075.

The amendment is as follows:

(Purpose: To increase funds for emergency management performance grants, with an offset)

On page 82, line 12, strike ''$180,000,000'' and insert ''$190,000,000''.

On page 85, line 17, strike ''$2,000,000,000'' and insert ''$1,990,000,000''.

Mr. VOINOVICH. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1218

Mr. REID. Under the authority of the agreement pending before the Senate, I send an amendment to the desk on behalf of Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, proposes an amendment numbered 1218.

Mr. REID. 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 provide additional funding for intercity passenger rail transportation, freight rail, and mass transit)

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$4,025,300,000''.

On page 78, line 13, strike ''$365,000,000'' and insert ''$1,696,000,000''.

On page 79, strike lines 1 through 4 and insert the following:

(D) $265,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail and $1,166,000,000 for transit security grants; and

Mr. REID. 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. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GREGG. Mr. President, I ask unanimous consent the Senate stand in recess until 4 o'clock.

There being no objection, the Senate, at 3:02 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will speak to the underlying bill for a moment. I find it interesting in debating this Homeland Security appropriations bill, there have been many colleagues come to the floor expressing the intention to amend the bill to add more resources here or there or someplace else. I think it is instructive that the chairman of this subcommittee has this year determined it is beyond the time that we need to begin fully funding some of the particular accounts that enable us to better control our border and that my colleagues are now coming, I suggest in the case of some later than I would like, but at least to the realization that we have not begun to put the resources to controlling our border and some of our other homeland areas of need that we should have.

This is a good development in the sense that we are finally beginning to realize we have not done what we should do. But I am troubled a little bit that there still is not adequate funding available to do everything we need to do on the border that I am concerned about, and that is our southwest border.

Compliments to the subcommittee and to the Appropriations Committee for substantially increasing the funding for more Border Patrol agents, for more detention space for people whom we have to detain who should not be in the United States and who cannot be returned to their country of origin immediately, for the technology which is funded here, and for all the other things we are trying to do to secure our border. Congratulations to Chairman GREGG and to the other members of the committee for doing this. For my colleagues who would like to add more, I appreciate their efforts as well because we all know that whatever we are able to do this year, it is still not going to be enough to actually gain control of our border.

One of the problems that has arisen is the problem of what the border control calls ''other than Mexican'' illegal immigrants. As we all know, most of the people coming across our southwestern border are from the country of Mexico, but a lot of them are simply transiting through Mexico. This population is of increasing concern to us. In fact, we were recently informed that already this fiscal year over 119,000 third-country nationals, that is third country other than Mexico, have been apprehended crossing our borders. We know there is a rough rule of thumb that three or four are not apprehended for every one that is apprehended, so you get a situation here where it is pretty clear that we have a huge influx of people coming into the United States from countries other than Mexico.

What does this mean? We know most of the people coming in from Mexico are coming for work. Perhaps some have criminal backgrounds or other nefarious purposes, but at least we don't suspect most of them are coming here for purposes of harming us. In the case of these ''other than Mexican'' nationals, the same thing cannot be said because between 20 or 30 of these countries are countries of special interest to the United States; in other words, countries from which terrorists have come. The question is both on the southern and on the northern border, which is equally a problem here, how many of the folks coming into this country from countries other than Mexico mean us harm?

We all know, for example, that in the days of testimony from former DHS Deputy Secretary Loy, advising the Senate Intelligence Committee, that:

[r]ecent information from ongoing investigations, detentions and emerging threat streams strongly suggest that al-Qaida has considered using the southwest border to infiltrate the United States. . . . Several al-Qaida leaders believe operatives can pay their way into the country through Mexico, and also believe illegal entry is more advantageous than legal entries for operational security reasons.

Secretary of State Rice commented later that:

We have from time to time had reports about al-Qaida trying to use our southern border. . . . [it] is no secret that al-Qaida will try to get into this country . . . by any means they possibly can. . . . [t]hat's how they managed to do it before and they will do everything they can to cross the borders.

There is at least one specific case of a terrorist having been apprehended coming into the United States.

There is more we can discuss here, much of it involving intelligence, but on both the northern and southern border there is a threat that people could come into this country and we would not be able to stop them. We wouldn't even know they are here. And clearly because of that means of entry as opposed to coming, say, from an airplane from London or another city, you could at least be carrying contraband here that could be detrimental to us in the form of a chemical or biological agent. It is even conceivable you could bring nuclear material in as well.

So the security of our borders is critical to homeland security, yet up to this year we have not had the kind of appropriations necessary to begin making a dent in the problem. I am, again, exceedingly grateful to the chairman this year for seeing to it we are able to get that funding to begin this effort.

One of the concerns about these ''other than Mexican'' detainees I mentioned is that, unlike the case in Mexico where we can simply send people back to the border to be returned, to be repatriated to their country, it is not that easy in the case of people from other countries. Obviously Mexico will not take them because they are not Mexicans, even though they transited through Mexico. So you have to begin a long, drawn-out process of contacting the country of origin and trying to get the paperwork in order to see if you can get the country to take the individual back, to begin that repatriation process. Some countries will not even take their people back. Other countries take a long time. What do we do in the meantime?

Obviously we need to detain those people. So we detain them—right? Wrong. There is not adequate detention space. So we give them a piece of paper and say, Come back in 90 days or 30 days, whatever the time period is, and report in so we can remove you from the United States.

Guess how many of them voluntarily return for removal to their country of origin? The percentages differ, but you get my drift. A very high percentage choose to simply meld into American society and become part of our illegal population here.

That cannot continue. We have called repeatedly on the Department of Homeland Security to come up with a plan to ensure that we can detain these individuals until their time for removal. It has yet to come to us.

One very worthwhile program is called ''expedited removal.'' The chief of the Border Patrol, David Aguilar, testified before my Terrorism Subcommittee recently that it is their intention and hope to begin to expand this expedited removal program to all of the Border Patrol sectors on the southern and southwestern border. There are 20-some sectors, but only two have expedited removal today, the Laredo, TX and Tucson, AZ sectors. Here is why that is important. In most cases the average time to remove one of these detainees from another country is at least 3 months. It is about 90-some days. In the case of expedited removal we can actually accomplish this within less than 30 days, so at least you lessen the time for detention. You cut that in third, by one-third, and therefore if you have to put somebody in a detention space that is federally owned, you don't have to kick somebody else out in order to detain this person. If you have to rent the space from somebody else, it is going to cost you about one-third as much. It costs about $90 a day to house one of these detainees, and you can do that in State and local detention facilities.

The bottom line is we don't have enough of that detention space, so even today people are not being detained. They are being released on their own recognizance, told to come back when the paperwork has been developed with their country of origin so they can be returned.

That is wrong. We have to get the money to detain these folks and make sure we have a policy to do so at the same time we are trying to expand the expedited removal. There is money in this bill for that detention.

Again, I thank Senator GREGG for his alertness to this problem and willingness to put money in against the problem. But I fear the Department of Homeland Security has still not got a plan in place to both pursue the expedited removal for all sectors and, in the meantime, detain those who need to be detained.

If we should have a situation arise, as arose in England recently, in Great Britain, where people have come into the country—in this case they appear to be indigenous to the country itself—but where they have decided to engage in some act of terrorism, and it has been our own fault that we have allowed them to meld into our society illegally, then obviously we have no one to blame but ourselves.

I am calling this to the attention of my colleagues in the hope we can continue to both provide the funding the administration needs and to encourage the administration to get onto the solution of this particular problem as well.

The problem here is multipronged. I think all of us have understood that with the event in Great Britain a week ago, it illustrates to us the kind of harm that can be caused by a conventional kind of attack of terrorists. It doesn't take a major 9/11 kind of attack to create this kind of chaos. Yet it calls into question what we could do to provide total security within our homeland, because a train station, a bus station, other places of public congregation—be they shopping areas, sports events or the like—all suggest it is a virtual impossibility before the fact to provide 100-percent security. It simply cannot be done. That is why you have to try to prevent the problem from arising in the first place.

I will close by noting that part of our effort, in this appropriation bill, in order to control the border itself, is to provide a thousand new Border Patrol agents at the border, also 300 new Immigration and Customs investigators, the new enforcement agents. This bill provides 460 of those. Incidentally, all of these are in addition to numbers provided in the supplemental appropriations bill. So we have added to the number that we already acted on at the end of last year.

We fund over 40,000 positions dedicated to protecting our borders and enforcing immigration laws. To break it down, over 12,000 Border Patrol agents, 18,000 Customs and border protection officers, nearly 6,000 criminal investigators, nearly 1,300 deportation officers, 2,700 immigration enforcement agents and detention officers. We also have money for more training of Border Patrol and immigration enforcement personnel.

We have money to support the deployment of the US VISIT Program, which will help us better track the people who both come into our country and leave the country. We have over a half billion dollars for air and marine operations, as I mentioned before, money for over 2,000 new detention beds for these apprehended illegal aliens, and with the supplemental, that adds about 4,000 new detention spaces for this purpose.

We more than double the number of ports that have our container security initiative, 41 that take part in that, and nearly $1 billion for biological countermeasures. These things, by and large, are in place to try to prevent the capability of the terrorists from pulling off an attack in the first place. They are not responding to an attack after it has occurred. We have to have responses, but our primary goal here should be to take the fight to the enemy, to try to provide the protection going in, because there is no way, once they are in the United States, to protect every bit of this wide-open and liberty-loving society. So it is better to

try to stop them before they get here, and it is better to try to degrade their ability to attack us by taking the fight to them.

That is why later on we are going to get into things such as reauthorizing the PATRIOT Act, on which we just heard testimony, as a critical component in our war on terror and protecting our homeland and other ways in which we can take the fight to the enemy. For now, this appropriations bill provides us a significant capability to stop the terrorists at our border as well as providing some internal protection in those areas that have the highest priority and for which we can get the biggest bang for the buck in terms of protection.

Again, I compliment the members of the Appropriations Committee, particularly the chairman of the Subcommittee on Homeland Security, for their attentiveness to this issue, their willingness to make a significant effort to help fight this battle.

I urge my colleagues to support this legislation when we get to that point.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that after I be recognized to speak for 10, no more than 15 minutes, Senator CLINTON of New York be recognized to speak at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

Mr. President, I just returned from a week back in my State of Illinois traveling from Chicago through downstate southern Illinois meeting with many people at Fourth of July parades, the usual standard procedure in scheduling for many Members of the Senate and Congress. Many people came to say hello, but there were a couple who stand out in my memory of that week. One was a man in southern Illinois who pulled me aside and in very quiet tones said, ''Bring our troops home.'' And another, a man standing at O'Hare Airport, as I walked by, recognized me and said, ''Support our troops.''

I think in those two brief sentences we really have a lot of the public sentiment of America. Support our troops. That is clear. These are our sons and daughters. If you have been there, as I was this last March, and seen them, in Iraq, in Baghdad, risk their lives, see those fresh-faced young people who are standing there so proudly on behalf of our country, you can't help but support these men and women. You must. And we have. We should continue to do so.

But there is a growing sentiment as well that they should come home. Some say bring them home right now. I am not one of those people. I do not believe we can just end our commitment today and leave Iraq. I am afraid what would be left behind would be chaos, a training ground for terrorism that would threaten not only the Middle East but the entire world. But yet I do believe all of us feel, even the President, that we should be looking to the day when our troops do come home and how we will reach that day because every single day we wait in anticipation of those troops coming home we are losing soldiers.

This morning's Washington Post, as it does every day, published the number of American soldiers killed in Iraq to this moment: 1,755—1,755—and more than 13,000 grievously wounded. Many of them I have met and seen. Some of the Illinois families, I have been to their funerals, met their families, dropped notes to and spoken to them. It breaks your heart to think that they have lost someone they love so much.

How do we reach this point where we can bring these troops home and feel that we have achieved what we set out to do? Well, we came up with a way to try to measure this and set us on a course for it to happen. When Congress passed the supplemental appropriations bill, we authorized $35 billion directly associated with U.S. operations in Iraq and $5.7 billion on top of that to train and equip Iraqi security forces. That is the way we bring American soldiers home, by training and equipping Iraqis to take their place.

That same bill required the Secretary of Defense to provide a detailed report on how the training was progressing and what U.S. troop levels would likely be by the end of the year. The report that was mandated by that supplemental appropriations bill was due in 60 days after it was enacted. The due date was July 11. Today is July 13, and we still have not received the report required by law. Some media reports the Pentagon is still working on it. Others say the report is on Secretary Rumsfeld's desk. When we call the Pentagon, the answers are conflicting.

Congress has approved over $200 billion for the war in Iraq. Although I have had serious misgivings about the initial invasion of Iraq as to whether we had a plan for success, not just for deposing Saddam Hussein but for building a peace, while I was concerned that we did not have allies to stand with our troops soldier by soldier—only the British came forward with any substantial numbers—and while I was concerned about the American burden of this war not only in human life but in treasure, I have decided, and I think most of my colleagues agree, we will not shortchange our troops in the field.

The last time we had a supplemental appropriations bill, $82 billion for our troops passed unanimously in the Senate. Many of us who had voted against the war voted for that money. If it were my son or daughter, I would want them to receive every single penny they needed to perform their mission, to perform as they have, and come home safely.

Despite having voted for this money, I stand here today with my colleagues in the Senate uncertain as to our progress because this report from the Pentagon which we had asked for, one which attempts to measure how we are progressing, how the Iraqis are progressing, has still not been delivered, and it is a concern to me because I think this report really goes to the heart of what we are trying to achieve. We are trying to finally learn where we stand in Iraq, how soon our troops are likely to come home. There have been a lot of claims—150,000 Iraqi soldiers ready to come into battle—and yet when it comes to the real battles it is American soldiers—American soldiers—risking their lives. That is why we have asked for the Pentagon to tell us what progress is being made.

The conference report to the supplemental stated that a new assessment is necessary because the Pentagon's existing performance indicators and measures of stability and security in Iraq are not adequate. We have heard about these claims, how many Iraqi soldiers and policemen are ready. Police have been recruited by the tens of thousands, according to reports from the Pentagon, but many are just missing in action.

The report that we require under law asks for a detailed assessment of Iraqi military, political and economic progress. Iraqi battalions must be able to operate on their own against the insurgency, and Iraqi forces must be able to secure their own borders.

The draft of the new constitution in Iraq is due next month. The Iraqis have made some progress toward creating a new political system of government, and they had an absolutely historical election with turnout evidencing a thirst for new leadership in their country, but Iraqi unemployment may be as high as 50 percent, and some of the most fundamental things of civilized life are not there, whether it is electricity, sewage treatment, water, security in your home.

The report we asked for demands an assessment on how far we progressed toward our goals. The fact that this report has not been filed is a source of real concern. Progress in Iraq is critical to bringing America's soldiers home with a victory. This report asks our Pentagon what U.S. force levels will be needed by the end of next year. We say that if there is any part of it that needs to be classified, do so. Don't disclose anything that could jeopardize the security and safety of our troops.

An amendment has been offered by Senator REID of Nevada and Senator KENNEDY and myself, an amendment to the Homeland Security bill before us, asking that this report be provided to Congress on a timely basis. It is long overdue. This is an administration which has measured many things in terms of performance and quality. So many different agencies of our Government were held to the standard of what are you producing for the money that is being provided. What we are asking is the same type of accountability and the same type of metric when it comes to our progress in Iraq.

I would agree with many who say setting a timetable for withdrawal may be

counterproductive, but it is not unreasonable to hold the Iraqis to a timetable, a timetable to develop their government and their security force and their defense so that American soldiers can come home. I think that is reasonable. It was passed overwhelmingly on a bipartisan basis by Members of Congress.

The fact that there has been such a delay in providing this information is troubling, but I am hoping that even as I speak here today, the Secretary of Defense is preparing this report and sending it so we can learn as quickly as possible how soon our soldiers can come home to their families and those of us who love them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. I thank the Chair.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1105

Mrs. CLINTON. Mr. President, I would like to call up amendment No. 1105.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1105.

The amendment is as follows:

(Purpose: To require an accounting of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001)

At the appropriate place, insert the following:

SEC. _____.(a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) (referred to in this section as the ''Secretary''), shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act—

(A) all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(B) all requests for funds submitted to the Department of Homeland Security and the Federal Emergency Management Agency by New York City and the State of New York (including the dates of submission, and dates of payment, if any, of those requests) that have been paid or rejected, or that remain unpaid; and

(2) a certified accounting and detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act;

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans of the Secretary for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information in addition to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

Mrs. CLINTON. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. CLINTON. Mr. President, I understand Chairman GREGG and Senator BYRD have agreed to accept this amendment as modified. I ask unanimous consent that this amendment be agreed to as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1105), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) (referred to in this section as the ''Secretary''), shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act, all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(2) a detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act;

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information directly related to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

AMENDMENT NO. 1106

Mrs. CLINTON. Mr. President, I call up amendment No. 1106 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1106.

Mrs. CLINTON. Mr. President, 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 the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security, and for other purposes)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall assess and report in writing to the Committee on Appropriations, the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate on the following:

(1) The vulnerability posed to high risk areas and facilities from general aviation aircraft that could be stolen or used as a weapon or armed with a weapon.

(2) The security vulnerabilities existing at general aviation airports that would permit general aviation aircraft to be stolen.

(3) Low-cost, high-performance technology that could be used to easily track general aviation aircraft that could otherwise fly undetected.

(4) The feasibility of implementing security measures that would disable general aviation aircraft while on the ground and parked to prevent theft.

(5) The feasibility of performing requisite background checks on individuals working at general aviation airports that have access to aircraft or flight line activities.

(6) An assessment of the threat posed to high population areas, nuclear facilities, key infrastructure, military bases, and transportation infrastructure that stolen or hijacked general aviation aircraft pose especially if armed with weapons or explosives.

(7) An assessment of existing security precautions in place at general aviation airports to prevent breaches of the flight line and perimeter.

(8) An assessment of whether unmanned air traffic control towers provide a security or alert weakness to the security of general aviation aircraft.

(9) An assessment of the additional measures that should be adopted to ensure the security of general aviation aircraft.

(b) The report required by subsection (a) shall include cost estimates associated with implementing each of the measures recommended in the report.

Mrs. CLINTON. Mr. President, I ask that Senators LAUTENBERG, CORZINE, and SCHUMER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, this is a commonsense amendment regarding the potential threat that all of our cities and States face from the theft or misuse of general aviation aircraft by criminals or terrorists.

This amendment would require the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to assess the dangers posed to high-risk, large population, and critical infrastructure areas should general aviation aircraft be stolen and used as a weapon by a criminal or terrorist.

This study would require the two Secretaries to assess the vulnerability of general aviation airports and aircraft and study what low-cost, high-technology devices could be available to better track general aviation aircraft.

Last month, a 20-year-old young man, while intoxicated and accompanied by two other individuals, breached a perimeter fence of an airport in Danbury, CT. He and his companions stole a small Cessna 172 aircraft, departed from the airport without detection, flew across the eastern border of New York, and eventually, thankfully, landed without incident at the Westchester County Airport in New York very near to my home.

What is alarming about this is that this happened, and it happened without detection. So far as we know, no one knew the aircraft had been stolen or that the joyride was taking place. This incident occurred very close to New York City, very close to Indian Point, the nuclear facility in the county. Thankfully, this particular incident ended without any damage, destruction, or death, and the individuals were eventually detained by law enforcement.

Following the incident, which, as you might imagine, happening so close to New York City involving stolen aircraft raised a great deal of concern among my constituents, I wrote to Secretary Chertoff and Secretary Mineta asking for an investigation into this incident, and I hope to hear back from them both soon. But this incident should be a forewarning of the types of threats we still face from aircraft. We have been very focused on the big commercial aircraft that many of us use on a regular basis, but we cannot forget that most aircraft are in private hands in local airports, many of them privately owned or privately leased, and that they still pose a potential danger to key infrastructure, to populated areas, and we need to be more aware of what that threat could be.

The 9/11 Commission, which looked at this, concluded:

> Major vulnerabilities still exist in cargo and general aviation security. These, together with inadequate screening and access controls, continue to present aviation security challenges.

In addition, the 9/11 Commission told us that we needed to be imaginative, we needed to think outside the box. Unfortunately, we needed to think like those who wish us harm about what the new and emerging threats could be.

The Transportation Security Administration, known as TSA, issued security guidelines for general aviation airports in May of 2004, and they outlined some guidelines that general aviation airports should follow in order to secure the aircraft and the airfield. There are more than 19,000 landing facilities nationwide, including heliports, lakes, and dirt landing strips from which aircraft could be launched and more than 200,000 general aviation aircraft in our country.

Of course, it is impossible to avoid every threat that is posed to the public or that we can imagine, but we should be vigilant to make sure we have a partnership so that local communities, private individuals, and private businesses can all take necessary steps to be vigilant and protective.

My amendment requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct a threat assessment posed by security breaches at general aviation airports and to look at the potential impact such threats could pose to a number of potential targets if an aircraft were used as weapon or were loaded with explosives by terrorists.

The Department of Homeland Security would assess low-cost technologies to track general aviation aircraft, the feasibility of implementing additional security measures and background checks, an analysis of airports with unmanned air traffic control towers and what costs may be associated with implementing necessary additional security measures.

We have been very blessed that we have not suffered another terrorist attack. That is due to the hard work and vigilance of countless Americans who have responded not just heroically but in a very steadfast, daily way to prevent, detect, deter, and defend against potential threats.

In this building, we have experienced evacuations which, thankfully, were caused by either false alarms or as a result of errors by pilots. Recently, another general aviation aircraft breached the airspace over Camp David while the President of the United States was present.

It is important to evaluate the threats that could be posed. In its 2004 report, the TSA stated that as many vulnerabilities within other areas of aviation have been reduced, general aviation may be perceived as a more attractive target and consequently more vulnerable to misuses by terrorists.

I have flown in just about every little kind of plane you can imagine—medium-sized plane, big plane, crop dusters. I have had doors blow off, windows blow off, I have had emergency landings in pastures and cow fields and roads. I have been in so many airports at all hours of the day and night when no one was around except those getting into the airport or those just landing. I have a good idea how available these airfields are.

I appreciate the work the Aviation Security Advisory Committee Working Group did in advising the TSA. However, given the heightened vulnerability that we all are aware of, given some of the recent events—including the evacuations of our own Capitol involving general aviation aircraft—we need to roll up our sleeves and take another hard look at this. I hope we can do it hand in hand with the general aviation fixed-base operators, pilots, owners, airport managers, and others who have been working hard to increase security measures at so many of these small airports.

I believe in general aviation. I take advantage of it practically every week. It is a significant and important contributor to our national economy. I want to be sure we do everything possible to make sure it is not in any way affected by any potential criminal or terrorist activity.

This amendment does not mandate any new costs for general aviation. It simply requires the study be conducted on vulnerabilities and a report made to Congress within 120 days. Most people who own these airports, most people who own these general aviation aircraft, want to be safe. They want to do what is necessary to protect their investment. But we need to have a good analysis of what the threats might be so we can be smart about how we address them. We certainly do not want to wait until an incident happens.

I appreciate Chairman GREGG and Senator BYRD who have agreed to accept this amendment.

I ask unanimous consent amendment 1106 be agreed to.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1106) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1104

Mr. ENSIGN. Mr. President, I ask that the pending amendment be set aside to call up amendment 1104.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1104.

Mr. ENSIGN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require the Transportation Security Administration to implement the use of multi compartment bins to screen passenger belongings at security checkpoints)
>
> On page 69, line 12, after ''presence:'', insert the following: ''*Provided further*, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints:''

AMENDMENT NO. 1104, AS MODIFIED

Mr. ENSIGN. I send a modification to that amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 1104), as modified, is as follows:

> On page 69, line 12, after ''presence:'', insert the following: ''*Provided further*, That of

the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and potentially implement multi compartment bins to screen passenger belongings at security checkpoints:''

Mr. ENSIGN. I understand both sides have agreed to the amendment, as modified, and I ask unanimous consent this amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1104), as modified, was agreed to.

AMENDMENT NO. 1124, AS MODIFIED

Mr. ENSIGN. I call up amendment numbered 1124 for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Does the Senator wish to call for regular order with respect to that amendment?

Mr. ENSIGN. Yes. I send a modification to the desk to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 1124), as modified, is as follows:

On page 77, line 20, insert ''of which $367,552,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and'' after ''local grants,''.

Mr. ENSIGN. Mr. President; last year when the Senate was considering the national intelligence reform bill, we adopted several recommendations of the 9/11 Commission.

One of those recommendations was to hire an additional 2,000 new custom and border protection agents each year for the next 5 years.

This body agreed with the recommendation. We agreed that our national security depended on such an investment, and we enacted that recommendation into law.

We are now considering the Homeland Security appropriations bill. The bill that was reported out of committee includes funding for 1,000 new agents in the coming fiscal year. I understand there are problems with training 2,000 agents.

My amendment as modified would provide the Secretary of Homeland Security with the discretion to shift $367 million to hire 2,000 new agents next year. This amendment is fully offset. I rise today to urge the Senate to adopt my amendment so that we can keep the commitment that we made to the American people last year. I thank JOHN MCCAIN for cosponsoring our amendment.

The threat of illegal border crossing by people who wish to kill us is very real.

The 9/11 Commission found that many of the 19 hijackers that attacked on 9/11 could have been placed on watch lists. But without adequate staff and coordinated efforts, the terrorists were allowed to enter the United States. Once here they learned how to fly airplanes at American flight schools. They conducted surveillance to assess our weaknesses. And they attacked.

In order to prevent another terrorist attack on American soil, we must improve every aspect of our Nation's security. Our security is truly only as strong as our weakest link.

For too long, the lack of funding for border agents has been a weak link. By funding additional agents, we protect both our southern and our, often neglected, northern border. This will make it harder for terrorists to enter the United States and attack us.

There have been several news reports recently that I want to bring to my colleagues' attention.

A few months ago, intelligence officials confirmed that the terrorist Zarqawi plans to infiltrate America through our borders. He plans to attack targets such as movie theaters, restaurants, and schools. My amendment commits the resources to make sure that this does not happen.

Just last month, in Detroit, a Lebanese national named Mahmoud Youssef Kourani, who was in the United States illegally, pled guilty in Federal court to conspiring to raise money for a recognized terrorist group. He was in the United States raising money to fund terrorists. That is outrageous. But what is equally outrageous is how he came into the United States in the first place.

Kourani took advantage of our porous border. Kourani paid a Mexican consular official in Beirut $3,000 for a visa to enter Mexico. Once in Mexico, he snuck across the U.S.-Mexican border in 2001 and settled in Michigan.

According to Federal prosecutors, Kourani and another member of his family are heavily involved with the same group that killed 214 marines in Beirut in 1983 and which is also responsible for bombing two U.S. embassies.

While in the United States, Kourani also helped harbor other illegal immigrants. Thankfully, he was prosecuted before he could inflict any direct harm on any American.

Given how easy it is for people like Kourani to enter the United States, I believe that my amendment is imperative to our national security.

My amendment does not require any additional spending. It gives the Secretary discretion which, if used, is completely offset. This amendment is paid for.

Homeland security spending must be based on priorities. The fact that terrorists would use our borders to gain access to the United States to attack is a real threat. So we must provide funds for customs and border protection.

Three and a half years ago it only took 19 people to change the course of this country. We must do everything that we can to prevent another terrorist attack on American soil.

The world has changed dramatically since 9/11 when the terrorists used our open and trusting society against us. We cannot allow a repeat of that tragedy.

This amendment will help those who guard our frontiers by providing the necessary, and I stress necessary, tools to ensure the safety of our citizens.

In conclusion, I commend the chairman of the subcommittee, Chairman GREGG, for the job he has done prioritizing what we are doing in the area of Homeland Security. His is a very difficult job. We have limited resources. It is a question of where are we going to manage our risk with the limited resources we have in this global war on terrorism. Chairman GREGG has a huge, huge task ahead not only this year but in the years to come.

This year's bill is going a long way to reprioritizing what we need to do to defend ourselves against the terrorists. Although the bill goes in the right direction, our amendment takes the bill that much further toward protecting our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the commitment of Senator ENSIGN and Senator MCCAIN on the issue of border security. They have been aggressive in their commitment and have done a lot of constructive work. I will leave it to the Senate to decide how to handle this amendment.

I make these points for the purpose of fair disclosure. First off, the amendment takes about $360 million out of the first responder program and moves it over to the Border Patrol for the purpose of hiring 1,000 new border agents. That means first responder money would go from $1.9 billion to $1.4 billion.

In addition, the money that will be moved would be money that would go out under threat. In other words, there are two pools of first responder money. There is the money that is distributed on the basis of threat, and there is the money that is distributed on the basis of formula.

Now, the language of the amendment says ''may.'' I respect the decision of the authors of this amendment to use the term ''may'' because that will leave it up to the Homeland Security agency to make the decision as to where the money should go, whether it should stay in the area of first responders or whether it should be moved over to the Border Patrol. That is probably good policy in many ways.

The second thing I think that needs to be noted, however, is the reason we arrived at the number 1,000 that we funded—myself and Senator BYRD—in this bill for new Border Patrol is because when you combine that number with the supplemental, where there were 500 new Border Patrol agents added, you are up to 1,500 Border Patrol agents, and we know, through efforts of our staff and requests of the Department, that because of the facilities' restrictions—we moved most of the training from South Carolina over to

New Mexico—we can only train probably about 1,300 agents a year right now.

Now, this bill has money in it to get those facilities up to a position where they can do a much more robust effort in the area of training. In fact, my hope is next year we can train upwards of 2,500 when we expand these facilities. But right now they have, basically, limits on the number of people they can train. So it is not clear these additional Border Patrol agents would be able to be trained should we want to bring them on line. We do want to bring them on line; it is just a question when we can bring them on line. So that is a concern I think Members should know about.

In addition, the physical effort of hiring Border Patrol agents has become a problem for the Border Patrol. One of the reasons they were not able to hire up to the 2,000, which was originally requested a few years ago, was because they could not find qualified people to meet the enlistment rolls. We are not sure whether they are going to be able to find 1,500 new Border Patrol people. We hope they will. It will put a lot of pressure on them to try to find 2,500 new people, which is what this number will be if this amendment is adopted.

But, again, this is an issue of policy. I think the body has the right to make a decision on this issue. I do not intend to make any points of order against it. I will leave it to the majority of the body to decide where they want to have this money spent and how they want to set the policy on this issue when the amendment comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 1218

Mr. President, the amendment that the minority leader offered on my behalf would provide an additional $1.33 billion above the underlying bill for security funding needed for our transit systems, intracity buses, intercity rail, and freight rail.

Our thoughts and prayers are with the victims of the London bombings. For all of us, the pictures were all too graphic reminders of how quickly disaster can strike and how deadly terrorist strikes can be.

The horrific attacks in London a few days ago were eerily similar to the attacks in Madrid, Spain, in March 2004: targeted, coordinated, and timed bombings.

Sadly, crowded subway systems and trains have become inviting targets for terrorists. We have witnessed the hysteria and the chaos that these events can trigger. Could it happen here? Of course. Are our systems more secure? I wonder.

Last week, when asked if additional funding was needed to secure mass transit, Homeland Security Secretary Chertoff responded by saying:

> I wouldn't make a policy decision driven by a single event.

Well, with all due respect to the Secretary, the alarm bells have been ringing for years.

On July 8, the Washington Post printed a chart that provides a chronology of bombings with al-Qaida links. This chart shows that, starting in 1993 at the World Trade Center in New York City, there have been 16 bombings worldwide linked to al-Qaida.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOMBINGS WITH AL QAEDA LINKS

Date	City	Country	Facility	Attack type	Dead
2/26/93	New York City	U.S.	World Trade Center	Car bomb (some participants later became associated with al Qaeda).	6
6/25/96	Dhahran	Saudi Arabia	Khobar Towers housing	Truck bomb (some evidence of al Qaeda)	19
8/7/98	Nairobi	Kenya	U.S. Embassy	Truck bomb	247
8/7/98	Dar es Salaam	Tanzania	U.S. Embassy	Truck bomb	10
10/12/00	Aden	Yemen	Destroyer USS Cole	Bomb on small boat	17
9/11/01	New York, Washington, Pennsylvania	U.S.	World Trade Center, Pentagon, Pennsylvania.	Planes flown into buildings, field	2,973
12/22/01	Paris-Miami	Airliner	Attempted plane bombing	Richard Reid caught with shoe bomb	0
4/11/02	Djerba Island	Tunisia	Synagogue	Truck bomb	21
6/14/02	Karachi	Pakistan	U.S. consulate	Suicide car bomb	14
10/6/02	Mina al-Dabah	Yemen	French supertanker Limburg	Bomb on boat	1
10/12/02	Bali	Indonesia	Two nightclubs	Suicide bombings	202
11/28/02	Mombasa	Kenya	Israeli-owned Paradise Hotel	Suicide car bomb	16
5/12/03	Riyadh	Saudi Arabia	Three compounds for Westerners	Car bombs	23
5/16/03	Casablanca	Morocco	Five locations	Suicide bombings	45
8/5/03	Jakarta	Indonesia	JW Marriott Hotel	Car bomb	12
3/11/04	Madrid	Spain	Four trains	Bombs in sachels	191

Source: Washington Post database.

Mr. BYRD. The alarms do not stop there, Mr. President. According to the RAND Corporation, between 1998 and 2003, there were 181 terrorist attacks on rail targets worldwide. The Congressional Research Service has reported that passenger rail systems in the United States carry about five times—five times—as many passengers each day as do the airlines. Yet the administration has continuously opposed funding to increase security on our trains, subways, and buses.

Public transportation is used nearly 32 million times a day—think of that: 32 million times a day—which is 16 times more than travel on domestic airlines. According to the Government Accountability Office, nearly 6,000 agencies provide transit services by bus, subway, ferry, and light rail to about 14 million Americans each weekday. Amtrak carried an all-time record ridership of 25 million passengers in fiscal year 2004. Are these lives not worth protecting? How about it?

What about the dangerous and hazardous materials that are transported by rail? We simply are not doing enough. Without proper security measures in place, these transports are vulnerable to attack or sabotage. Many of these shipments travel to or through major urban areas, such as Washington, DC, and, frankly, only minutes down the road from where we stand today.

The Homeland Security Council released a report in July 2004 indicating that a chlorine tanker explosion in an urban area could kill up to 17,500 people. According to a New York Times editorial on June 20, 2005:

> One of the deadliest terrorist scenarios the Department of Homeland Security has come up with is an attack on a 90-ton rail tanker filled with chlorine. As many as 100,000 people could be killed or injured in less than 30 minutes.

Yet only 2 out of every 100 transportation security dollars in this bill will be spent on rail and transit. What does this mean? This means that 98 percent of transportation security funding is going—for what?—going for aviation security.

Since 9/11, I have offered amendments on seven different occasions—seven different occasions—to add money for transit and rail security. However, every time the administration opposed my efforts. So I regret the Secretary's comments last week that policy should not be driven by a single event.

I was astonished to learn that the $150 million that Congress approved for mass transit and rail security last October is still sitting—where?—sitting in the Treasury.

Finally, on Tuesday, the Department notified Congress how they intend to allocate the funds. But an announcement does not make Americans safer. It takes time for transit and rail systems to actually put these security improvements in place, so there is no excuse for these bureaucratic delays in Washington.

Within very limited allocations, Congress has taken the lead by providing $265 million between fiscal years 2003

and 2005 for transit security. Unfortunately, the administration has let the money sit in Washington far too long. It was all of 8 months before all of the 2003 funding was awarded, and 6 months before the 2004 funding went out the door. And here we are again, 9 months after the fiscal year 2005 transit funding was enacted, and what happens? Well, it is deja vu all over again. It is still sitting—where?—in Washington, right here in Washington. The administration must overcome the hurdles that have caused those delays.

Clearly, the administration is not taking this threat seriously. It certainly would not appear to be. So we must press the administration to do more. The horrific events we witnessed just a few days ago ought to serve as a call to action by this Government to protect our citizens from future attack. For far too long, the administration has put its head in the sand where rail and mass transit security are concerned.

We should be taking steps right now to improve deterrence in our transit and rail systems by investing in surveillance cameras, investing in locks, in gates, in canine teams, in sensors, and other tools.

Last October, the Senate passed two bipartisan rail security authorization bills, S. 2273 and S. 2884, that authorized additional funding for securing mass transit and rail systems, but the bills did not make it to the White House.

The bill that is before the Senate reduces funding from $150 million in fiscal year 2005 to $100 million. The amendment would increase the $100 million to $1.43 billion. That is the amendment that I offer. Let me say it again. The amendment would increase the $100 million to $1.43 billion. The $1.43 billion includes $1.166 billion for transit security and $265 million for rail security. So we are taking care of both transit security and rail security. That seems to meet both needs, at least part way.

Our security efforts cannot be delayed, Mr. President, and must not be underfunded. The lives of the American people depend on strengthened security. And whose life is it? It may be your own. It may be your relative's. It may be your friend's. The time for hand wringing is over. It is time to act.

So I urge all Senators to support the amendment.

I ask unanimous consent, Mr. President, that the following Senators have their names added as cosponsors to the amendment: Mr. INOUYE, Mr. SARBANES, Mr. REED of Rhode Island, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, and Mr. CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1120

Mr. BYRD. Mr. President, on behalf of Senator FEINGOLD, I call up amendment No. 1120. The amendment requires the Department of Homeland Security to report to the Congress on the use of data-mining procedures.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. CORZINE, proposes an amendment numbered 1120.

Mr. BYRD. Mr. President, 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 reports to Congress on Department of Homeland Security use of data-mining)

At the appropriate place, insert the following:

SEC. ____. (a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2006.

Mr. BYRD. The amendment is cosponsored by Senator CORZINE. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1120) was agreed to.

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1155, AS MODIFIED

Mr. BYRD. Mr. President, on behalf of Senator BOXER, I call up amendment No. 1155, with a modification which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mrs. BOXER, proposes an amendment numbered 1155, as modified:

(Purpose: To provide oversight of homeland security spending)

SEC. . SPENDING OVERSIGHT.

''None of the funds made available in this Act shall be used for items identified in the Inspector General's Report of March 2005 'Irregularities in the Development of the Transportation Security Operations Center' as wasteful.''

Mr. BYRD. Mr. President, does the modification need unanimous consent?

The PRESIDING OFFICER. Is there objection to the modification? Without action, the amendment is so modified.

Mr. BYRD. The amendment, as modified, prevents funds from being used for wasteful expenditures. I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1155), as modified, was agreed to.

Mr. BYRD. Mr. President, I move that the vote be reconsidered by which the amendment was agreed to.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1201

Mr. BYRD. Mr. President, I call up my amendment numbered 1201.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1201.

Mr. BYRD. Mr. President, 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 State and local governments to expend or return grant funds)

On page 81, strike line 20 and insert the following:

award: *Provided further*, That any recipient of Federal funds granted through the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative Program, or any predecessor or successor to these programs, as appropriated in fiscal year 2004 and fiscal year 2005, shall expend funds pursuant to the relevant, approved State plan by September 30, 2007: *Provided further*, That any recipient of Federal funds granted through any program described in the preceding proviso, as appropriated in fiscal year 2006, shall expend funds pursuant to the relevant, approved State plan by September 30, 2008: *Provided further*, That any funds not expended by September 30, 2007 or September 30, 2008, respectively, as required by the preceding 2 provisos shall be returned to the Department of Homeland Security to be reallocated to State and local entities based on risk and in conformance with the assessments now being conducted by the States under Homeland Security Presidential Directive 8.

Mr. BYRD. Mr. President, this amendment would require that States and localities spend their first responder funds pursuant to approved State plans within 2 years of the end of the fiscal year that they received the funds. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are in the process of trying to reach an understanding on votes. It is not clear what that understanding will be, but we do intend to have votes this evening, maybe as many as five. In addition, I understand the Senator from Nevada wishes to be recognized on an amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1124

Mr. ENSIGN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Senator's amendment No. 1124.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. MCCAIN, proposes an amendment numbered 1219 to amendment No. 1124:

(Purpose: To transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures)

Strike all after the first word and insert the following:

On page 77, line 20, insert ''of which $367,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and'' after ''local grants,''.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. 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. CRAIG. 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. CRAIG. Mr. President, I rise in support of the fiscal year 2006 Homeland Security appropriations bill. The first fundamental responsibility for our Federal Government is to protect the American people through a strong national defense and effective homeland security. Border security and immigration reform are essential elements of providing for a secure homeland. With that, I am here this afternoon to commend the chairman of the Appropriations Homeland Security Subcommittee, Senator GREGG, and the ranking member, Senator BYRD, for their aggressive and decisive steps forward that are being demonstrated in this legislation.

This bill continues to improve that which made our Nation and our people much safer than we were before and immediately after 9/11. I am proud to serve with the chairman and the ranking member and our colleagues on this subcommittee. We need to do more to improve our border security and immigration enforcement, however. It is important for Americans to understand that this Congress is making significant progress in this area.

Earlier this year, as a result of a Byrd-Craig amendment to the fiscal year 2005 emergency supplemental appropriations bill, we began the process of adding 500 new Border Patrol agents, 1,950 additional detention beds, and approximately 118 additional investigators, agents, and officers to the whole effort at Border Patrol. In fiscal year 2006, the bill that is before us continues to implement and build upon the progress that we have made in the Byrd-Craig amendment.

This bill, as reported by the committee, provides for 1,000 more Border Patrol agents. It increases the total number of beds at immigration detention centers by 2,240 to a total of 22,727.

It also adds 300 new immigration investigation positions and 200 new immigration enforcement agents and detention officers.

This bill, as reported, in combination with the supplemental bill we passed earlier, makes record increases to commit record resources to border security and immigration enforcement.

In total levels of key personnel alone, the Appropriations Committee has provided for 12,400-plus Border Patrol agents; 18,200-plus Customs and border protection officers; 6,000-plus criminal investigators for Customs and immigration work; 1,200-plus deportation officers; and 2,700-plus immigration enforcement agents and detention officers.

In other words, in these positions alone, this bill provides for literally an army of more than 40,000 agents and officers fighting on the front lines for border security and immigration enforcement.

The committee has made an earnest attempt to add resources and personnel as fast as the Department of Homeland Security can absorb them and use them effectively. The bill, as reported, makes available more than $7.1 billion for Customs and border protection, and more than $4.5 billion in immigration and Customs enforcement.

While those dollars and personnel numbers reflect something of our commitment to improve border security and immigration enforcement, it is important to emphasize the work being done and the progress being made for the American people.

More than 1 million individuals a year are being apprehended attempting to enter the country illegally, and formal removals have increased sixfold over the last decade. Worker identification checks have intensified. Development continues on US VISIT—the United States Visitor and Immigration Status Indicator Technology Program. Personnel are being trained. Technology is being modernized.

This bill calls on the administration, and provides resources to help, to close the gaps at our borders, to improve interagency coordination inside the Department of Homeland Security and with outside agencies, and to meet the challenges remaining from the historic, and massive, reorganization that created the Department.

As I have said, we do need to do more. The Federal Government has no laurels to rest on when it comes to border security or immigration. The problem of illegal immigration has grown

to crisis proportion, with an estimated 10 million undocumented persons now living here in this country.

During much of the 1990s, and at different times in preceding decades, the Federal Government simply paid lip-service to enforcing the law while mostly looking the other way. This was with the quiet complicity of much of the public, in large part, because whole sectors of the economy have become increasingly dependent on the labor of these people. This is an intolerable situation.

Our Nation's immigration system and laws are broken. Whether we are talking about more money, more law, or both, a policy that focuses exclusively on more enforcement is not enough, and it will not work. It is a part of the total picture.

The United States has 7,458 miles of land borders and 88,600 miles of tidal shoreline. We can secure those frontiers well, but not perfectly. As we have stepped up border enforcement, we have locked persons in this country at least as effectively as we have locked them out of the country. Even as we have increased border enforcement, net illegal immigration is estimated at 400,000 to 500,000 a year. Fellow Senators, that is a figure worth repeating. Net illegal immigration in our country still, today, at this moment, in this year, will be between 400,000 to 500,000. To search door to door, as some would advocate, to find 10 million persons and flush them out of their homes, schools, churches, workplaces, and other areas is simply something the American people, in the end, would never tolerate. The question of civil liberties would grow and that effort would fall apart. We fought a revolution once in this great country of ours against search of our homes and, once again, I think the American people would react to that as not only unconstitutional, but dramatically intrusive.

So what do we do? This bill is a major step in the right direction. First and foremost, we secure our borders. As I have said, that is step one. Step two, to me, is we change the law and we change the character of the law to deal with the problem that clearly is at hand; provide incentives for those inside our borders to come forward and identify themselves; laws that ensure there is a supply of legal guest workers to take jobs Americans don't want or won't take. For example, when American agriculture briefly had a widely used legal guest worker program in the 1950s, illegal immigration plummeted by more than 90 percent. That program was called the Bracero Program. It worked well, but it had lots of criticism for the way the foreign nationals were treated inside this country. As a result, it fell apart. We were then given what we have today—a very cumbersome law that no longer works.

Last year, that law identified about 42,000 to 45,000 legal workers for American agriculture. Yet, we know there were well over a million working in this country for American agriculture that were probably illegal. That, too, is an intolerable situation. It is why several years ago I began to look at ways to solve this problem—at least for agriculture—because American agriculture is nervous, and they ought to be; they know that even though those workers who come to them have what appear to be legal documents, the reality is that they are, by 70 percent of their workforce, working illegal foreign nationals. If it is not corrected, it is an intolerable situation for American agriculture to be in.

That story can be played out in a variety of other industries. But as I began to focus on this a good number of years ago, I recognized there was a significant problem that had to be dealt with. It is not a popular thing to do, but immigration and immigration reform is never popular. Those of us who are the children of immigrants sometimes hold the attitude, close the border and let no one in. Yet, today, in the American workforce we know that at a growing high record of employment we still have well over 10 million foreign nationals, undocumented, working in our economy in jobs that Americans oftentimes choose not to work in.

That is why I created the bill AgJOBS, now supported by well over 60 Senators. We got a vote this year of 53 to 45 on a procedural motion to allow that Agricultural Job Opportunity and Benefit Security Act to come to the floor and ultimately work through the process and become law. Other colleagues of mine are working on types of reform.

So what we are doing today with the Homeland Security Appropriations bill is making a quantum leap in the right direction. No immigration policy, no matter how forward-looking, how flexible, and how reasonable it might be to identify those who are in the country, to allow the ebb and flow necessary to meet both the economic needs and humanitarian needs that we are all for—you cannot do it without controlling your borders, without controlling the flow that comes across them. That is what this bill makes a major step in doing.

I am pleased to be a member of the subcommittee and to join with Chairman GREGG and the ranking member, Senator BYRD, whom I have worked with on this issue before. I believe this bill deserves the support of the Senate. If you are for immigration reform, if you believe in controlling our borders, if you recognize this is an issue that has gone well out of control, then you would want to vote for this legislation. Is it a tremendous investment? You bet it is. But it is an investment long coming, because it is the investment we have denied and ignored as necessary to make for well over two decades. As a result of that, we have the consequences of the situation we deal with today.

Now is the time to correct it. Now is the time to reshape immigration policy in our country, and to do so recognizing that it is a two-front issue—both to have the right law in place, and to secure our borders so that those who come across are identified and move across legally and appropriately, consistent with the laws of our land.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators BOXER and KERRY have their names added to the Byrd transit amendment No. 1218.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1166

Mr. DURBIN. Mr. President, I call up amendment No. 1166.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1166.

Mr. DURBIN. 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 designate a port of entry)

On page 70, line 20, strike ''purposes.'' and insert the following: ''purposes: *Provided further*, That MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.''.

Mr. DURBIN. Mr. President, this is a very brief and simple amendment. It designates MidAmerica St. Louis Airport in Mascoutah, IL, as a port of entry.

MidAmerica Airport is the civilian side of Scott Air Force Base, one of the region's largest employers. MidAmerica and Scott Air Force Base have a successful joint-use plan.

MidAmerica is classified as a foreign trade zone and is a finalist to be classified as an interior transshipment point for international air cargo. The MidAmerica Airport does not currently have international traffic, although a passenger terminal was built to host pre-9/11 Customs activities. International air cargo transport is nonexistent in the region, and it would give MidAmerica a means to enhance the region's economy. This would be beneficial to homeland security and would enhance economic development in the metro East St. Louis region.

Mr. President, I ask that this amendment be set aside.

Mr. GREGG. Mr. President, I have no problem agreeing to this amendment if

the Senator wants to ask unanimous consent for its approval.

Mr. DURBIN. Mr. President, I ask unanimous consent that amendment No. 1166 be considered and agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 1166) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1205

Mr. SHELBY. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1205.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY, proposes an amendment numbered 1205.

The amendment is as follows:

(Purpose: To appropriate funds for transit security grants for fiscal year 2006 equal to the amount authorized in the Public Transportation Terrorism Prevention Act of 2004)

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$3,760,300,000''.

On page 78, strike line 25 and all that follows through ''(E)'' on page 79, line 5, and insert the following: ''security grants; and

''(D)''.

On page 79, between 22 and 23, insert the following:

(7) $1,166,000,000 for transit security grants, of which—

(A) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(B) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(C) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems:

AMENDMENT NO. 1205, AS MODIFIED

Mr. SHELBY. Mr. President, I further ask to modify the amendment with a modification that I sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1205), as modified, is as follows:

On page 77, line 15, strike all through page 79, line 6 and insert the following:

''For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,860,300,000, which shall be allocated as follows:

(1) $1,518,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary. of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $1,531,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $10,000,000 shall be for intercity bus security grants;

(D) $100,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail security grants;

(E) 1,166,000,000 shall be for transit security grants, of which—

(i) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(ii) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(iii) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems; and

(F) $50,000,000 shall be for buffer zone protection plan grants.''.

Mr. SHELBY. Mr. President, the funding level in this amendment is based on many things, and I will tell you about it. In fiscal year 2006, we were planning to have the Public Transportation Terrorism Prevention Act that would have provided a total of $1.166 billion for public transportation security grants based on risk. It provides for grants for capital infrastructure improvements, for public transportation systems, as well as operational costs for drills and training and research funding. Everything—cameras, dogs, and you might go further with it.

We have taken necessary and prudent steps toward protecting our air travel from terrorism—we hope. We made strides toward hardening our aviation systems and making them less vulnerable to attack. Now I believe is the time to do the same for public transportation.

In 2004, the last year that data was available, over 9.6 billion passenger trips were taken on buses, trains, and other forms of public transportation. The American Public Transportation Association estimates that over 14 million Americans ride on public transportation each weekday. The U.S. Department of Transportation estimates that another 25 million use public transportation less frequently but on a regular basis.

Securing public transportation presents many challenges. We know that. The public transportation system includes over 100,000 miles of rail, almost 1,000 train and subway stations, and 60,000 buses. Meeting this challenge will require devoted resources and steadfast commitment to the task.

Today this amendment I am offering on behalf of myself, Senator SARBANES, and others is an amendment to the Department of Homeland Security appropriations bill. As the Banking Committee has jurisdiction over transit security issues, a lot of the colleagues on the Banking Committee on both sides of the aisle are joining me in this amendment.

The London attacks well illustrate the threats we face in this country, and we know all too well that England is not alone. Terrorists have targeted public transportation systems the world over, and we know they would delight in a successful attack here.

To this date, most terrorist attacks around the world have occurred on public transportation. Examples are, as you know, Mr. President, Spain, Israel, Japan, and other countries, and this should cause us to consider how we will aim to prevent such terrible attacks on our soil.

Over a year ago, Senator SARBANES and I reported out of the Banking Committee the Public Transportation Terrorism Prevention Act. It had numerous cosponsors and passed the Senate with a unanimous vote. The bill was crafted in a thoughtful and considered manner after a series of hearings held in the committee.

In those sessions, we spoke to terrorism experts and industry officials to ascertain the best way to protect public transportation systems in the country. The product was a bill that had the support of industry and terrorism experts alike. This amendment we are offering today comes out of that bill.

I believe we must provide resources toward mitigating these security threats, and we must do so as soon as possible. We cannot wait.

I also appreciate the challenge that Chairman GREGG of the committee faces. I serve on the Appropriations Committee with him, and I, too, am chairman of a subcommittee on appropriations. As he attempts to address the multitude of security challenges in

this appropriations bill, the allocation of funding is daunting. Attempting to find the balance between ports, rail, public transportation, and other targets is a difficult task.

We could have infinite resources to spend and still not be totally protected. We must realize this. We must concede that in the debate. But I think we have to do more to protect our public transportation system. It is in that spirit, I am offering this amendment tonight.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1220 TO AMENDMENT NO. 1205, AS MODIFIED

Mr. GREGG. Mr. President, I send a second-degree amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1220 to amendment No. 1205, as modified.

Mr. GREGG. 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:

Strike all after the first word and insert the following:

grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,299,000, which shall be allocated as follows:

(1) $1,417,999,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $195,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $15,000,000 shall be for intercity bus security grants;

(D) $200,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1205, AS MODIFIED

Mr. SARBANES. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee. The need to improve security throughout our Nation's public transportation system has been apparent for quite some time. In fact, last year in the committee, I worked closely with Chairman SHELBY and with Senator REED of Rhode Island who have been leaders on this issue both within the committee and throughout the Senate, on the Public Transportation Terrorism Prevention Act of 2004.

That legislation came out of the committee unanimously and was approved in the Senate last October 1 by unanimous consent. So every Member of this body, in effect, validated that legislation. That bill authorized $3.5 billion over 3 years in security for our Nation's mass transportation systems. Of that amount, $1.16 billion was scheduled for fiscal year 2006.

This funding level was authorized to begin to address the critical security needs that exist throughout the thousands of public transportation systems in our country. The amendment offered by the chairman of the committee, which I have joined in cosponsoring, along with my able colleague from Rhode Island, Senator REED, and others, seeks to provide the appropriations level to sustain the authorized level, which this body has heretofore approved.

In the wake of the tragic attack in London last Thursday, which has claimed over 50 lives and left hundreds more injured, we clearly need to more fully fund transit security, and going to the previously Senate-authorized level seems to make imminent good sense. The Senate anticipated this problem in the authorization, and the committee brought out well-considered legislation which this body passed unanimously. We have not provided the wherewithal to support the authorization, and this amendment seeks to do exactly that.

The threat to transit is not new. We have had terrorist attacks against transit systems in Moscow, South Korea, and London. In fact, in 2002, the GAO found that one-third of all terrorist attacks worldwide were against transit systems. Despite this significant threat, security funding has been grossly inadequate.

Our Nation's transit systems have been unable to implement necessary security improvements, including those that have been identified by the Department of Homeland Security. In an editorial last Friday, the Baltimore Sun stated that, ''Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance.''

They go on to state:

Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing $3.5 billion over three years for the same purpose.

That is a direct reference to the Public Transportation Terrorism Prevention Act of 2004, which, as has been noted, passed the Senate unanimously.

These moneys will be used for such necessities as: security cameras, radios, front-line employee training, and extra security personnel. They are not extravagant requests.

Let me give one example of a critical need right here with respect to Washington's Metro. Their greatest security need is a backup control operations center. This need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed because it has been unfunded. This amendment provides the funding to match what was set out in the authorization.

We know that transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation's economic and security infrastructure. We can wait no longer to address these critical security needs of the transit systems throughout the Nation. This amendment begins the important process of providing these critically needed funds.

Again, I thank the able chairman of the committee for his excellent leadership on the transit security issue and Senator REED for his strong and continued commitment on this issue and his perseverance over a sustained period of time. I thank all of our colleagues who have joined as cosponsors of this amendment. I urge my colleagues to support the amendment.

I ask unanimous consent that the editorial from the Baltimore Sun of July 8 referenced in my statement be printed in full at the end of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECURITY DERAILED

Yesterday's attack on London's transit system was frighteningly familiar. Just 16 months ago, terrorists in Madrid killed nearly 200 people and wounded more than 1,500 by setting off bombs in commuter trains. Both demonstrated the potential vulnerability of buses and rail systems. Yet, until yesterday, many in Washington seemed unconcerned that something similar could happen in the United States.

Last month, the Senate Appropriations Committee voted to reduce the Department of Homeland Security's budget for transit and rail security from $150 million (the amount spent annually now) to $100 million in the upcoming fiscal year. Certainly, no one knew terrorists would target London, but the 2004 bombings in Spain should have been fresh in senators' minds. What does it take for Congress to grasp this issue?

Since Sept. 11, 2001, the federal government has spent $18 billion on aviation security. Transit systems—which carry 16 times more passengers daily—have received about $250 million. That's a ridiculous imbalance. Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing $3.5 billion over three years for the same purpose.

How would those in charge of the nation's public transit systems spend the extra money? Chiefly for necessities like security cameras, radios, training and extra security personnel. Those aren't extravagant requests. Local governments have spent $2 billion to keep buses and trains safe over the past four years, according to the American Public Transit Association.

The Bush administration originally asked for significantly more than $150 million to create a Targeted Infrastructure Protection Program that would not only increase transit security but also assist vulnerable shipping ports and energy facilities, too. And though transit and rail systems might have been shortchanged by that arrangement, it is not unreasonable to let DHS officials set their own investment priorities—if an adequate budget is made available to them.

Transit advocates are hopeful that the $50 million cut can be restored. The attacks in London suggest much more is needed. Advocates want $2 billion for transit and rail security in the fiscal 2006 budget (not counting the amount needed to protect Amtrak). Suddenly, that doesn't seem quite so unreasonable an expenditure.

Still, the failure to address transit security in the wake of last year's bombings in Madrid underscores Capitol Hill's inability to set appropriate spending priorities in matters of domestic security. As the 9/11 commission pointed out, Congress has treated portions of the DHS budget like so much bacon, apportioning more per capita to Wyoming than to New York. Between the costly war in Iraq and record budget deficits, the nation can ill afford to be so foolish with its security resources.

Mr. SARBANES. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to commend Chairman SHELBY for his leadership on this issue and Senator SARBANES for his leadership. I am proud to be a cosponsor of this amendment along with Chairman SHELBY and Senator SARBANES. They have said it very well. We understand that transit systems are threatened by terrorists. That understanding was developed after 9/11, but certainly it was sharpened last week with the attack in London that left 52 dead and over 700 injured.

We recognize that we have to protect these vulnerable transit systems, and the purpose of this amendment is to provide the resources to do that. There are 6,000 transit systems in the United States, so this money, although it seems significant, will barely keep up with the demands for security improvements to transit systems across the United States.

Each day, 14 million riders use transit to get to work, to get to appointments, to get to hospitals, to do what they must do. Let me disabuse the notion that this is just the province of the very biggest metropolises like New York City. In Dallas, for example, on a yearly basis, 55 million trips a year on transit; Houston, 96 million trips a year; Atlanta, 137 million trips per year; Portland, 95 million; Charlotte, NC, 16 million trips per year; Philadelphia, PA, 297 million trips per year; and Minneapolis, 56.9 million trips per year.

Millions of Americans each day get on a subway or a bus and use the transit system. They are today not as well protected as they should be. The point of this amendment is to begin to get the resources together to start those sensible investments in capital equipment, in operational techniques and training and in consequence management that are so important for transit security.

As Senator SARBANES pointed out, the GAO has found that one-third of the terrorist attacks in the last several years have been directed against transit systems. We know it is a target.

After 9/11, as I was acting as chairman of the Subcommittee on Housing and Transportation, I held a hearing—in fact several hearings—about the need for improvement of transit security. Today, that evidence is even more compelling based upon what has happened in London, Moscow, and Spain. All of these things should compel us to support this amendment enthusiastically.

One final point: Not only is transit important, not only is it a target for terrorists, but in terror attacks transit is an important aspect in consequence management. People were evacuated from the Pentagon because of the subway systems and the Metro systems in Washington. Transit trains moved underneath the World Trade Center. In fact, cool action by some of the transit police and transit dispatchers was able to minimize casualties. That will not happen if they do not have the communication equipment, the training, and the ability to respond and react to a possible terrorist attack.

So not only is transit a likely target, but it is an essential means of managing the consequences of an attack in any urban area anywhere in the United States.

So I again urge my colleagues to join Senator SHELBY, Senator SARBANES, and our other colleagues who support this amendment. It is important. It is more than timely; it is, frankly, after last week, overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it appears we will be able to begin voting here around 6:30, just for Members' edification. The first vote will be on the point of order relative to the amendment of Senator DODD, followed hopefully with a second amendment dealing with one of the amendments of Senator AKAKA.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

AMENDMENT NO. 1202, AS MODIFIED

Mr. DODD. Mr. President, I have cleared this with the distinguished manager of the bill. I send a modification of the Dodd amendment, amendment No. 1202, to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Hearing none, it is so ordered.

The amendment is as follows:

On page 77, line 18, strike $2,694,000,000 and insert $13,863,377,000.

On page 77, line 20, strike $1,518,000,000 and insert $7,810,788,066.

On page 77, line 21, strike $425,000,000 and insert $2,058,178,673.

On page 78, line 13, strike $365,000,000 and insert $1,878,088,040.

On page 78, line 16, strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22, strike $5,000,000 and insert $25,727,233.

On page 78, line 24, strike $10,000,000 and insert $51,454,467.

On page 79, line 1, strike $100,000,000 and insert $514,544,668.

On page 79, line 5, strike $50,000,000 and insert $257,272,334.

On page 79, line 7, strike $50,000,000 and insert $257,272,334.

On page 79, line 9, strike $40,000,000 and insert $205,817,867.

On page 79, line 21, strike $321,300,000 and insert $1,653,232,019.

On page 81, line 24, strike $615,000,000 and insert $3,164,802,000.

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $334,491,000.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 83, line 12, strike $203,499,000 and insert $1,047,210,000.

On Page 89, line 3, strike $194,000,000 and insert $998,327,800.

Mr. DODD. Let me begin once again by expressing my appreciation to the chairman and the manager of this bill, Senator GREGG, and my colleague from West Virginia, Senator BYRD. They have done a good job with this bill. This bill deals with several complicated issues. The events during the past few days in London have highlighted the importance of these issues concerning our homeland security. I want to express my appreciation to Senator GREGG and Senator BYRD for operating within the constraints of the budget caps.

I realize by offering an amendment so large—50 percent of the entire amount in this bill—I am offering an extraordinary amendment. I tried to make it clear today that these are extraordinary times with extraordinary events. Since 1983, when the bombing of the Marine barracks took place in Beirut where we lost 242 Marines, 221 major terrorist attacks have occurred around the world. Fifty-eight of those attacks, almost 25 percent, were carried out in transit systems, with the use of trucks or cars or in seaports.

We know today in our own country that we are glaringly lax in providing the security we need within our transit systems, harbors, and ports.

The amendment I am offering is not one that I have crafted on my own. It was crafted largely from the recommendations Senator Warren Rudman, our former colleague, had suggested in a report sponsored by the Council on Foreign Relations that included many distinguished Americans who have worked in areas of national security as well as public health, intelligence, and bioterrorism. They suggested strongly in their report that we spend some $20 billion a year in order to fully invest in what we need to make our country more secure.

Let me quote, if I can, once again, because I think his comments are worth repeating, the language of Senator Rudman in that report. Senator Rudman said at that time:

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

He goes on to say:

> In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

Let me also, if I can, read once again the language of Les Gelb, in preparing the foreword of that report. Les Gelb wrote, on the occasion of this report being filed:

> As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

I think those words ought to be taken to heart. Since that report was filed, of course, we have seen the attacks in Madrid on their transit system and the people there who lost their lives in March of 2004 and we have seen the attacks in London, the suicide bombings that we now know occurred there—the first time suicide bombers appeared in the West. What kind of attack will it take for us to realize we can no longer wait to do what needs to be done to prepare our transit systems, our ports, our harbors—what more needs to be done to make America more secure?

Is my amendment a large amendment? It is. Is it extraordinary in its size? It is. But I strongly suggest to my colleagues the events we are facing as a people are no less extraordinary and demand, I think, extraordinary action.

While there will be a move here, obviously, to raise the point of order on the budget against this amendment because of its size—and I have asked to waive that point of order—at some point we are going to be faced again with these tragedies. I only hope we have the resources at hand to minimize them. How many events will it take? What catastrophic occurrence is going to have to occur before we realize we need to make these investments?

I know all the bureaucratic arguments that are being made here, but I don't think they apply. I think when we are faced, as we have been historically, with major events, major problems, this body, this Congress, the American people have responded accordingly. I think the American people expect nothing less of us at this hour. So I urge my colleagues to support this motion to waive and to support this amendment so we can do what needs to be done to make our country more secure.

Again, I appreciate immensely the efforts of the Senator from New Hampshire. I understand his points. They are points that are well taken. But I also believe the point I am making here is one deserving of attention.

Mr. President, I list here, for those who may be interested, the 221 significant terrorist incidents since 1983. I have categorized each of them that occurred and the numbers of lives lost. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIGNIFICANT TERRORIST INCIDENTS, 1961–2003: A BRIEF CHRONOLOGY

Bombing of U.S. Embassy in Beirut, April 18, 1983: Sixty-three people, including the CIA's Middle East director, were killed and 120 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Naval Officer Assassinated in El Salvador, May 25, 1983: A U.S. Navy officer was assassinated by the Farabundo Marti National Liberation Front.

North Korean Hit Squad, October 9, 1983: North Korean agents blew up a delegation from South Korea in Rangoon, Burma, killing 21 persons and injuring 48.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French compounds in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 400-pound device destroyed a French base. Islamic Jihad claimed responsibility.

Naval Officer Assassinated in Greece, November 15, 1983: A U.S. Navy officer was shot by the November 17 terrorist group in Athens, Greece, while his car was stopped at a traffic light.

1984

Kidnapping of Embassy Official, March 16, 1984: The Islamic Jihad kidnapped and later murdered Political Officer William Buckley in Beirut, Lebanon. Other U.S. citizens not connected to the U.S. government were seized over a succeeding two-year period.

Restaurant Bombing in Spain, April 12, 1984: Eighteen U.S. servicemen were killed and 83 people were injured in a bomb attack on a restaurant near a U.S. Air Force Base in Torrejon, Spain.

Temple Seizure, June 5, 1984: Sikh terrorists seized the Golden Temple in Amritsar, India. One hundred people died when Indian security forces retook the Sikh holy shrine.

Assassination of Indian Prime Minister, October 31, 1984: Premier Indira Gandhi was shot to death by members of her security force.

1985

Kidnapping of U.S. Officials in Mexico, February 7, 1985: Under the orders of narcotrafficker Rafael Caro Quintero, Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot were kidnapped, tortured and executed.

TWA Hijacking, June 14, 1985: A Trans-World Airlines flight was hijacked en route to Rome from Athens by two Lebanese Hizballah terrorists and forced to fly to Beirut. The eight crew members and 145 passengers were held for seventeen days, during which one American hostage, a U.S. Navy sailor, was murdered. After being flown twice to Algiers, the aircraft was returned to Beirut after Israel released 435 Lebanese and Palestinian prisoners.

Attack on a Restaurant in El Salvador, June 19, 1985: Members of the FMLN (Farabundo Marti National Liberation Front) fired on a restaurant in the Zona Rosa district of San Salvador, killing four Marine Security Guards assigned to the U.S. Embassy and nine Salvadoran civilians.

Air India Bombing, June 23, 1985: A bomb destroyed an Air India Boeing 747 over the Atlantic, killing all 329 people aboard. Both Sikh and Kashmiri terrorists were blamed for the attack. Two cargo handlers were killed at Tokyo airport, Japan, when another Sikh bomb exploded in an Air Canada aircraft en route to India.

Soviet Diplomats Kidnapped, September 30, 1985: In Beirut, Lebanon, Sunni terrorists kidnapped four Soviet diplomats. One was killed but three were later released.

Achille Lauro Hijacking, October 7, 1985: Four Palestinian Liberation Front terrorists seized the Italian cruise liner in the eastern Mediterranean Sea, taking more than 700 hostages. One U.S. passenger was murdered before the Egyptian government offered the terrorists safe haven in return for the hostages' freedom.

Egyptian Airliner Hijacking, November 23, 1985: An EgyptAir airplane bound from Athens to Malta and carrying several U.S. citizens was hijacked by the Abu Nidal Group.

Airport Attacks in Rome and Vienna, December 27, 1985: Four gunmen belonging to the Abu Nidal Organization attacked the El Al and Trans World Airlines ticket counters at Rome's Leonardo da Vinci Airport with grenades and automatic rifles. Thirteen persons were killed and 75 were wounded before Italian police and Israeli security guards killed three of the gunmen and captured the fourth. Three more Abu Nidal gunmen attacked the El Al ticket counter at Vienna's Schwechat Airport, killing three persons and wounding 30. Austrian police killed one of the gunmen and captured the others.

1986

Aircraft Bombing in Greece, March 30, 1986: A Palestinian splinter group detonated a bomb as TWA Flight 840 approached Athens airport, killing four U.S. citizens.

Berlin Discothèque Bombing, April 5, 1986: Two U.S. soldiers were killed and 79 American servicemen were injured in a Libyan bomb attack on a nightclub in West Berlin,

West Germany. In retaliation U.S. military jets bombed targets in and around Tripoli and Benghazi.

Kimpo Airport Bombing, September 14, 1986: North Korean agents detonated an explosive device at Seoul's Kimpo airport, killing 5 persons and injuring 29 others.

1987

Bus Attack, April 24, 1987: Sixteen U.S. servicemen riding in a Greek Air Force bus near Athens were injured in an apparent bombing attack, carried out by the revolutionary organization known as November 17.

Downing of Airliner, November 29, 1987: North Korean agents planted a bomb aboard Korean Air Lines Flight 858, which subsequently crashed into the Indian Ocean.

Servicemen's Bar Attack, December 26, 1987: Catalan separatists bombed a Barcelona bar frequented by U.S. servicemen, resulting in the death of one U.S. citizen.

1988

Kidnapping of William Higgins, February 17, 1988: U.S. Marine Corps Lieutenant Colonel W. Higgins was kidnapped and murdered by the Iranian-backed Hizballah group while serving with the United Nations Truce Supervisory Organization (UNTSO) in southern Lebanon.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car-bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attack on U.S. Diplomat in Greece, June 28, 1988: The Defense Attaché of the U.S. Embassy in Greece was killed when a car-bomb was detonated outside his home in Athens.

Pan Am 103 Bombing, December 21, 1988: Pan American Airlines Flight 103 was blown up over Lockerbie, Scotland, by a bomb believed to have been placed on the aircraft by Libyan terrorists in Frankfurt, West Germany. All 259 people on board were killed.

1989

Assassination of U.S. Army Officer, April 21, 1989: The New People's Army (NPA) assassinated Colonel James Rowe in Manila. The NPA also assassinated two U.S. government defense contractors in September.

Bombing of UTA Flight 772, September 19, 1989: A bomb explosion destroyed UTA Flight 772 over the Sahara Desert in southern Niger during a flight from Brazzaville to Paris. All 170 persons aboard were killed. Six Libyans were later found guilty in absentia and sentenced to life imprisonment.

Assassination of German Bank Chairman, November 30, 1989: The Red Army Faction assassinated Deutsche Bank Chairman Alfred Herrhausen in Frankfurt.

1990

U.S. Embassy Bombed in Peru, January 15, 1990: The Tupac Amaru Revolutionary Movement bombed the U.S. Embassy in Lima, Peru.

U.S. Soldiers Assassinated in the Philippines, May 13, 1990: The New People's Army (NPA) killed two U.S. Air Force personnel near Clark Air Force Base in the Philippines.

1991

Attempted Iraqi Attacks on U.S. Posts, January 18–19, 1991: Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's home residence and at the USIS library in Manila.

Sniper Attack on the U.S. Embassy in Bonn, February 13, 1991: Three Red Army Faction members fired automatic rifles from across the Rhine River at the U.S. Embassy Chancery. No one was hurt.

Assassination of former Indian Prime Minister, May 21, 1991: A female member of the LTTE (Liberation Tigers of Tamil Eelam) killed herself, Prime Minister Rajiv Gandhi, and 16 others by detonating an explosive vest after presenting a garland of flowers to the former Prime Minister during an election rally in the Indian state of Tamil Nadu.

1992

Kidnapping of U.S. Businessmen in the Philippines, January 17–21, 1992: A senior official of the corporation Philippine Geothermal was kidnapped in Manila by the Red Scorpion Group, and two U.S. businessmen were seized independently by the National Liberation Army and by Revolutionary Armed Forces of Colombia (FARC).

Bombing of the Israeli Embassy in Argentina, March 17, 1992: Hizballah claimed responsibility for a blast that leveled the Israeli Embassy in Buenos Aires, Argentina, causing the deaths of 29 and wounding 242.

1993

Kidnappings of U.S. Citizens in Colombia, January 31, 1993: Revolutionary Armed Forces of Colombia (FARC) terrorists kidnapped three U.S. missionaries.

World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists exploded in an underground garage. The bomb left 6 people dead and 1,000 injured. The men carrying out the attack were followers of Umar Abd al-Rahman, an Egyptian cleric who preached in the New York City area.

Attempted Assassination of President Bush by Iraqi Agents, April 14, 1993: The Iraqi intelligence service attempted to assassinate former U.S. President George Bush during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.

1994

Hebron Massacre, February 25, 1994: Jewish right-wing extremist and U.S. citizen Baruch Goldstein machine-gunned Moslem worshippers at a mosque in West Bank town of Hebron, killing 29 and wounding about 150.

FARC Hostage-taking, September 23, 1994: FARC rebels kidnapped U.S. citizen Thomas Hargrove in Colombia.

Air France Hijacking, December 24, 1994: Members of the Armed Islamic Group seized an Air France Flight to Algeria. The four terrorists were killed during a rescue effort.

1995

Attack on U.S. Diplomats in Pakistan, March 8, 1995: Two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan.

Tokyo Subway Station Attack, March 20, 1995: Twelve persons were killed and 5,700 were injured in a Sarin nerve gas attack on a crowded subway station in the center of Tokyo, Japan. A similar attack occurred nearly simultaneously in the Yokohama subway system. The Aum Shinri-kyo cult was blamed for the attacks.

Bombing of the Federal Building in Oklahoma City, April 19, 1995: Right-wing extremists Timothy McVeigh and Terry Nichols destroyed the Federal Building in Oklahoma City with a massive truck bomb that killed 166 and injured hundreds more in what was up to then the largest terrorist attack on American soil.

Kashmiri Hostage-taking, July 4, 1995: In India six foreigners, including two U.S. citizens, were taken hostage by Al-Faran, a Kashmiri separatist group. One non-U.S. hostage was later found beheaded.

Jerusalem Bus Attack, August 21, 1995: HAMAS claimed responsibility for the detonation of a bomb that killed 6 and injured over 100 persons, including several U.S. citizens.

Attack on U.S. Embassy in Moscow, September 13, 1995: A rocket-propelled grenade was fired through the window of the U.S. Embassy in Moscow, ostensibly in retaliation for U.S. strikes on Serb positions in Bosnia.

Saudi Military Installation Attack, November 13, 1995: The Islamic Movement of Change planted a bomb in a Riyadh military compound that killed one U.S. citizen, several foreign national employees of the U.S. government, and over 40 others.

Egyptian Embassy Attack, November 19, 1995: A suicide bomber drove a vehicle into the Egyptian Embassy compound in Islamabad, Pakistan, killing at least 16 and injuring 60 persons. Three militant Islamic groups claimed responsibility.

1996

Papuan Hostage Abduction, January 8, 1996: In Indonesia, 200 Free Papua Movement (OPM) guerrillas abducted 26 individuals in the Lorenta nature preserve, Irian Jaya Province. Indonesian Special Forces members rescued the remaining nine hostages on May 15.

Kidnapping in Colombia, January 19, 1996: Revolutionary Armed Forces of Colombia (FARC) guerrillas kidnapped a U.S. citizen and demanded a $1 million ransom. The hostage was released on May 22.

Tamil Tigers Attack, January 31, 1996: Members of the Liberation Tigers of Tamil Eelam (LTTE) rammed an explosives-laden truck into the Central Bank in the heart of downtown Colombo, Sri Lanka, killing 90 civilians and injuring more than 1,400 others, including 2 U.S. citizens.

IRA Bombing, February 9, 1996: An Irish Republican Army (IRA) bomb detonated in London, killing 2 persons and wounding more than 100 others, including 2 U.S. citizens.

Athens Embassy Attack, February 15, 1996: Unidentified assailants fired a rocket at the U.S. Embassy compound in Athens, causing minor damage to three diplomatic vehicles and some surrounding buildings. Circumstances of the attack suggested it was an operation carried out by the 17 November group.

ELN Kidnapping, February 16, 1996: Six alleged National Liberation Army (ELN) guerrillas kidnapped a U.S. citizen in Colombia. After 9 months, the hostage was released.

HAMAS Bus Attack, February 26, 1996: In Jerusalem, a suicide bomber blew up a bus, killing 26 persons, including three U.S. citizens, and injuring some 80 persons, including three other U.S. citizens.

Dizengoff Center Bombing, March 4, 1996: HAMAS and the Palestine Islamic Jihad (PIJ) both claimed responsibility for a bombing outside of Tel Aviv's largest shopping mall that killed 20 persons and injured 75 others, including 2 U.S. citizens.

West Bank Attack, May 13, 1996: Arab gunmen opened fire on a bus and a group of Yeshiva students near the Bet El settlement, killing a dual U.S./Israeli citizen and wounding three Israelis. No one claimed responsibility for the attack, but HAMAS was suspected.

AID Worker Abduction, May 31, 1996: A gang of former Contra guerrillas kidnapped a U.S. employee of the Agency for International Development (AID) who was assisting with election preparations in rural northern Nicaragua. She was released unharmed the next day after members of the international commission overseeing the preparations intervened.

Zekharya Attack, June 9, 1996: Unidentified gunmen opened fire on a car near Zekharya, killing a dual U.S./Israeli citizen and an Israeli. The Popular Front for the Liberation of Palestine (PFLP) was suspected.

Manchester Truck Bombing, June 15, 1996: An IRA truck bomb detonated at a Manchester shopping center, wounding 206 persons, including two German tourists, and caused extensive property damage.

Khobar Towers Bombing, June 25, 1996: A fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dhahran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Several groups claimed responsibility for the attack.

ETA Bombing, July 20, 1996: A bomb exploded at Tarragona International Airport in Reus, Spain, wounding 35 persons, including British and Irish tourists. The Basque Fatherland and Liberty (ETA) organization was suspected.

Bombing of Archbishop of Oran, August 1, 1996: A bomb exploded at the home of the French Archbishop of Oran, killing him and his chauffeur. The attack occurred after the Archbishop's meeting with the French Foreign Minister. The Algerian Armed Islamic Group (GIA) is suspected.

Sudanese Rebel Kidnapping, August 17, 1996: Sudan People's Liberation Army (SPLA) rebels kidnapped six missionaries in Mapourdit, including a U.S. citizen, an Italian, three Australians, and a Sudanese. The SPLA released the hostages 11 days later.

PUK Kidnapping, September 13, 1996: In Iraq, Patriotic Union of Kurdistan (PUK) militants kidnapped four French workers for Pharmaciens Sans Frontieres, a Canadian United Nations High Commissioner for Refugees (UNHCR) official, and two Iraqis.

Assassination of South Korean Consul, October 1, 1996: In Vladivostok, Russia, assailants attacked and killed a South Korean consul near his home. No one claimed responsibility, but South Korean authorities believed that the attack was carried out by professionals and that the assailants were North Koreans. North Korean officials denied the country's involvement in the attack.

Red Cross Worker Kidnappings, November 1, 1996: In Sudan a breakaway group from the Sudanese People's Liberation Army (SPLA) kidnapped three International Committee of the Red Cross (ICRC) workers, including a U.S. citizen, an Australian, and a Kenyan. On 9 December the rebels released the hostages in exchange for ICRC supplies and a health survey for their camp.

Paris Subway Explosion, December 3, 1996: A bomb exploded aboard a Paris subway train as it arrived at the Port Royal station, killing two French nationals, a Moroccan, and a Canadian, and injuring 86 persons. Among those injured were one U.S. citizen and a Canadian. No one claimed responsibility for the attack, but Algerian extremists are suspected.

Abduction of U.S. Citizen by FARC, December 11, 1996: Five armed men claiming to be members of the Revolutionary Armed Forces of Colombia (FARC) kidnapped and later killed a U.S. geologist at a methane gas exploration site in La Guajira Department.

Tupac Amaru Seizure of Diplomats, December 17, 1996: Twenty-three members of the Tupac Amaru Revolutionary Movement (MRTA) took several hundred people hostage at a party given at the Japanese Ambassador's residence in Lima, Peru. Among the hostages were several U.S. officials, foreign ambassadors and other diplomats, Peruvian Government officials, and Japanese businessmen. The group demanded the release of all MRTA members in prison and safe passage for them and the hostage takers. The terrorists released most of the hostages in December but held 81 Peruvians and Japanese citizens for several months.

1997

Egyptian Letter Bombs, January 2–13, 1997: A series of letter bombs with Alexandria, Egypt, postmarks were discovered at Al-Hayat newspaper bureaus in Washington, New York City, London, and Riyadh, Saudi Arabia. Three similar devices, also postmarked in Egypt, were found at a prison facility in Leavenworth, Kansas. Bomb disposal experts defused all the devices, but one detonated at the Al-Hayat office in London, injuring two security guards and causing minor damage.

Tajik Hostage Abductions, February 4–17, 1997: Near Komsomolabad, Tajikistan, a paramilitary group led by Bakhrom Sodirov abducted four United Nations (UN) military observers. The victims included two Swiss, one Austrian, one Ukrainian, and their Tajik interpreter. The kidnappers demanded safe passage for their supporters from Afghanistan to Tajikistan. In four separate incidents occurring between Dushanbe and Garm, Bakhrom Sodirov and his group kidnapped two International Committee for the Red Cross members, four Russian journalists and their Tajik driver, four UNHCR members, and the Tajik Security Minister, Saidamir Zukhurov.

Venezuelan Abduction, February 14, 1997: Six armed Colombian guerrillas kidnapped a U.S. oil engineer and his Venezuelan pilot in Apure, Venezuela. The kidnappers released the Venezuelan pilot on 22 February. According to authorities, the FARC is responsible for the kidnapping.

Empire State Building Sniper Attack, February 23, 1997: A Palestinian gunman opened fire on tourists at an observation deck atop the Empire State Building in New York City, killing a Danish national and wounding visitors from the United States, Argentina, Switzerland, and France before turning the gun on himself. A handwritten note carried by the gunman claimed this was a punishment attack against the ''enemies of Palestine.''

ELN Kidnapping, February 24, 1997: National Liberation Army (ELN) guerrillas kidnapped a U.S. citizen employed by a Las Vegas gold corporation who was scouting a gold mining operation in Colombia. The ELN demanded a ransom of $2.5 million.

FARC Kidnapping, March 7, 1997: FARC guerrillas kidnapped a U.S. mining employee and his Colombian colleague who were searching for gold in Colombia. On November 16, the rebels released the two hostages after receiving a $50,000 ransom.

Hotel Nacional Bombing, July 12, 1997: A bomb exploded at the Hotel Nacional in Havana, injuring three persons and causing minor damage. A previously unknown group calling itself the Military Liberation Union claimed responsibility.

Israeli Shopping Mall Bombing, September 4, 1997: Three suicide bombers of HAMAS detonated bombs in the Ben Yehuda shopping mall in Jerusalem, killing eight persons, including the bombers, and wounding nearly 200 others. A dual U.S./Israeli citizen was among the dead, and 7 U.S. citizens were wounded.

OAS Abductions, October 23, 1997: In Colombia ELN rebels kidnapped two foreign members of the Organization of American States (OAS) and a Colombian human rights official at a roadblock. The ELN claimed that the kidnapping was intended ''to show the international community that the elections in Colombia are a farce.''

Yemeni Kidnappings, October 30, 1997: Al-Sha'if tribesmen kidnapped a U.S. businessman near Sanaa. The tribesmen sought the release of two fellow tribesmen who were arrested on smuggling charges and several public works projects they claim the government promised them. They released the hostage on November 27.

Murder of U.S. Businessmen in Pakistan, November 12, 1997: Two unidentified gunmen shot to death four U.S. auditors from Union Texas Petroleum Corporation and their Pakistani driver after they drove away from the Sheraton Hotel in Karachi. The Islami Inqilabi Council, or Islamic Revolutionary Council, claimed responsibility in a call to the U.S. Consulate in Karachi. In a letter to Pakistani newspapers, the Aimal Khufia Action Committee also claimed responsibility.

Tourist Killings in Egypt, November 17, 1997: Al-Gama'at al-Islamiyya (IG) gunmen shot and killed 58 tourists and four Egyptians and wounded 26 others at the Hatshepsut Temple in the Valley of the Kings near Luxor. Thirty-four Swiss, eight Japanese, five Germans, four Britons, one French, one Colombian, a dual Bulgarian/British citizen, and four unidentified persons were among the dead. Twelve Swiss, two Japanese, two Germans, one French, and nine Egyptians were among the wounded.

1998

UN Observer Abductions, February 19, 1998: Armed supporters of late Georgian president Zviad Gamsakhurdia abducted four UN military observers from Sweden, Uruguay, and the Czech Republic.

FARC Abduction, March 21–23, 1998: FARC rebels kidnapped a U.S. citizen in Sabaneta, Colombia. FARC members also killed three persons, wounded 14, and kidnapped at least 27 others at a roadblock near Bogota. Four U.S. citizens and one Italian were among those kidnapped, as well as the acting president of the National Electoral Council (CNE) and his wife.

Somali Hostage-takings, April 15, 1998: Somali militiamen abducted nine Red Cross and Red Crescent workers at an airstrip north of Mogadishu. The hostages included a U.S. citizen, a German, a Belgian, a French, a Norwegian, two Swiss, and one Somali. The gunmen were members of a sub-clan loyal to Ali Mahdi Mohammed, who controlled the northern section of the capital.

IRA Bombing, Banbridge, August 1, 1998: A 500–pound car bomb planted by the Real IRA exploded outside a shoe store in Banbridge, North Ireland, injuring 35 persons and damaging at least 200 homes.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. Embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. Approximately 5,000 Kenyans, 6 U.S. citizens, and 13 FSNs were injured. The U.S. Embassy building sustained extensive structural damage. Almost simultaneously, a bomb detonated outside the U.S. Embassy in Dar es Salaam, Tanzania, killing 7 FSNs and 3 Tanzanian citizens, and injuring 1 U.S. citizen and 76 Tanzanians. The explosion caused major structural damage to the U.S. Embassy facility. The U.S. Government held Usama Bin Laden responsible.

IRA Bombing, Omagh, August 15, 1998: A 500–pound car bomb planted by the Real IRA exploded outside a local courthouse in the central shopping district of Omagh, Northern Ireland, killing 29 persons and injuring over 330.

Colombian Pipeline Bombing, October 18, 1998: A National Liberation Army (ELN) planted bomb exploded on the Ocensa pipeline in Antioquia Department, killing approximately 71 persons and injuring at least 100 others. The pipeline is jointly owned by the Colombia State Oil Company Ecopetrol and a consortium including U.S., French, British, and Canadian companies.

Armed Kidnapping in Colombia, November 15, 1998: Armed assailants followed a U.S. businessman and his family home in Cundinamarca Department and kidnapped his 11-year-old son after stealing money, jewelry, one automobile, and two cell phones. The kidnappers demanded $1 million in ransom. On January 21, 1999, the kidnappers released the boy.

1999

Angolan Aircraft Downing, January 2, 1999: A UN plane carrying one U.S. citizen, four Angolans, two Philippine nationals and one Namibian was shot down, according to a UN official. No deaths or injuries were reported. Angolan authorities blamed the attack on National Union for the Total Independence of Angola (UNITA) rebels. UNITA officials denied shooting down the plane.

Ugandan Rebel Attack, February 14, 1999: A pipe bomb exploded inside a bar, killing five persons and injuring 35 others. One Ethiopian and four Ugandan nationals died in the blast, and one U.S. citizen working for USAID, two Swiss nationals, one Pakistani, one Ethiopian, and 27 Ugandans were injured. Ugandan authorities blamed the attack on the Allied Democratic Forces (ADF).

Greek Embassy Seizure, February 16, 1999: Kurdish protesters stormed and occupied the Greek Embassy in Vienna, taking the Greek Ambassador and six other persons hostage. Several hours later the protesters released the hostages and left the Embassy. The attack followed the Turkish Government's announcement of the successful capture of the Kurdistan Workers' Party (PKK) leader Abdullah Ocalan. Kurds also occupied Kenyan, Israeli, and other Greek diplomatic facilities in France, Holland, Switzerland, Britain, and Germany over the following days.

FARC Kidnappings, February 25, 1999: FARC kidnapped three U.S. citizens working for the Hawaii-based Pacific Cultural Conservancy International. On March 4, the bodies of the three victims were found in Venezuela.

Hutu Abductions, March 1, 1999: 150 armed Hutu rebels attacked three tourist camps in Uganda, killed four Ugandans, and abducted three U.S. citizens, six Britons, three New Zealanders, two Danish citizens, one Australian, and one Canadian national. Two of the U.S. citizens and six of the other hostages were subsequently killed by their abductors.

ELN Hostage-taking, March 23, 1999: Armed guerrillas kidnapped a U.S. citizen in Boyaca, Colombia. The National Liberation Army (ELN) claimed responsibility and demanded $400,000 ransom. On 20 July, ELN rebels released the hostage unharmed following a ransom payment of $48,000.

ELN Hostage-taking, May 30, 1999: In Cali, Colombia, armed ELN militants attacked a church in the neighborhood of Ciudad Jardin, kidnapping 160 persons, including six U.S. citizens and one French national. The rebels released approximately 80 persons, including three U.S. citizens, later that day.

Shell Platform Bombing, June 27, 1999: In Port Harcourt, Nigeria, armed youths stormed a Shell oil platform, kidnapping one U.S. citizen, one Nigerian national, and one Australian citizen, and causing undetermined damage. A group calling itself ''Enough is Enough in the Niger River'' claimed responsibility. Further seizures of oil facilities followed.

AFRC Kidnappings, August 4, 1999: An Armed Forces Revolutionary Council (AFRC) faction kidnapped 33 UN representatives near Occra Hills, Sierra Leone. The hostages included one U.S. citizen, five British soldiers, one Canadian citizen, one representative from Ghana, one military officer from Russia, one officer from Kyrgystan, one officer from Zambia, one officer from Malaysia, a local bishop, two UN officials, two local journalists, and 16 Sierra Leonean nationals.

Burmese Embassy Seizure, October 1, 1999: Burmese dissidents seized the Burmese Embassy in Bangkok, Thailand, taking 89 persons hostage, including one U.S. citizen.

PLA Kidnapping, December 23, 1999: Colombian People's Liberation Army (PLA) forces kidnapped a U.S. citizen in an unsuccessful ransoming effort.

Indian Airlines Airbus Hijacking, December 24, 1999: Five militants hijacked a flight bound from Katmandu to New Delhi carrying 189 people. The plane and its passengers were released unharmed on December 31.

2000

Car bombing in Spain, January 27, 2000: Police officials reported unidentified individuals set fire to a Citroen car dealership in Iturreta, causing extensive damage to the building and destroying 12 vehicles. The attack bore the hallmark of the Basque Fatherland and Liberty (ETA).

RUF Attacks on U.N. Mission Personnel, May 1, 2000: On 1 May in Makeni, Sierra Leone, Revolutionary United Front (RUF) militants kidnapped at least 20 members of the United Nations Assistance Mission in Sierra Leone (UNAMSIL) and surrounded and opened fire on a UNAMSIL facility, according to press reports. The militants killed five UN soldiers in the attack. RUF militants kidnapped 300 UNAMSIL peacekeepers throughout the country, according to press reports. On 15 May in Foya, Liberia, the kidnappers released 139 hostages. On 28 May, on the Liberia and Sierra Leone border, armed militants released unharmed the last of the UN peacekeepers. In Freetown, according to press reports, armed militants ambushed two military vehicles carrying four journalists. A Spaniard and one U.S. citizen were killed in a May 25 car bombing in Freetown for which the RUF was probably responsible. Suspected RUF rebels also kidnapped 21 Indian UN peacekeepers in Freetown on June 6. Additional attacks by RUF on foreign personnel followed.

Diplomatic Assassination in Greece, June 8, 2000: In Athens, Greece, two unidentified gunmen killed British Defense Attaché Stephen Saunders in an ambush. The Revolutionary Organization 17 November claimed responsibility.

ELN Kidnapping, June 27, 2000: In Bogota, Colombia, ELN militants kidnapped a 5–year-old U.S. citizen and his Colombian mother, demanding an undisclosed ransom.

Kidnappings in Kyrgyzstan, August 12, 2000: In the Kara-Su Valley, the Islamic Movement of Uzbekistan took four U.S. citizens hostage. The Americans escaped on August 12.

Church Bombing in Tajikistan, October 1, 2000: Unidentified militants detonated two bombs in a Christian church in Dushanbe, killing seven persons and injuring 70 others. The church was founded by a Korean-born U.S. citizen, and most of those killed and wounded were Korean. No one claimed responsibility.

Helicopter Hijacking, October 12, 2000: In Sucumbios Province, Ecuador, a group of armed kidnappers led by former members of defunct Colombian terrorist organization the Popular Liberation Army (EPL), took hostage 10 employees of Spanish energy consortium REPSOL. Those kidnapped included five U.S. citizens, one Argentine, one Chilean, one New Zealander, and two French pilots who escaped four days later. On January 30, 2001, the kidnappers murdered American hostage Ronald Sander. The remaining hostages were released on February 23 following the payment of $13 million in ransom by the oil companies.

Attack on U.S.S. *Cole*, October 12, 2000: In Aden, Yemen, a small dingy carrying explosives rammed the destroyer U.S.S. *Cole*, killing 17 sailors and injuring 39 others. Supporters of Usama Bin Laden were suspected.

Manila Bombing, December 30, 2000: A bomb exploded in a plaza across the street from the U.S. Embassy in Manila, injuring nine persons. The Moro Islamic Liberation Front was likely responsible.

2001

Srinagar Airport Attack and Assassination Attempt, January 17, 2001: In India, six members of the Lashkar-e-Tayyba militant group were killed when they attempted to seize a local airport. Members of Hizbul Mujaheddin fired two rifle grenades at Farooq Abdullah, Chief Minister for Jammu and Kashmir. Two persons were wounded in the unsuccessful assassination attempt.

BBC Studios Bombing, March 4, 2001: A car bomb exploded at midnight outside of the British Broadcasting Corporation's main production studios in London. One person was injured. British authorities suspected the Real IRA had planted the bomb.

Suicide Bombing in Israel, March 4, 2001: A suicide bomb attack in Netanya killed 3 persons and wounded 65. HAMAS later claimed responsibility.

ETA Bombing, March 9, 2001: Two policemen were killed by the explosion of a car bomb in Hernani, Spain.

Airliner Hijacking in Istanbul, March 15, 2001: Three Chechens hijacked a Russian airliner during a flight from Istanbul to Moscow and forced it to fly to Medina, Saudi Arabia. The plane carried 162 passengers and a crew of 12. After a 22–hour siege during which more than 40 passengers were released, Saudi security forces stormed the plane, killing a hijacker, a passenger, and a flight attendant.

Bus Stop Bombing, April 22, 2001: A member of HAMAS detonated a bomb he was carrying near a bus stop in Kfar Siva, Israel, killing one person and injuring 60.

Philippines Hostage Incident, May 27, 2001: Muslim Abu Sayyaf guerrillas seized 13 tourists and 3 staff members at a resort on Palawan Island and took their captives to Basilan Island. The captives included three U.S. citizens: Guellermo Sobero and missionaries Martin and Gracia Burnham. Philippine troops fought a series of battles with the guerrillas between June 1 and June 3 during which 9 hostages escaped and two were found dead. The guerrillas took additional hostages when they seized the hospital in the town of Lamitan. On June 12, Abu Sayyaf spokesman Abu Sabaya claimed that Sobero had been killed and beheaded; his body was found in October. The Burnhams remained in captivity until June 2002.

Tel-Aviv Nightclub Bombing, June 1, 2001: HAMAS claimed responsibility for the suicide bombing of a popular Israeli nightclub that caused over 140 casualties.

HAMAS Restaurant Bombing, August 9, 2001: A HAMAS-planted bomb detonated in a Jerusalem pizza restaurant, killing 15 people and wounding more than 90. The Israeli response included occupation of Orient House, the Palestine Liberation Organization's political headquarters in East Jerusalem.

Suicide Bombing in Israel, September 9, 2001: The first suicide bombing carried out by an Israeli Arab killed 3 persons in Nahariya. HAMAS claimed responsibility.

Death of ''the Lion of the Panjshir'', September 9, 2001: Two suicide bombers fatally wounded Ahmed Shah Massoud, a leader of Afghanistan's Northern Alliance, which had opposed both the Soviet occupation and the post-Soviet Taliban government. The bombers posed as journalists and were apparently linked to al-Qaida. The Northern Alliance did not confirm Massoud's death until September 15.

Terrorist Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington,

crashed into a field in southern Pennsylvania. The attacks killed 3,025 U.S. citizens and other nationals. President Bush and Cabinet officials indicated that Usama Bin Laden was the prime suspect and that they considered the United States in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terrorism.

Attack on the Jammu and Kashmir Legislature, October 1, 2001: After a suicide car bomber forced the gate of the state legislature in Srinagar, two gunmen entered the building and held off police for seven hours before being killed. Forty persons died in the incident. Jaish-e-Muhammad claimed responsibility.

Anthrax Attacks, October–November 2001: On October 7 the U.S. Centers for Disease Control and Prevention (CDC) reported that investigators had detected evidence that the deadly anthrax bacterium was present in the building where a Florida man who died of anthrax on October 5 had worked. Discovery of a second anthrax case triggered a major investigation by the Federal Bureau of Investigation (FBI). The two anthrax cases were the first to appear in the United States in 25 years. Anthrax subsequently appeared in mail received by television networks in New York and by the offices in Washington of Senate Majority Leader Tom Daschle and other members of Congress. Attorney General John Ashcroft said in a briefing on October 16, ''When people send anthrax through the mail to hurt people and invoke terror, it's a terrorist act.''

Assassination of an Israeli Cabinet Minister, October 17, 2001: A Palestinian gunman assassinated Israeli Minister of Tourism Rehavam Zeevi in the Jerusalem hotel where he was staying. The Popular Front for the Liberation of Palestine (PFLP) claimed to have avenged the death of PFLP Mustafa Zubari.

Attack on a Church in Pakistan, October 28, 2001: Six masked gunmen shot up a church in Bahawalpur, Pakistan, killing 15 Pakistani Christians. No group claimed responsibility, although various militant Muslim groups were suspected.

Suicide Bombings in Jerusalem, December 1, 2001: Two suicide bombers attacked a Jerusalem shopping mall, killing 10 persons and wounding 170.

Suicide Bombing in Haifa, December 2, 2001: A suicide bomb attack aboard a bus in Haifa, Israel, killed 15 persons and wounded 40. HAMAS claimed responsibility for both this attack and those on December 1 to avenge the death of a HAMAS member at the hands of Israeli forces a week earlier.

Attack on the Indian Parliament, December 13, 2001: Five gunmen attacked the Indian Parliament in New Delhi shortly after it had adjourned. Before security forces killed them, the attackers killed 6 security personnel and a gardener. Indian officials blamed Lashkar-e-Tayyiba and demanded that Pakistan crack down on it and on other Muslim separatist groups in Kashmir.

2002

Ambush on the West Bank, January 15, 2002: Palestinian militants fired on a vehicle in Beit Sahur, killing one passenger and wounding the other. The dead passenger claimed U.S. and Israeli citizenship. The al-Aqsa Martyrs' Battalion claimed responsibility.

Shooting Incident in Israel, January 17, 2002: A Palestinian gunman killed 6 persons and wounded 25 in Hadera, Israel, before being killed by Israeli police. The al-Aqsa Martyrs' Brigades claimed responsibility as revenge for Israel's killing of a leading member of the group.

Drive-By Shooting at a U.S. Consulate, January 22, 2002: Armed militants on motorcycles fired on the U.S. Consulate in Calcutta, India, killing 5 Indian security personnel and wounding 13 others. The Harakat ul-Jihad-I-Islami and the Asif Raza Commandoes claimed responsibility. Indian police later killed two suspects, one of whom confessed to belonging to Lashkar-e-Tayyiba as he died.

Bomb Explosion in Kashmir, January 22, 2002: A bomb exploded in a crowded retail district in Jammu, Kashmir, killing one person and injuring nine. No group claimed responsibility.

Kidnapping of Daniel Pearl, January 23, 2002: Armed militants kidnapped Wall Street Journal reporter Daniel Pearl in Karachi, Pakistan. Pakistani authorities received a videotape on February 20 depicting Pearl's murder. His grave was found near Karachi on May 16. Pakistani authorities arrested four suspects. Ringleader Ahmad Omar Saeed Sheikh claimed to have organized Pearl's kidnapping to protest Pakistan's subservience to the United States, and had belonged to Jaish-e-Muhammad, an Islamic separatist group in Kashmir. All four suspects were convicted on July 15. Saeed Sheikh was sentenced to death, the others to life imprisonment.

Suicide Bombing in Jerusalem, January 27, 2002: A suicide bomb attack in Jerusalem killed one other person and wounded 100. The incident was the first suicide bombing made by a Palestinian woman.

Suicide Bombing in the West Bank, February 16, 2002: A suicide bombing in an outdoor food court in Karmei Shomron killed 4 persons and wounded 27. Two of the dead and two of the wounded were U.S. citizens. The Popular Front for the Liberation of Palestine (PFLP) claimed responsibility.

Suicide Bombing in the West Bank, March 7, 2002: A suicide bombing in a supermarket in the settlement of Ariel wounded 10 persons, one of whom was a U.S. citizen. The PFLP claimed responsibility.

Suicide Bombing in Jerusalem, March 9, 2002: A suicide bombing in a Jerusalem restaurant killed 11 persons and wounded 52, one of whom was a U.S. citizen. The al-Aqsa Martyrs' Brigades claimed responsibility.

Drive-By Shooting in Colombia, March 14, 2002: Gunmen on motorcycles shot and killed two U.S. citizens who had come to Cali, Colombia, to negotiate the release of their father, who was a captive of the FARC. No group claimed responsibility.

Grenade Attack on a Church in Pakistan, March 17, 2002: Militants threw grenades into the Protestant International Church in Islamabad, Pakistan, during a service attended by diplomatic and local personnel. Five persons, two of them U.S. citizens, were killed and 46 were wounded. The dead Americans were State Department employee Barbara Green and her daughter Kristen Wormsley. Thirteen U.S. citizens were among the wounded. The Lashkar-e-Tayyiba group was suspected.

Car Bomb Explosion in Peru, March 20, 2002: A car bomb exploded at a shopping center near the U.S. Embassy in Lima, Peru. Nine persons were killed and 32 wounded. The dead included two police officers and a teenager. Peruvian authorities suspected either the Shining Path rebels or the Tupac Amaru Revolutionary Movement. The attack occurred 3 days before President George W. Bush visited Peru.

Suicide Bombing in Jerusalem, March 21, 2002: A suicide bombing in Jerusalem killed 3 persons and wounded 86 more, including 2 U.S. citizens. The Palestinian Islamic Jihad claimed responsibility.

Suicide Bombing in Israel, March 27, 2002: A suicide bombing in a noted restaurant in Netanya, Israel, killed 22 persons and wounded 140. One of the dead was a U.S. citizen. The Islamic Resistance Movement (HAMAS) claimed responsibility.

Temple Bombing in Kashmir, March 30, 2002: A bomb explosion at a Hindu temple in Jammu, Kashmir, killed 10 persons. The Islamic Front claimed responsibility.

Suicide Bombing in the West Bank, March 31, 2002: A suicide bombing near an ambulance station in Efrat wounded four persons, including a U.S. citizen. The al-Aqsa Martyrs' Brigades claimed responsibility.

Armed attack on Kashmir, April 10, 2002: Armed militants attacked a residence in Gando, Kashmir, killing five persons and wounding four. No group claimed responsibility.

Synagogue Bombing in Tunisia, April 11, 2002: A suicide bomber detonated a truck loaded with propane gas outside a historic synagogue in Djerba, Tunisia. The 16 dead included 11 Germans, one French citizen, and three Tunisians. Twenty-six German tourists were injured. The Islamic Army for the Liberation of the Holy Sites claimed responsibility.

Suicide Bombing in Jerusalem, April 12, 2002: A female suicide bomber killed 6 persons in Jerusalem and wounded 90 others. The al-Aqsa Martyrs' Brigades claimed responsibility.

Car Bombing in Pakistan, May 8, 2002: A car bomb exploded near a Pakistani navy shuttle bus in Karachi, killing 12 persons and wounding 19. Eleven of the dead and 11 of the wounded were French nationals. Al-Qaida was suspected of the attack.

Parade Bombing in Russia, May 9, 2002: A remotely-controlled bomb exploded near a May Day parade in Kaspiisk, Dagestan, killing 42 persons and wounding 150. Fourteen of the dead and 50 of the wounded were soldiers. Islamists linked to al-Qaida were suspected.

Attack on a Bus in India, May 14, 2002: Militants fired on a passenger bus in Kaluchak, Jammu, killing 7 persons. They then entered a military housing complex and killed 3 soldiers and 7 military dependents before they were killed. The al-Mansooran and Jamiat ul-Mujahedin claimed responsibility.

Bomb Attacks in Kashmir, May 17, 2002: A bomb explosion near a civil secretariat area in Srinagar, Kashmir, wounded 6 persons. In Jammu, a bomb exploded at a fire services headquarters, killing two and wounding 16. No group claimed responsibility for either attack.

Hostage Rescue Attempt in the Philippines, June 7, 2002: Philippine Army troops attacked Abu Sayyaf terrorists on Mindanao Island in an attempt to rescue U.S. citizen Martin Burnham and his wife Gracia, who had been kidnapped more than a year ago. Burnham was killed but his wife, though wounded, was freed. A Filipino hostage was killed, as were four of the guerrillas. Seven soldiers were wounded.

Car Bombing in Pakistan, June 14, 2002: A car bomb exploded near the U.S. Consulate and the Marriott Hotel in Karachi, Pakistan. Eleven persons were killed and 51 were sounded, including one U.S. and one Japanese citizen. Al Qaida and al-Qanin were suspected.

Suicide Bombing in Jerusalem, June 19, 2002: A suicide bombing at a bus stop in Jerusalem killed 6 persons and wounded 43, including 2 U.S. citizens. The al-Aqsa Martyrs' Brigades claimed responsibility.

Suicide Bombing in Tel Aviv, July 17, 2002: Two suicide bombers attacked the old bus station in Tel Aviv, Israel, killing 5 persons and wounding 38. The dead included one Romanian and two Chinese; another Romanian was wounded. The Islamic Jihad claimed responsibility.

Bombing at the Hebrew University, July 31, 2002: A bomb hidden in a bag in the Frank Sinatra International Student Center of Jerusalem's Hebrew University killed 9 persons and wounded 87. The dead included 5 U.S. citizens and 4 Israelis. The wounded included 4 U.S. citizens, 2 Japanese, and 3 South Koreans. The Islamic Resistance Movement (HAMAS) claimed responsibility.

Suicide Bombing in Israel, August 4, 2002: A suicide bomb attack on a bus in Safed, Israel, killed 9 persons and wounded 50. Two of the dead were Philippine citizens; many of the wounded were soldiers returning from leave. HAMAS claimed responsibility.

Attack on a School in Pakistan, August 5, 2002: Gunmen attacked a Christian school attended by children of missionaries from around the world. Six persons (two security guards, a cook, a carpenter, a receptionist, and a private citizen) were killed and a Philippine citizen was wounded. A group called al-Intigami al-Pakistani claimed responsibility.

Attack on Pilgrims in Kashmir, August 6, 2002: Armed militants attacked a group of Hindu pilgrims with guns and grenades in Pahalgam, Kashmir. Nine persons were killed and 32 were wounded. The Lashkar-e-Tayyiba claimed responsibility.

Assassination in Kashmir, September 11, 2002: Gunmen killed Kashmir's Law Minister Mushtaq Ahmed Lone and six security guards in Tikipora. Lashkar-e-Tayyiga, Jamiat ul-Mujahedin, and Hizb ul-Mujahedin all claimed responsibility. Other militants attacked the residence of the Minister of Tourism with grenades, injuring four persons. No group claimed responsibility.

Ambush on the West Bank, September 18, 2002: Gunmen ambushed a vehicle on a road near Yahad, killing an Israeli and wounding a Romanian worker. The al-Aqsa Martyrs' Brigades claimed responsibility.

Suicide Bomb Attack in Israel, September 19, 2002: A suicide bomb attack on a bus in Tel Aviv killed 6 persons and wounded 52. One of the dead was a British subject. HAMAS claimed responsibility.

Attack on a French Tanker, October 6, 2002: An explosive-laden boat rammed the French oil tanker Limburg, which was anchored about 5 miles off al-Dhabbah, Yemen. One person was killed and 4 were wounded. Al-Qaida was suspected.

Car Bomb Explosion in Bali, October 12, 2002: A car bomb exploded outside the Sari Club Discotheque in Denpasar, Bali, Indonesia, killing 202 persons and wounding 300 more. Most of the casualties, including 88 of the dead, were Australian tourists. Seven Americans were among the dead. Al-Qaida claimed responsibility. Two suspects were later arrested and convicted. Iman Samudra, who had trained in Afghanistan with al-Qaeda and was suspected of belonging to Jemaah Islamiya, was sentenced to death on September 10, 2003.

Chechen Rebels Seize a Moscow Theater, October 23–26, 2002: Fifty Chechen rebels led by Movsar Barayev seized the Palace of Culture Theater in Moscow, Russia, to demand an end to the war in Chechnya. They seized more than 800 hostages from 13 countries and threatened to blow up the theater. During a three-day siege, they killed a Russian policeman and five Russian hostages. On October 26, Russian Special Forces pumped an anesthetic gas through the ventilation system and then stormed the theater. All of the rebels were killed, but 94 hostages (including one American) also died, many from the effects of the gas. A group led by Chechen warlord Shamil Basayev claimed responsibility.

Assassination of an AID Official, October 28, 2002: Gunmen in Amman assassinated Laurence Foley, Executive Officer of the U.S. Agency for International Development Mission in Jordan. The Honest People of Jordan claimed responsibility.

Suicide Bombing in Jerusalem, November 21, 2002: A suicide bomb attack on a bus on Mexico Street in Jerusalem killed 11 persons and wounded 50 more. One of the dead was a Romanian. HAMAS claimed responsibility.

Attack on Temples in Kashmir, November 24, 2002: Armed militants attacked the Reghunath and Shiv temples in Jammu, Kashmir, killing 13 persons and wounding 50. The Lashkare-e-Tayyiba claimed responsibility.

Attacks on Israeli Tourists in Kenya, November 28, 2002: A three-person suicide car bomb attack on the Paradise Hotel in Mombasa, Kenya, killed 15 persons and wounded 40. Three of the dead and 18 of the wounded were Israeli tourists; the others were Kenyans. Near Mombasa's airport, two SA–7 shoulder-fired missiles were fired at an Arkia Airlines Boeing 757 that was carrying 261 passengers back to Israel. Both missiles missed. Al-Qaida, the Government of Universal Palestine in Exile, and the Army of Palestine claimed responsibility for both attacks. Al-Ittihad al-Islami was also suspected of involvement.

Attack on a Bus in the Philippines, December 26, 2002: Armed militants ambushed a bus carrying Filipino workers employed by the Canadian Toronto Ventures Inc. Pacific mining company in Zamboanga del Norte. Thirteen persons were killed and 10 wounded. Philippine authorities suspected the Moro Islamic Liberation Front (MILF), which had been extorting money from Toronto Ventures. The Catholic charity Caritas-Philippines said that Toronto Ventures had harassed tribesmen who opposed mining on their ancestral lands.

Bombing of a Government Building in Chechnya, December 27, 2002: A suicide bomb attack involving two explosives-laden trucks destroyed the offices of the pro-Russian Chechen government in Grozny. The attack killed over 80 people and wounded 210. According to a Chechen website run by the Kavkaz Center, Chechen warlord Shamil Basayev claimed responsibility.

2003

Suicide Bombings in Tel Aviv, January 5, 2003: Two suicide bomb attacks killed 22 and wounded at least 100 persons in Tel Aviv, Israel. Six of the victims were foreign workers. The Al-Aqsa Martyrs' Brigades claimed responsibility.

Night Club Bombing in Colombia, February 7, 2003: A car bomb exploded outside a night club in Bogota, Colombia, killing 32 persons and wounding 160. No group claimed responsibility, but Colombian officials suspected the Colombian Revolutionary Armed Forces (FARC) of committing the worst terrorist attack in the country in a decade.

Assassination of a Kurdish Leader, February 8, 2003: Members of Ansar al-Islam assassinated Kurdish legislator Shawkat Haji Mushir and captured two other Kurdish officials in Qamash Tapa in northern Iraq.

Suicide Bombing in Haifa, March 5, 2003: A suicide bombing aboard a bus in Haifa, Israel, killed 15 persons and wounded at least 40. One of the dead claimed U.S. as well as Israeli citizenship. The bomber's affiliation was not immediately known.

Suicide Bombing in Netanya, March 30, 2003: A suicide bombing in a cafe in Netanya, Israel, wounded 38 persons. Only the bomber was killed. Islamic Jihad claimed responsibility and called the attack a ''gift'' to the people of Iraq.

Unsuccessful Hostage Rescue Attempt in Colombia, May 5, 2003: The FARC killed 10 hostages when Colombian special forces tried to rescue them from a jungle hideout near Urrao, in Colombia's Antioquia State. The dead included Governor Guillermo Gavira and former Defense Minister Gilberto Echeverri Mejia, who had been kidnapped in April 2002.

Truck Bomb Attacks in Saudi Arabia, May 12, 2003: Suicide bombers attacked three residential compounds for foreign workers in Riyadh, Saudi Arabia. The 34 dead included 9 attackers, 7 other Saudis, 9 U.S. citizens, and one citizen each from the United Kingdom, Ireland, and the Philippines. Another American died on June 1. It was the first major attack on U.S. targets in Saudi Arabia since the end of the war in Iraq. Saudi authorities arrested 11 al-Qaida suspects on May 28.

Truck Bombing in Chechnya, May 12, 2003: A truck bomb explosion demolished a government compound in Znamenskoye, Chechnya, killing 54 persons. Russian authorities blamed followers of a Saudi-born Islamist named Abu Walid. President Vladimir Putin said that he suspected that there was an al-Qaida connection.

Attempted Assassination in Chechnya, May 12, 2003: Two female suicide bombers attacked Chechen Administrator Mufti Akhmed Kadyrov during a religious festival in Iliskhan Yurt. Kadyrov escaped injury, but 14 other persons were killed and 43 were wounded. Chechen rebel leader Shamil Basayev claimed responsibility.

Suicide Bomb Attacks in Morocco, May 16, 2003: A team of 12 suicide bombers attacked five targets in Casablanca, Morocco, killing 43 persons and wounding 100. The targets were a Spanish restaurant, a Jewish community, a Jewish cemetery, a hotel, and the Belgian Consulate. The Moroccan Government blamed the Islamist al-Assirat al-Moustaquim (The Righteous Path), but foreign commentators suspected an al-Qaida connection.

Suicide Bomb Attack in Jerusalem, May 18, 2003: A suicide bomb attack on a bus in Jerusalem's French Hill district killed 7 persons and wounded 20. The bomber was disguised as a religious Jew. HAMAS claimed responsibility

Suicide Bombing in Afula, May 19, 2003: A suicide bomb attack by a female Palestinian student killed 3 persons and wounded 52 at a shopping mall in Afula, Israel. Both Islamic Jihad and the al-Aqsa Martyrs' Brigades claimed responsibility.

Suicide Bombing in Jerusalem, June 11, 2003: A suicide bombing aboard a bus in Jerusalem killed 16 persons and wounded at least 70, one of whom died later. HAMAS claimed responsibility, calling it revenge for an Israeli helicopter attack on HAMAS leader Abdelaziz al-Rantisi in Gaza City the day before.

Truck Bombing in Northern Ossetia, August 1, 2003: A suicide truck bomb attack destroyed a Russian military hospital in Mozdok, North Ossetia and killed 50 persons. Russian authorities attributed the attack to followers of Chechen rebel leader Shamil Basayev.

Hotel Bombing in Indonesia, August 5, 2003: A car bomb exploded outside the Marriott Hotel in Jakarta, Indonesia, killing 10 persons and wounding 150. One of the dead was a Dutch citizen. The wounded included an American, a Canadian, an Australian, and two Chinese. Indonesian authorities suspected the Jemaah Islamiah, which had carried out the October 12, 2002 bombing in Bali.

Bombing of the Jordanian Embassy in Baghdad, August 7, 2003: A car bomb exploded outside the Jordanian Embassy in Baghdad, Iraq, killing 19 persons and wounding 65. Most of the victims were apparently Iraqis, including 5 police officers. No group claimed responsibility.

Suicide Bombings in Israel and the West Bank, August 12, 2003: The first suicide bombings since the June 29 Israeli-Palestinian truce took place. The first, in a supermarket at Rosh Haayin, Israel, killed one

person and wounded 14. The second, at a bus stop near the Ariel settlement in the West Bank, killed one person and wounded 3. The al-Aqsa Martyrs' Brigades claimed responsibility for the first; HAMAS claimed responsibility for the second.

Bombing of the UN Headquarters in Baghdad, August 19, 2003: A truck loaded with surplus Iraqi ordnance exploded outside the United Nations Headquarters in Baghdad's Canal Hotel. A hospital across the street was also heavily damaged. The 23 dead included UN Special Representative Sergio Viera de Mello. More than 100 persons were wounded. It was not clear whether the bomber was a Baath Party loyalist or a foreign Islamic militant. An al-Qaeda branch called the Brigades of the Martyr Abu Hafz al-Masri later claimed responsibility.

Suicide Bombing in Jerusalem, August 19, 2003: A suicide bombing aboard a bus in Jerusalem killed 20 persons and injured at least 100, one of whom died later. Five of the dead were American citizens. HAMAS and Islamic Jihad claimed responsibility, although HAMAS leader al-Rantisi said that his organization remained committed to the truce while reserving the right to respond to Israeli military actions.

Car Bomb Kills Shi'ite Leader in Najaf, August 29, 2003: A car bomb explosion outside the Shrine of the Imam Ali in Najaf, Iraq killed at least 81 persons and wounded at least 140. The dead included the Ayatollah Mohammed Bakir al-Hakim, one of four leading Shi'ite clerics in Iraq. Al-Hakim had been the leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI) since its establishment in 1982, and SCIRI had recently agreed to work with the U.S.-sponsored Iraqi Governing Council. It was not known whether the perpetrators were Baath Party loyalists, rival Shi'ites, or foreign Islamists.

Suicide Bombings in Israel, September 9, 2003: Two suicide bombings took place in Israel. The first, at a bus stop near the Tsrifin army base southeast of Tel Aviv, killed 7 soldiers and wounded 14 soldiers and a civilian. The second, at a café in Jerusalem's German Colony neighborhood, killed 6 persons and wounded 40. HAMAS did not claim responsibility until the next day, although a spokesman called the first attack ''a response to Israeli aggression.''

Assassination of an Iraqi Governing Council Member, September 20, 2003: Gunmen shot and seriously wounded Akila Hashimi, one of three female members of the Iraqi Governing Council, near her home in Baghdad. She died September 25.

A Second Attack on the UN Headquarters in Baghdad, September 22, 2003: A suicide car bomb attack on the UN Headquarters in Baghdad killed a security guard and wounded 19 other persons.

Suicide Bombing in Israel, October 4, 2003: A Palestinian woman made a suicide bomb attack on a restaurant in Haifa, killing 19 persons and wounding at least 55. Islamic Jihad claimed responsibility for the attack. The next day, Israel bombed a terrorist training camp in Syria.

Attacks in Iraq, October 9, 2003: Gunmen assassinated a Spanish military attaché in Baghdad. A suicide car bomb attack on an Iraqi police station killed 8 persons and wounded 40.

Car Bombings in Baghdad, October 12, 2003: Two suicide car bombs exploded outside the Baghdad Hotel, which housed U.S. officials. Six persons were killed and 32 wounded. Iraqi and U.S. security personnel apparently kept the cars from actually reaching the hotel.

Bomb Attack on U.S. Diplomats in the Gaza Strip, October 15, 2003: A remote-controlled bomb exploded under a car in a U.S. diplomatic convoy passing through the northern Gaza Strip. Three security guards, all employees of DynCorp, were killed. A fourth was wounded. The diplomats were on their way to interview Palestinian candidates for Fulbright scholarships to study in the United States. Palestinian President Arafat and Prime Minister Qurei condemned the attack, while the major Palestinian militant groups denied responsibility. The next day, Palestinian security forces arrested several suspects, some of whom belonged to the Popular Resistance Committees.

Rocket Attack on the al-Rashid Hotel in Baghdad, October 26, 2003: Iraqis using an improvised rocket launcher bombarded the al-Rashid Hotel in Baghdad, killing one U.S. Army officer and wounding 17 persons. The wounded included 4 U.S. military personnel and seven American civilians. Deputy Secretary of Defense Paul D. Wolfowitz, who was staying at the hotel, was not injured. After visiting the wounded, he said, ''They're not going to scare us away; we're not giving up on this job.''

Assassination of a Deputy Mayor in Baghdad, October 26, 2003: Two gunmen believed to be Baath Party loyalists assassinated Faris Abdul Razaq al-Assam, one of three deputy mayors of Baghdad. U.S. officials did not announce al-Assam's death until October 28.

Wave of Car Bombings in Baghdad, October 27, 2003: A series of suicide car bombings in Baghdad killed at least 35 persons and wounded at least 230. Four attacks were directed at Iraqi police stations, the fifth and most destructive was directed at the International Committee of the Red Cross headquarters, where at least 12 persons were killed. A sixth attack failed when a car bomb failed to explode and the bomber was wounded and captured by Iraqi police. U.S. and Iraqi officials suspected that foreign terrorists were involved; the unsuccessful bomber said he was a Syrian national and carried a Syrian passport. After a meeting with Administrator L. Paul Bremer, President Bush said, ''The more successful we are on the ground, the more these killers will react.''

Suicide Bombing in Riyadh, November 8, 2003: In Riyadh, a suicide car bombing took place in the Muhaya residential compound, which was occupied mainly by nationals of other Arab countries. Seventeen persons were killed and 122 were wounded. The latter included 4 Americans. The next day, Deputy Secretary of State Armitage said al-Qaeda was probably responsible.

Truck Bombing in Nasiriyah, November 12, 2003: A suicide truck bomb destroyed the headquarters of the Italian military police in Nasiriyah, Iraq, killing 18 Italians and 11 Iraqis and wounding at least 100 persons.

Synagogue Bombings in Istanbul, November 15, 2003: Two suicide truck bombs exploded outside the Neve Shalom and Beth Israel synagogues in Istanbul, killing 25 persons and wounding at least 300 more. The initial claim of responsibility came from a Turkish militant group, the Great Eastern Islamic Raiders' Front, but Turkish authorities suspected an al-Qaeda connection. The next day, the London-based newspaper al-Quds al-Arabi received an e-mail in which an al-Qaeda branch called the Brigades of the Martyr Abu Hafz al-Masri claimed responsibility for the Istanbul synagogue bombings.

Grenade Attacks in Bogota, November 15, 2003: Grenade attacks on two bars frequented by Americans in Bogota killed one person and wounded 72, including 4 Americans. Colombian authorities suspected FARC (the Revolutionary Armed Forces of Colombia). The U.S. Embassy suspected that the attacks had targeted Americans and warned against visiting commercial centers and places of entertainment.

More Suicide Truck Bombings in Istanbul, November 20, 2003: Two more suicide truck bombings devastated the British HSBC Bank and the British Consulate General in Istanbul, killing 27 persons and wounding at least 450. The dead included Consul General Roger Short. U.S., British, and Turkish officials suspected that al-Qaeda had struck again. The U.S. Consulate in Istanbul was closed, and the Embassy in Ankara advised American citizens in Istanbul to stay home.

Car Bombing in Kirkuk, November 20, 2003: A suicide car bombing in Kirkuk killed 5 persons. The target appeared to be the headquarters of the Patriotic Union of Kurdistan. PUK officials suspected the Ansar al-Islam group, which was said to have sheltered fugitive Taliban and al-Qaeda members after the U.S. campaign in Afghanistan.

Attacks on Other Coalition Personnel in Iraq, November 29–30, 2003: Iraqi insurgents stepped up attacks on nationals of other members of the Coalition. On November 29, an ambush in Mahmudiyah killed 7 out of a party of 8 Spanish intelligence officers. Iraqi insurgents also killed two Japanese diplomats near Tikrit. On November 30, another ambush near Tikrit killed two South Korean electrical workers and wounded two more. A Colombian employee of Kellogg Brown & Root was killed and two were wounded in an ambush near Balad.

Train Bombing in Southern Russia, December 5, 2003: A suicide bomb attack killed 42 persons and wounded 150 aboard a Russian commuter train in the south Russian town of Yessentuki. Russian officials suspected Chechen rebels; President Putin said the attack was meant to disrupt legislative elections. Chechen rebel leader Aslan Maskhadov denied any involvement.

Suicide Bombing in Moscow, December 9, 2003: A female suicide bomber killed 5 other persons and wounded 14 outside Moscow's National Hotel. She was said to be looking for the State Duma.

Suicide Car Bombings in Iraq, December 15, 2003: Two days after the capture of Saddam Hussein, there were two suicide car bomb attacks on Iraqi police stations. One at Husainiyah killed 8 persons and wounded 20. The other, at Ameriyah, wounded 7 Iraqi police. Guards repelled a second vehicle.

Office Bombing in Baghdad, December 19, 2003: A bomb destroyed the Baghdad office of the Supreme Council of the Islamic Revolution in Iraq, killing a woman and wounding at least 7 other persons.

Suicide Car Bombing in Irbil, December 24, 2003: A suicide car bomb attack on the Kurdish Interior Ministry in Irbil, Iraq, killed 5 persons and wounded 101.

Attempted Assassination in Rawalpindi, December 25, 2003: Two suicide truck bombers killed 14 persons as President Musharraf's motorcade passed through Rawalpindi, Pakistan. An earlier attempt on December 14 caused no casualties. Pakistani officials suspected Afghan and Kashmiri militants. On January 6, 2004, Pakistani authorities announced the arrest of 6 suspects who were said to be members of Jaish-e-Muhammad.

Suicide Bombing in Israel, December 25, 2003: A Palestinian suicide bomber killed 4 persons at a bus stop near Petah Tikva, Israel. The Popular Front for the Liberation of Palestine claimed responsibility for the attack in retaliation for Israeli military operations in Nablus that had begun two days earlier.

Restaurant Bombing in Baghdad, December 31, 2003: A car bomb explosion outside Baghdad's Nabil Restaurant killed 8 persons and wounded 35. The wounded included 3 Los Angeles Times reporters and 3 local employees.

Mr. DODD. I know the Senate would like to vote quickly and I am prepared

to do so. I thank the Senator for his patience and indulgence.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the concern of the Senator from Connecticut and I know he is working hard in this area, but the response to this amendment is not bureaucratic. The response to this amendment focuses on the fact that this bill, and our efforts as a Nation, must be threat based as we address terrorism.

I was interested today in a quote from Mayor Bloomberg in one of the New York papers. He essentially said if a professional terrorist, whose purpose it was to kill Americans indiscriminately, wishes to attack the transit systems of New York, it is virtually impossible to stop that individual at the site of the attack.

Where do you stop that individual? You stop him by obtaining the intelligence necessary to interdict him before he can attack us. The energy we in this Nation are putting in the area of fighting terrorism is to do exactly that.

One of the primary reasons we are fighting in Iraq, one of the primary reasons we are fighting in Afghanistan, is in order to develop intelligence which will give us the capacity to stop these individuals. These individuals come from that part of the world. One of the reasons we have Guantanamo Bay is to develop intelligence capability. A significant amount of our intelligence capability coming out of that facility is as a result of taking their prisoners, who are bad actors, people who are fundamentally focused on hurting Americans, and getting information from them in a proper way.

One of the reasons we have the PATRIOT Act is to develop the intelligence we need to interdict an attack.

One of the reasons we do profiling is in order to get the intelligence we need to catch these people before they attack us. This bill addresses intelligence. We have significantly improved or are trying to improve with this bill what is our highest risk relative to the capacity of a terrorist to attack us, which is the porousness of our borders.

And so these funds which are being proposed here, $16 billion, which literally represents 50 percent of the entire budget of the Homeland Security agency being put into first responder programs when we already have $7 billion in the pipeline that hasn't been spent yet because the assessments and plans for spending the money haven't been properly prepared, would really be a true misallocation of resources, a true misallocation of resources in our effort to defend ourselves. They simply could not be handled, these types of dollars. The dollars already in the pipeline we have not been able to handle. This bill puts $4 billion into these accounts, and we know that $4 billion will not be out the door as quickly as it should. To put $16 billion on top of that is a political statement but is not going to have a dramatic impact because the system to handle the dollars is not there and lot of money will be wasted. Taxpayers will find that instead of getting more security, what they are getting is dollars that could have been used more efficiently somewhere else, that will have been drained off, and those dollars should be going into intelligence gathering and protecting our borders and to fighting these wars which we are participating in and making sure our military has adequate support in places such as Afghanistan and Iraq.

Independent of that, the amendment dramatically exceeds the budget and is therefore subject to a point of order, which I have made, and the motion to waive has been made by the Senator from Connecticut, and we will have a vote on it.

So at this time, Mr. President, I ask unanimous consent that at 6:30 this evening the Senate proceed to a series of votes in relation to the following amendments and the motions where pending; further, that no second-degree amendments be in order to any amendments prior to the vote, and that there be 2 minutes equally divided for debate prior to each vote: The first amendment will be the Dodd amendment, a motion to waive the budget point of order, and the second amendment would be Akaka amendment No. 1112, and on that amendment there will also be a point of order and I presume the vote will be on the motion to waive the point of order since that amendment also significantly exceeds the budget allocation of this committee.

The PRESIDING OFFICER (Mr. COLEMAN). Is there an objection? Without objection, it is so ordered

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1112, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the pending amendment be set aside and the amendment No. 1112 of Senator AKAKA be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment by Senator AKAKA provides spending in excess of the subcommittee allocation under section 302(b).

I am sorry, I reserve that motion and I guess Senator AKAKA is going to send a modification to the desk.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I reply to the chairman it does not affect the content of the amendment. I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Does the Senator from Hawaii wish to send a modification to the desk?

Without objection, the modification is accepted.

The amendment (No. 1112), as modified, is as follows:

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$3,181,300,000''.

On page 77, line 20, strike ''$1,518,000,000'' and insert ''$1,985,000,000''.

On page 79, line 21, strike ''$321,300,000'' and insert ''$341,300,000''.

Mr. GREGG. Mr. President, at this point I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. AKAKA. Mr. President, in accordance with section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

Mr. GREGG. It is my understanding that we will now have a vote on Senator DODD's amendment, on the motion to waive the Budget Act, followed by a vote on Senator AKAKA's motion to waive the Budget Act. I should inform Members that we actually are going to have three other votes following those two votes as soon as we line them up. The first vote will begin at 6:30.

I think Senator AKAKA wanted time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I thank the Chair.

Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today to speak briefly on my first responder amendment to the Homeland Security appropriations bill.

The distinguished chairman of the Homeland Security Subcommittee has cited $7 billion in unspent first responder grants as justification for reducing first responder funding in fiscal year 2006. I wish to take a moment to respond to the statement. First, much of the $7 billion figure has been legally obligated for specific purposes or in some cases even already spent. As the DHS inspector general observed in a March 2004 report on the distribution of first responder grants, the amount of funds drawn down by States provide an incomplete picture of the progress States and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent by the State and local jurisdictions.

Following this approach and looking at data received from DHS, virtually all the money that has been awarded to

States in prior years under the three main homeland security first responder grant programs has been obligated.

Second, the $7 billion includes fiscal year 2005 grant funds which were only made available to States by DHS very recently and could not reasonably be expected to have already been spent in the middle of the same fiscal year.

We should not punish first responders for bureaucratic procedures and red-tape. Our country cannot afford to take resources away from its first responders at a time when we rely on them more than ever.

Mr. President, I urge support of our amendment. I have asked for the yeas and nays. I yield back my time.

Mr. LIEBERMAN. Mr. President, I rise today to support this amendment to the fiscal year 2006 Department of Homeland Security appropriations bill to provide additional funding for our first responders and preventers—the men and women who go to work every day to keep our communities safe, and who rush into the face of disaster when it happens.

Last Thursday, the world saw again with the despicable attacks in London that terrorists are still capable of killing innocent civilians. It is yet another wake up call to all of us, and a sign that we cannot let down our guard. We must stay vigilant.

In fact, our intelligence and security experts have been telling us in no uncertain terms that the threat of terrorist attacks right here at home is one we will have to live with for some time to come. CIA Director Porter Goss has said, ''It may only be a matter of time'' before terrorists strike again within our borders with weapons of mass destruction. And FBI Director Robert Mueller has said our Nation is, ''awash in desirable'' targets for terrorists.

Given these pronouncements, it is wrong to leave our police, firefighters, and emergency medical workers undertrained and ill-equipped to protect American citizens. We would never consider denying the training and equipment needs of our men and women fighting in Iraq and we should not deny the training and equipment needs of those we rely on to protect us in the war on terror at home.

Yet that is exactly what this spending bill does. It sends the wrong message not only to first responders and the state and local officials struggling to cover the costs of preparing for new threats. It also sends a dangerous message of complacency to the public.

The amendment that Senator AKAKA and I are offering today would boost our first responder spending by $587 million—to restore three key grants programs to last year's funding levels. Those grant programs are the State Homeland Security Grant Program, the Urban Areas Security Initiative, and the Fire Assistance Grant Program—all of which supply first responders with the training and equipment they need to do their jobs effectively and safely.

Opponents of this amendment will argue that Congress has already appropriated billions of dollars for first responders and preventers since September 11, and that some $7 billion remains unspent in the pipeline. This is a common misperception.

First, the $7 billion figure includes fiscal year 2005 grant funds—funds that were only made available to states by DHS very recently and that could not reasonably be expected to have already been spent in the middle of the same fiscal year. Second, the $7 billion refers to money that has not actually been ''drawn down'' from the U.S. Treasury. Much of this money, however, has been legally obligated for specific purposes or in some cases even already spent. As DHS's inspector general observed in a March 2004 report on the distribution of first responder grants, ''The amounts of funds drawn down by states provide an incomplete picture of the progress states and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent (outlays) by the states and local jurisdictions.''

Following this approach and looking at data we have received from the Department of Homeland Security, it appears that virtually all the money that has been awarded to States in prior years under the three main homeland security first responder grant programs—the State Homeland Security Grant Program, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, has been obligated.

At any rate, the billions we have appropriated over the years still pales by comparison to what most experts—Republican and Democrat—say is needed to adequately prepare our first responders and preventers. In June 2003, a nonpartisan task force chaired by former Republican Senator Warren Rudman reported that—over the next 5 years—we will under fund the needs of critical emergency responders by nearly $100 billion. And that figure was arrived at based on maintaining 2003 funding levels.

The task force found that, on average, fire departments had enough radios to equip only half the firefighters on a shift, and breathing apparatuses for only one-third. Just 10 percent had the personnel and equipment needed to respond to a building collapse; and police departments did not have the protective gear needed to secure the site of a WMD attack. These dismal numbers may have improved somewhat since 2003, but no one has suggested that our level of preparedness is near where it should be.

On the key issue of first responder communications interoperability—the top priority of State and local homeland security advisors—the task force recommended spending almost $7 billion over 5 years. And DHS estimates the cost of modernizing first responder communications infrastructure at $40 billion. No wonder most States have not yet achieved interoperability.

In March, New York's Center for Catastrophe Preparedness and Response reported that emergency medical workers generally lack not only proper equipment but also proper training. And at a Homeland Security and Governmental Affairs Committee hearing in April, we heard disturbing testimony that first responders are often not prepared to respond adequately to accidents at chemical facilities, leaving the American public dangerously exposed, even more so if there is deliberate release caused by terrorists.

I cannot say it often enough: our first responders are on the frontlines of the war on terror here at home, and we must equip and train them to do their jobs safely and effectively. Words of praise are useless. They need dollars—dollars to help train and equip State and local police, firefighters, and emergency medical technicians to help detect or disrupt terrorist activity before an attack occurs or to save as many lives as possible and contain the damage if an attack occurs.

This amendment is a modest proposal—$587 million—and it seeks primarily to halt to downward trend in funding for our Nation's first responders, and important, and I hope achievable goal. Last year, we spent more on Mars exploration. I have consistently advocated that we spend much more to make sure that first responders have the training and equipment they need to keep the American people safe. For example, earlier this year, I proposed to the Budget and Appropriations Committees that we spend $4.2 billion more for first responders and preventers, consistent with the advice of experts who have told us that we need to invest billions more to secure our Nation.

Yet this appropriations bill reflects, once again, an ill-advised administration strategy to reduce funding for first responders for the second year in a row. This is no time to retreat. I urge my colleagues to support this modest but urgent effort to meet our homeland security needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the work of the Senator from Hawaii. He is always a very positive and effective spokesperson in the Senate for a variety of different issues. He brings this amendment forward. The simple fact is that you can't disregard the fact that there is $7 billion in the pipeline for first responders—$3 billion from the year 2004, $4 billion from 2005—that hasn't been spent. This bill puts another $4 billion into these accounts, so we are not shorting these accounts. One of the reasons the Senate has offered this bill is it takes money from first responders that is not going to be spent in a timely manner, moves it over to Border Patrol where we do need the money, moves it over to weapons of mass destruction where we do

need the money, and that is the priority we set as a committee, in a bipartisan way, because this has been, as I mentioned a number of times, a threat-based bill. This is the first time this bill has been brought forth recently, or ever, really, based on threat, and we determined the threat was weapons of mass destruction and border porousness. The fact there were $7 billion in the pipeline, retaining $4 billion in this account we felt was an adequate amount to fund those accounts for first responders, knowing that down the road we are going to put more money into first responders as it can be absorbed. But to put more in now would mean just holding it, and that money can be much more efficiently used as we propose to use it by adding more Border Patrol agents and detention beds, and more aggressive attempts to fight the use of a weapon of mass destruction against us. So that is why we are opposed to this approach.

Clearly, it breaks the allocation which we have received. Therefore, it would add $587 million to the deficit, which would also be inappropriate, and that is why the point of order lies against it and that is why we oppose it at this point.

I understand we are now on a minute equally divided on the Dodd amendment.

The PRESIDING OFFICER. The understanding is 2 minutes equally divided.

Mr. DODD. The chairman is very gracious. He has probably worn out his patience on this amendment.

This amendment is an extraordinary amendment. I fully understand that. I believe the events, particularly over the last week, have highlighted the extraordinary times we are in and the challenges we face.

The bulk of the $16 billion is not to first responders but to harbors, port and chemical plants where there is great vulnerability today.

Recently, I was in Seville, Spain, attending a conference. I rode the train from Seville to Madrid and arrived in the same station where the attacks occurred in March of 2004. My luggage, when I got on the train in Seville to go to Madrid, was quickly checked through a scanning system. We have nothing like that.

I am not suggesting had something like that existed in London the problem could have been avoided. I know terrorists might have used another means to attack as they did that day, but it minimizes the possibility.

The vulnerabilities we have in our country today in the areas I have described demand attention. With all due respect, this bill is a reduction in funding for these areas, not an increase. We ought to be doing more. This amendment is a large amount, but to do less would be a tragedy. I hope the waiver will be adopted.

Mr. GREGG. This is $16 billion, $16 billion into an account where there presently is sitting $7 billion in the bank.

We as a nation obviously have a lot of vulnerabilities because we are an open society. I wish we could cover them all. But the simple fact is there is not enough money to cover them all. We need to prioritize. This bill does that. This amendment basically flies in the face of good utilization of the dollars because we simply could not spend these types of dollars if they were appropriated effectively. They may get spent but not effectively, in our opinion.

It is much more appropriate to look at addressing weapons of mass destruction, border patrol, airline security, and to make sure we have in place the proper systems in order to protect the homeland through these assessment programs which are going forward before we put a large amount of money—$16 billion, which would be half the budget of the Homeland Security agency—into new spending initiatives or additional spending initiatives, the $4 billion in the bill and the $7 billion in the pipeline.

The point of order has been made. This is a motion to waive it. This amendment would add $16 billion to the deficit. We do not think it would accomplish what its purpose is.

The PRESIDING OFFICER. Under the previous order, the question is now agreeing to the motion to waive the Budget Act with respect to Dodd amendment No. 1202, as modified. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—36

Akaka	Feinstein	Lincoln
Bayh	Harkin	Murray
Biden	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Clinton	Kerry	Rockefeller
Corzine	Kohl	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Durbin	Levin	Stabenow
Feingold	Lieberman	Wyden

NAYS—60

Alexander	Burr	Craig
Allard	Carper	Crapo
Allen	Chafee	DeMint
Baucus	Chambliss	DeWine
Bennett	Coburn	Dole
Bingaman	Cochran	Domenici
Bond	Coleman	Dorgan
Brownback	Collins	Ensign
Bunning	Conrad	Enzi
Burns	Cornyn	Frist
Graham	Martinez	Smith
Grassley	McCain	Snowe
Gregg	McConnell	Specter
Hagel	Murkowski	Stevens
Hatch	Nelson (FL)	Sununu
Hutchison	Nelson (NE)	Talent
Inhofe	Roberts	Thomas
Isakson	Santorum	Vitter
Kyl	Sessions	Voinovich
Lugar	Shelby	Warner

NOT VOTING—4

Landrieu	Mikulski
Lott	Thune

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, let me take a moment and update everybody on the schedule. We are going to have one additional vote scheduled this evening. We will be starting that momentarily. We have 14 additional amendments pending at this time. We should be able to lock in a voting sequence for tomorrow morning, and thus we will have one more vote tonight, and then we will have a series of stacked votes beginning tomorrow morning at 10 a.m. As we have said again and again, we will be completing the bill this week, and we can complete the bill late tomorrow night but, if necessary, we would go into Friday. But we will finish the bill this week.

Senators should be prepared to stay late tomorrow night. We will have one more vote starting shortly, and we will start stacked votes at 10 in the morning. We will work straight through tomorrow, hopefully finish tomorrow night. We will be in on Friday as well, but I think we can finish this bill tomorrow night.

AMENDMENT NO. 1112, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Akaka amendment. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, we have been very concerned about first responders and funding they really need. My amendment simply seeks to maintain the fiscal year 2005 funding for first responders. Our country cannot afford to take the resources away from them. I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment adds $587 million in new spending to first responder grants, above the levels provided already in the bill. There is no offset. The bill already provides $3.4 billion for first responder grants. In addition, there is nearly $7 billion previously appropriated that State and locals have available to spend at this time for first responders. The funding pipeline is full of money. This amendment will cause the subcommittee to exceed its 302(b) allocation. The Budget Act point of order should be sustained.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to the Akaka amendment No. 1112, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—42

Akaka	Durbin	Lincoln
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—55

Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Roberts
Bennett	Domenici	Santorum
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Frist	Smith
Burns	Graham	Snowe
Burr	Grassley	Specter
Chafee	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Talent
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McCain	

NOT VOTING—3

Landrieu	Lott	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Hampshire.

AMENDMENT NO. 1172

Mr. GREGG. Mr. President, at this time I call up amendment No. 1172 on behalf of Senator THOMAS and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. THOMAS, proposes an amendment numbered 1172.

Mr. GREGG. 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 authorize and direct the Secretary of Homeland Security to designate Natrona County International Airport, Wyoming, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the United States Customs and Border Protection, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall designate the Natrona International Airport in Casper, Wyoming, as an airport at which private aircraft described in subsection (b) may land for processing by the United States Customs and Border Protection in accordance with section 122.24(b) of title 19, Code of Federal Regulations, and such airport shall not be treated as a user fee airport for purposes of section 122.15 of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of Natrona International Airport in Casper, Wyoming; and

(2) would otherwise be required to land for processing by the United States Customs and Border Protection at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term ''private aircraft'' has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1172) was agreed to.

AMENDMENT NO. 1173, AS MODIFIED

Mr. GREGG. Mr. President, I call up amendment No. 1173 on behalf of Senator HUTCHISON, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mrs. HUTCHISON, proposes an amendment numbered 1173, as modified.

Mr. GREGG. 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 express the sense of the Senate regarding coordination with the American Red Cross)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. It is the sense of the Senate that the Federal Emergency Management Agency or any other organization within the Department of Homeland Security should continue to coordinate with the American Red Cross in developing a mass care plan for the United States in response to a catastrophic event.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment, as modified be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1173), as modified, was agreed to.

AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President, I ask for the regular order on Senator MCCAIN's amendment No. 1171, as modified.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1221 TO AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President, I send a second-degree amendment on behalf of Senator HATCH to Senator MCCAIN's amendment No. 1171.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. HATCH, proposes an amendment numbered 1221 to amendment No. 1171, as modified.

Mr. GREGG. 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 clarify the source of funds allocated under amendment No. 1171 to H.R. 2360)

(A) On line 3, page 2, strike ''.'' and insert '';''.

(B) Add at the end, ''provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).''

Mr. GREGG. Mr. President, I ask unanimous consent that the second-degree amendment offered by Senator HATCH be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that at 10 a.m. tomorrow, the Senate proceed to a series of votes in relation to the following amendments or motions where pending; further, that no second-degree amendments be in order to any of the amendments prior to the votes, and that there be 2 minutes equally divided for debate prior to each vote; finally, that the first vote in the series be 15 minutes, with the remaining votes in the series limited to 10 minutes each. The first amendment will be Senators ENSIGN and MCCAIN second-degree amendment No. 1219; the second amendment will be Senator SCHUMER's amendment No. 1189; third will be Senator SCHUMER's amendment No. 1190; fourth will be Senator MCCAIN's amendment No. 1171, as modified, as amended by the Hatch amendment; and fifth will be Senator STABENOW's amendment No. 1217.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1161

Mr. REID. Mr. President, I call up amendment No. 1161, which is at the desk. I wish to have it reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BIDEN, and Mr. KENNEDY, proposes an amendment numbered 1161.

Mr. REID. 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 express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq)

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The Joint Explanatory Statement to accompany the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 1090913) requires the Department of Defense to set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(2) The report requires performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(3) In specific, the report required, at a minimum, the following:

(A) With respect to stability and security in Iraq, the following:

(i) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(ii) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(iii) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(iv) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(v) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(I) unemployment levels;

(II) electricity, water, and oil production rates; and

(III) hunger and poverty levels.

(vi) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(B) With respect to the training and performance of security forces in Iraq, the following:

(i) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(ii) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(iii) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(I) capable of conducting counter-insurgency operations independently;

(II) capable of conducting counter-insurgency operations with the support of United States or coalition forces; or

(III) not ready to conduct counter-insurgency operations.

(iv) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(v) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(vi) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(I) the number of police recruits that have received classroom training and the duration of such instruction;

(II) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(III) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(IV) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(V) attrition rates and measures of absenteeism and infiltration by insurgents.

(vii) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(viii) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(ix) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(x) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

(3) The deadline for submittal of the report to Congress was 60 days after the date of the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, that is July 11, 2005, and every 90 days thereafter through the end of fiscal year 2006.

(4) The report has not yet been received by Congress.

(5) The availability of accurate data on key performance indicators is critical to understanding whether the United States strategy in Iraq is succeeding, and the substantial resources provided by Congress, which total more than $200,000,000,000 and an approximate monthly expenditure of $5,000,000,000, with substantial resource expenditures still to come, are being utilized effectively.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the information requested in the report described by subsection (a) is critical—

(A) to fulfilling the oversight obligations of Congress;

(B) to ensuring the success of United States strategy in Iraq;

(C) to maximizing the effectiveness of the substantial resources provided by Congress and the American people for United States efforts in Iraq;

(D) to identifying when the Iraqi security forces will be able to assume responsibility for security in Iraq; and

(E) to obtaining an estimate of the level of United States troops that will be necessary in Iraq during 2005 and 2006, and in any years thereafter;

(2) the report should be provided by the Department of Defense, as required by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 as soon as possible; and

(3) the Secretary of Defense should communicate to Congress and the American people why the report was not submitted to Congress by the original deadline for its submittal.

Mr. REID. Mr. President, in the 2005 Iraq Emergency Supplemental Appropriations bill, the House and Senate conferees agreed to an extensive set of Defense Department reporting and benchmarking requirements on Iraq that addressed the security, economic, reconstruction, and governance areas.

This report was due on July 11, and has yet to be provided to Congress.

This amendment conveys the Sense of the Senate that this information is critical to formulating a strategy for success and that the report should be delivered to Congress as soon as possible.

Over the last few weeks, the American people have been assured by the administration that they have a strategy for success in Iraq.

Unfortunately, too often the rhetorical excesses of senior administration officials have left an impression with the American people of a credibility gap.

Overly optimistic statements such as that by the Vice President that the insurgency is in its ''last throes'' have not matched what real experts, including the administration's own intelligence analysts and senior military officers, have said about the challenges ahead.

With all this obfuscation, the American people are right to be concerned and right to demand that the administration report more cold, hard facts about Iraq on a regular basis.

As the administration asks Congress for billions more in funding for the Iraq war in coming months, on top of the more than $218 billion we have provided so far, the American people are entitled to information measuring whether those resources are having an impact and moving the ball forward in Iraq.

Let me remind my colleagues that this is important not just for our debate about Iraq but for our debate about other priorities such as homeland security. We spend more on Iraq in a month than we spend on first responders in an entire year. Since 9/11, we have spent $500 million on mass transit security—an amount that we

spend every 3 days in our operations in Iraq. This puts a premium on ensuring the taxpayers' money is being well spent.

We won't know whether our strategy in Iraq is making true progress until real report cards start coming in.

The amendment is a reminder that the first of these report cards from the administration was due this past Monday, and that the representatives of the people in Congress are waiting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the amendment now pending in the Senate?

The PRESIDING OFFICER. Amendment No. 1161 offered by the Democratic leader.

Mr. REID. I ask that the Senate act on the amendment at this time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1161.

The amendment (No. 1161) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1075

Mr. GREGG. Mr. President, I ask for the regular order with respect to amendment No. 1075. It is Senator VOINOVICH's amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1075) was agreed to.

AMENDMENT NO. 1151

Mr. GREGG. Mr. President, I ask for the regular order with respect to McCain amendment No. 1151.

The PRESIDING OFFICER. The amendment is now pending.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1151) was agreed to.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE FIRST QUARTER ACCOMPLISHMENTS

Mr. MCCONNELL. Madam President, as we return from the celebrations marking our Nation's Independence Day, we should take a moment to mark the accomplishments of this Senate as we conclude the first quarter of the 109th Session of the U.S. Congress.

The list of accomplishments is impressive.

Judges to our circuit courts of appeals, stalled for years, now sit on the bench. Key legislative initiatives, once left to languish, are now the law of the land or on the brink of completion.

Class action reform protects plaintiffs from abusive coupon settlements while it prevents lawyers from gaming the system.

It had been delayed for at least a decade despite strong public support and legislative majorities. Now it has been signed into law by President Bush.

So too was a bankruptcy reform bill that ushers in a new emphasis on personal responsibility. It is another reform of our civil justice system that was long delayed, despite broad support.

We met our responsibilities to defend freedom, and the challenges of continuing to wage war on terrorism, with an emergency funding bill for Iraq.

We responded to the heart-breaking human cry for help by funding international relief efforts for victims of the Southeast Asia tsunami.

The budget resolution, which sets the vision of this nation, was completed and now permits smooth consideration of appropriations bills, tax relief measures, the highway bill, the energy bill and numerous other initiatives.

After failures to enact a budget in two of the last three sessions, getting this one in place means we are on course to meeting the President's goal of cutting the deficit in half while funding our important priorities of health, education, veterans, and homeland security.

When we've found that our budget needed to be adjusted to meet the medical needs of veterans, we voted to make the adjustments to ensure veterans have the health care they need this year as well as next.

We now are poised to soon enact a highway bill that will help Americans get where they need to go more quickly and safely, and will help create jobs within our States as well.

We are going to conference now on an Energy bill that will help reduce our national dependence on foreign sources of oil and prevent blackouts like the one that hit the Northeast United States in 2003.

We made the homeland safer by passing the Real ID provision. These provisions tighten our borders, reform our asylum system, and safeguard our identity documents so that terrorists cannot use them to avoid detection.

We've broken the unprecedented three-year filibuster of President Bush's judicial nominees who finally received up-or-down votes. Now, Judges Owen, Pryor, Brown, Griffith, McKeague, and Griffin have each taken their oaths and assumed the Federal appellate bench.

Most recently, the Senate has expanded the benefits of free trade, economic opportunity, and political stability to new regions of our own hemisphere with Senate passage of the Central American Free Trade Agreement.

We've made a good down payment on the appropriations process by passing the Interior, Legislative Branch, and Energy and Water.

And finally, this week we have paid our respects and expressed our condolences to the victims of the London terrorist bombings, and are proceeding to work on funding our own homeland security needs.

Freedom never had a greater ally than the valiant United Kingdom, and the United Kingdom will never have a greater friend than America. Our prayers are with that great nation today.

That is an incredible body of achievement in just six months. Where once there was inaction, we can now boast of accomplishment. We have done what the American people sent us here to do.

I hope everyone enjoyed the Fourth of July weekend and paused for a moment to celebrate the fact behind those fireworks—that government of, for, and by the people can work, and that the accomplishments of this Senate show that it does work.

ETHIOPIA

Mr. MCCONNELL. Mr. President, today I rise to express concern about recent events in Ethiopia. On May 15, 2005, 90 percent of registered Ethiopian voters went to the polls in the country's third election under its current constitution. Unfortunately, this historic election was marred by a disputed outcome. Because of the controversy over the election, civil unrest ensued. In responding to protests by opposition parties, the Government of Ethiopia acted with excessive force, killing 36 protestors and arresting large numbers of demonstrators.

Final results of the May election were due to be completed by the National Electoral Board first by June 8, then by July 8, and are still ongoing. Interim certified results from the Electoral Board indicate that approximately 40 percent of the vote is either still under investigation or in need of review, with one region of the country still to cast its ballots.

Let me be crystal clear that the Government of Ethiopia must respect the

neutrality of the Electoral Board and permit it to go about its work in a fair and impartial manner. I also call upon Kemal Bedri Kelo, chairman of the Electoral Board, to conduct the board's proceedings in a transparent, fair and evenhanded fashion in order to ensure that the board's ultimate decision is respected by all sides.

Ethiopia is an ally of the United States. But that friendship could be strained by failure of the Ethiopian Government to observe international norms in its elections, failure by the Government to abide by the rule of law or failure by opposition groups to avoid overheated rhetoric. As chairman of the State/Foreign Operations subcommittee, I will be keeping a close eye on events in Ethiopia as they continue to unfold.

CLERGY SEXUAL ABUSE

Mr. KENNEDY. Mr. President, RICK SANTORUM owes an immediate apology to the tragic and long-suffering victims of sexual abuse and their families in Boston, Massachusetts, in Pennsylvania, and around the country. His outrageous and offensive comments which he had the indecency to repeat yesterday blamed the people of Boston for the depraved behavior of sick individuals who stole the innocence of children in the most horrible way imaginable.

Senator SANTORUM has shown a deep and callous insensitivity to the victims and their suffering in an apparent attempt to score political points with some of the most extreme members of the fringe rightwing of his party. Boston bashing might be in vogue with some Republicans, but RICK SANTORUM's statements are beyond the pale.

Three years ago, Senator SANTORUM said:

> While it is no excuse for this scandal, it is no surprise that Boston, a seat of academic, political and cultural liberalism in America, lies at the center of the storm.

When given an opportunity yesterday to apologize, he refused and instead restated these outrageous statements. The people of Boston are to be blamed for the clergy sexual abuse? That is an irresponsible, insensitive, and inexcusable thing to say. RICK SANTORUM should join all Americans in celebrating the accomplishments of the people of Boston. Apparently Senator SANTORUM has never heard of the enormous contributions of our universities and industries to our quality of life, our economic strength, and our national security.

Harvard and MIT have produced 98 Nobel laureates whose work has made an enormous difference in America's strength. Their graduates contribute to industries, Government, their communities, our Nation, and throughout the world. In fact, only a quarter of MIT graduates remain in New England. Their research keeps our Nation secure.

The Pentagon and the CIA, the military, the Energy Department, the Veterans Administration—all turn to MIT and Harvard for technology and strategies to protect our Nation from those who would hurt us, and their research in cancer, children's health, housing, community development, so many other issues, continues to make an enormous difference to the well-being and the health of our children and families.

More than a dozen current U.S. Senators were educated in Boston.

Senator FRIST was trained as a heart surgeon at Harvard Medical School. Senator DOLE went to Harvard Law School. Senator ALEXANDER went to Harvard's School of Government. Surely my memorable colleagues would not go to a school that is somehow contributing to the downfall of America. No, Mr. President, they went to a worldwide leading institution to prepare them for incredible careers of service and leadership.

Senator SANTORUM's self-righteousness also fails to take into account the enormous amount of good will the people of Boston demonstrate for the less fortunate. They started the Massachusetts Children's Hunger Initiative, working with leaders in 20 low-income communities to end hunger among children.

Boston's Children's Hospital has been ranked first in the Nation in the past decade for care and concern of sick children.

The quality of life for Boston and its families is rated third in America. Massachusetts has the lowest divorce rate in the Nation.

Massachusetts ranks in the top 10 States in the Nation when it comes to addressing the needs of at-risk or vulnerable children, including our efforts to address low birth weight babies, teen homicides and other challenges to our children. Pennsylvania doesn't even rank in the top 10.

Boston gave birth to America's liberty, and the values that sparked our revolution continue to inspire Bostonians today—love of freedom, dedication to country, and concern for our fellow citizens.

The men and women of Boston have served honorably in our Armed Forces. They fought and died for our country so that their children might live in freedom and opportunity.

The abuse of children is a horrible perversion and a tragic crime, and I am proud that the good people of Boston and Massachusetts were leaders in coming forward, shedding light, and demanding accountability for this devastating violation of children.

Sadly, the sexual abuse of children is a problem throughout the world, and it is not confined in any way to members of the clergy or to one town or one city. Every State in the country has reported child sexual abuse, including Pennsylvania.

On behalf of all the victims of abuse and the people of Boston and Massachusetts, I ask that he retract his unfounded statements and apologize. I think the families of Massachusetts were hurt just as much by this terrible tragedy as the families of Pennsylvania. Abuse against children is not a liberal or conservative issue. It is a horrific, unspeakable tragedy. Sadly, it happens in every State of this great Nation—in red States and blue States, in the North and South, in big cities and in small. The victims of child sexual abuse have suffered enough already, and Senator SANTORUM should stop making a bad and very tragic situation worse.

JUDICIAL PHILOSOPHY OF SUPREME COURT NOMINEES

Mr. KENNEDY. Mr. President, President Bush and Members of the Senate will soon have the duty of appointing a new justice to the Supreme Court. In recent days, there have been differences of opinion over whether we should consider the judicial philosophy of nominees to the Supreme Court as part of the appointment process. I hope the President's remarks yesterday make clear once and for all that judicial philosophy is an important part of a nominee's qualifications. President Bush said that judicial philosophy would be one of the criteria he used to choose a nominee, along with character, integrity, and the ability to do the job.

I agree with President Bush that these qualities—including judicial philosophy—are important to whether a nominee is fit to serve on the Court. Many times in recent months, and during his campaign for re-election, President Bush has said that nominees to the Federal courts must interpret the law, not make the law. He has said that we should appoint persons who would not try to legislate from the bench. This view has been echoed by Members of the Senate, both Republican and Democrat, myself included. Senators of both parties agree with the President that we should not appoint judicial activists who would decide cases based on personal ideology rather than the law.

The only way to know whether nominees have an activist judicial philosophy is to find out what their judicial philosophy is. That's the only way to know whether nominees will follow the law or attempt to rewrite it. We certainly can't tell judicial philosophy from nominees' resumes, where they went to school, or where they worked. These issues are relevant and should be considered as part of a nominee's qualifications for the Supreme Court. But a resume is no substitute for answering questions about whether the nominee respects the basic rights and freedoms on which the nation was founded.

The American people deserve to know if a nominee would favor corporate or other special interests, rather than giving everyone the same fair hearing in deciding cases. They deserve

to know whether nominees would respect the Constitutional power of Congress to enact environmental protections or if nominees are so opposed to such protections that they would bend or distort the law to strike them down.

The American people deserve to know whether nominees would roll back civil rights laws or uphold the rights of the disabled, the elderly, and minorities. The American people are entitled to know if a nominee respects women's rights to equal treatment in our society and to privacy in making reproductive decisions.

This does not mean every nominee should promise to rule a particular way in each of the cases on the Supreme Court's docket for the next term. It doesn't mean that nominees must state how they would rule in any specific case. But it does mean that the Senate should expect the nominee to answer questions about important legal principles—such as the constitutional power of Congress to protect Americans against corporate abuses, the right to equal treatment, Americans' right to privacy in making personal decisions about medical care, the principle of non-discrimination, and the right to be free from unwarranted government intrusion.

The American people deserve to know the answers to those questions, and the Senate's review is the only way that they can get those answers. The nominee will need to say more than ''trust me'' in response to these important questions, because so much hangs in the balance.

The importance of judicial philosophy in deciding whether to confirm a Supreme Court justice is nothing new. During the first 100 years after ratification of the Constitution, 21 of 81 Supreme Court nominations—one out of four—were rejected, withdrawn, or not acted on.

Since 1968, a third of all Supreme Court nominations have failed. During these confirmation debates, ideology often mattered. John Rutledge, nominated by George Washington, failed to win confirmation as Chief Justice in 1795, when Alexander Hamilton and other Federalists opposed him because of his position on the Jay Treaty.

In 1811, James Madison's nominee, Alexander Wolcott, was defeated because of his enforcement of the embargo and other trade laws opposed by Federalists in the Senate.

A nominee of President Polk was rejected because of his anti-immigration position. A nominee of President Hoover was not confirmed because of his anti-labor view. The Senate failed to elevate Justice Abe Fortas to Chief Justice in 1968, when Senate Republicans filibustered his nomination because they objected to his decisions on free speech and defendants' rights.

Chief Justice Rehnquist himself has stated that it is appropriate for the Senate to ask about a Supreme Court nominee's judicial philosophy, stating that this ''has always seemed . . . entirely consistent with our [C]onstitution and serves as a way of reconciling judicial independence with majority rule.''

As our colleague from Mississippi, Senator TRENT LOTT, stated in 1996, ''[w]e should look not only at their education, background, and qualifications, but also . . . what is their philosophy with regard to the judiciary and how they may be ruling.'' In Senator LOTT's words, ''if we do not ask questions, then we will be shirking our responsibilities.''

Earlier this month, the Senator from Texas, Senator CORNYN, stated that while nominees should not be asked to promise how they will vote in a specific case, ''it's an appropriate question to ask what their views are on cases that have been decided and judicial opinions that have been written.''

We should all agree that it's appropriate for the Senate to ask nominees about the issues most important to Americans. The American people expect and deserve to learn about a nominee's legal philosophy during the hearings on any Supreme Court nominee. We should do all we can to see that the process provides clear answers, so that the American people will have full confidence in the outcome.

HONORING OUR ARMED FORCES

IN HONOR OF PRIVATE FIRST CLASS ERIC PAUL WOODS

Mr. NELSON of Nebraska. Mr. President, I rise today to honor PFC Eric Paul Woods of Omaha, NE.

Private First Class Woods served his country with the utmost bravery. A graduate of Urbandale High School in Urbandale, IA, Woods moved to Omaha 5 years ago, joining the Army in April 2004 as a medic with the G Troop, 2nd Squadron of the 3rd Army Cavalry. He was based out of Fort Carson, CO. Seven years earlier, Private First Class Woods met his wife Jamie, also of the Des Moines area. The two were wed a year later on their first anniversary as a couple. On March 8, 2005, Private First Class Woods was deployed for his first tour in Iraq.

On July 9, 2005, Private First Class Woods was killed in action while serving courageously in Iraq. While bravely attempting to save the life of a wounded soldier near Tal Afar, Iraq, he sustained fatal wounds as an improvised explosive device detonated near the side of the road. His courage should be an example to all, as days before he turned down an offer to be moved away from the front lines. His dedication to both his fellow soldiers and his country clearly display both his valor and resolve.

Private First Class Woods is survived by his wife Jamie and his 3-year old son Eric Scott, among numerous other friends, family, and countrymen who proudly honor and remember his sacrifice. I would like to offer my sincere thoughts and prayers to Private First Class Woods' family. His selfless commitment to his country will not be forgotten. Private First Class Woods will be remembered as a man who honored, served, and died for the liberties and freedoms of all Americans and Nebraskans.

PETTY OFFICER 2ND CLASS DANNY P. DIETZ

Mr. SALAZAR. Mr. President, I rise today to commemorate an outstanding Coloradan who made the ultimate sacrifice for all of us: Navy Petty Officer 2nd Class Danny Philip Dietz, Jr.

Petty Officer Dietz was a native of Littleton, CO, and was a member of the Navy's elite fighting force, the SEALs. He was killed in Afghanistan after an unsuccessful rescue attempt. He was just 25 years old about to embark on his fifth year of service to our Nation.

Petty Officer Dietz, D.J. to his friends and family, joined the Navy in 1999 after graduating Heritage High School where he played football. Serving his country as a Navy SEAL was Petty Officer Dietz's dream. He spent his spare time in high school swimming and building his strength to make him a better candidate for this elite program. He spent years in training to become part of a specialized SEAL reconnaissance team.

In doing so, Danny Dietz took his first step toward becoming a hero for America.

When Petty Officer Dietz left for his most recent deployment in April out of Virginia Beach, just a few hours from where we are tonight, he told his wife that he was going to do something special for his Nation. He did for all of us, including one of his fellow soldiers who was rescued from those Afghan mountains, where Petty Officer Dietz was lost to us.

Matthew 5:9 teaches us, ''Blessed are the peacemakers, for they shall be called sons of God.'' Petty Officer Dietz brave actions overseas are the kind of heroism of which you should be extraordinarily proud and to which all aspire. Petty Officer Dietz's service to the people of the United States is a gift for which we are all profoundly grateful and will never forget.

Petty Officer 2nd Class Danny Philip Dietz, Jr. served this Nation with extraordinary courage, honor and distinction in fighting for our freedom and liberties. To his wife Maria and his entire family, I can only offer my deepest condolences at your loss. The thoughts and prayers of an entire Nation are with you.

MR. GENE MAY, A BUILDER OF HOMES

Mr. BYRD. Mr. President, it is commonly said that a man is known by his work. For half of a century, Mr. Gene May of McLean, VA, was known by the fine homes he built in the Washington area.

Mr. May, who died recently of lung cancer, was a builder and a developer, who made an important and lasting impact on this busy, ever-growing, and highly transient region. He was a good

man, who touched people with his hard work, his dedication to his profession, and the extra care that he put into the structures that he built.

Gene May did not merely build houses; he built homes, and he built more than a thousand of them starting with his first, in 1947. He put a part of himself into each of his endeavors, into each of the homes he built; and as a result, the homes he built reflect his values. Years after he retired, according to the Washington Post, people were still writing to him, praising him for the sturdiness of the homes he had built for them, and thanking him for his superb work.

Yet, according to his daughter, his work was not the most important thing in his life. It wasn't even second. His daughter explained that ''the most important thing in his life was his family, followed by his church. And he viewed his work as a way to serve both.''

What a wonderful way to regard one's work. What a contribution all of us could make to our families, our society, and ourselves with such an outlook on life, that our work is a way to serve our family and our Creator.

Gene May's philosophy served as an underpinning for a rewarding life. He put family first, and what a wonderful family he had. He was married to his loving wife, Barbara May, for 58 years. They had two children and five grandchildren.

Gene May faithfully served his church. I knew Gene May. He built the house in which I now live. He was a charter member, treasurer, and one of the first deacons of the Church of Christ of Falls church. He supervised the building of two of the church's facilities, and actively participated in the church's mission. In addition, he helped to establish, then served as president of, a christian youth summer camp in Virginia's blue ridge mountains.

Gene May's community involvement extended well beyond his church activities. For example, he was a member of the school board, a board member of the Arlington Trust Bank, and a founder of the Northeastern Junior College in Villanova, PA.

When Mr. May learned that he had terminal cancer a little more than a year ago, he reacted to the news with the calmness and level-headedness that had characterized his life.

He taught his wife how to handle the family finances, even budgeting the money for his funeral expenses. He then signed up for hospice care, so that he would not be a burden to his family; and, he began to prepare himself for the afterlife. How about that? He began to prepare himself for the afterlife. Gene May succumbed to the dreaded disease on May 4 of this year.

This good man, this good neighbor, this good citizen will be missed by his family, his community, and his legion of friends. But through the homes he built for more than a thousand people, the memories of his life and work will live for years and years to come. He was a builder.

Gene May was a builder in the best and truest meaning of the word.

I saw them tearing a building down,
A group of men in a busy town.
With a ''ho, heave, ho'' and a lusty yell
They swung a beam and the sidewall fell.
I said to the foreman, ''Are these men skilled?
The type you would hire if you had to build?''
He laughed, and then he said, ''no indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do.
I said to myself as I walked away,
''Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a fellow who walks the town,
Content with the labor of tearing down?''

My wife Erma, and I extend our deepest condolences to Mr. May's wife, Barbara, and their children, and grandchildren.

May his ashes rest in peace.

VOTE EXPLANATION

Mr. THUNE. Mr. President, yesterday the Senate, again, acted in a unified bipartisan manner when it voted 95 to 0 to add an additional $1.5 billion to the Department of Veterans' Affairs. Although a family medical emergency unfortunately prevented me from being able to vote on the Murray amendment, I fully support the measure and would have gladly voted in favor of it. Even though the VA could provide some health care to veterans until fiscal year 2006, it would have to do so by taking funds from other accounts and slashing other projects. This is simply unacceptable.

I am proud the Senate chose to emphasize our position that the VA needs an additional $1.5 billion to properly carry out its mission of caring for America's veterans.

Thank you Mr. President.

TERRORIST BOMBING IN LONDON

Mr. CHAMBLISS. Mr. President, my wife Julianne and I express our deepest sympathies to those who lost loved ones and those injured in the terrorist attacks in London last Thursday. Our thoughts and prayers are with them.

The terrorists who claim allegiance to al-Qaida undertook these atrocious acts in response to the United Kingdom's unflinching, courageous support for the global war on terrorism. Prime Minister Tony Blair and the British people have stood along side the United States and the other members of the coalition in the war on terrorism.

This is a reminder that we must always be vigilant against those who wish to attack our freedom and our way of life. We must not waiver in our resolve to pursue and bring to justice those who commit these heinous crimes

I add my support to Monday's passing of S. Res. 193, which expressed ''sympathy for the people of the United Kingdom in the aftermath of the deadly terrorist attacks.'' At the time of the vote, I was delayed in returning to Washington because of Hurricane Dennis. Had I been in present for that vote, I would have voted in favor of the resolution.

LEADERSHIP AND COORDINATION IN LANGUAGE EDUCATION

Mr. AKAKA. Mr. President, I rise today to discuss the foreign language needs of the country, a problem that is receiving renewed public attention because of the ongoing war in Iraq and the impact the lack of language expertise is having on our foreign policy. As John Limbert, president of the American Foreign Service Association, was quoted in the Federal Times last month, the shortage of linguists ''makes our mission of representing the American people that much harder.''

Frankly, I agree with Mr. Limbert. The stability and economic vitality of the United States and our national security depend on American citizens who are knowledgeable about the world. We need civil servants, area experts, diplomats, business people, educators, and other public officials with the ability to communicate at an advanced level in the languages and understand the cultures of the people with whom they interact. An ongoing commitment to maintaining these relationships and language expertise helps prevent a crisis from occurring and provides diplomatic and language resources when needed.

My own State of Hawaii is a leader in promoting language education and cultural sensitivity. As a gateway to Asian and Pacific nations, we in Hawaii understand the importance of knowing other languages and cultures, which help to develop strong relationships with other people. For example, according to the 2000 Census, more than 300,000 people in Hawaii, or about 27 percent of those 5 years and older, spoke a language other than English at home. This is compared to about 18 percent nationwide. In addition, the University of Hawaii is a leader in teaching Korean and is the host of one of two National Korean Flagship Programs established by the National Security Education Program. Hawaii is also host to the internationally recognized East-West Center, an education and research organization established in Hawaii by Congress in 1960, which is a leader in promoting and strengthening relations between the United States and the countries of the Asia Pacific region.

In 2000 the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services, then chaired by Senator COCHRAN, held a hearing on the foreign language needs of the Federal Government. At that hearing Ellen Laipson,

vice chairman of the National Intelligence Council, testified as to the language shortfalls in the intelligence community and how these shortfalls could impact agency missions, especially in emergency situations. For example, a lack of language skills limits analysts' insight into a foreign culture which restricts their ability to anticipate political instability and warn policymakers about a potential trouble spot. In addition, Ms. Laipson testified that thousands of technical papers providing details on foreign research and development in scientific or technical areas were not being translated because of the lack of personnel to interpret the material, which could lead to the possibility of ''a technological surprise.''

Understanding the importance of improving our language capabilities, I introduced with Senators DURBIN and THOMPSON the Homeland Security Education Act and the Homeland Security Federal Workforce Act. Our bills proposed a comprehensive strategy to improve language education, as well as science and math education, at the elementary, high school, and college levels and to provide incentives for individuals possessing such skills as a result of these programs to enter Federal service in critical national security positions. The Senate passed the Homeland Security Federal Workforce Act on November 5, 2003, and provisions of the bill were included in the Intelligence Reform Act of 2004. In addition, I successfully added an amendment to the Defense Authorization Act for fiscal year 2005 requiring the Department of Defense to report on how it will address its language shortfalls in both the short and long term. Earlier this year, the Department issued its Defense Language Transformation Roadmap which lays out an ambitious plan for improving the language education of its employees.

While Congress has adopted several provisions to improve language education, including some that I have proposed, it has not been easy to gain a wider acceptance of this need. It has been said that the events of September 11, 2001, were a modern day Sputnik moment, demonstrating that shortages of critical skills can have dire national security consequences. While Sputnik pointed out the importance of science and math education, September 11th reminded us that language skills and cultural awareness are essential for improving relations with the international community and strengthening our national security. However, nearly 4 years after that terrible day, we are still without sufficient language skills. We still have not learned the lesson that the Soviet launch of Sputnik taught us in 1958: investment in education is just as important to our national security as investing in weapons systems. As such, we need sustained leadership and a coordinated plan of action to address this on-going problem and to ensure that this Nation never falls short in its language capabilities again or fails to communicate effectively with our neighbors around the world.

That is why I have introduced the National Foreign Language Coordination Act with Senators DODD and COCHRAN. Our legislation, S. 1089, is designed to provide the needed leadership and coordination of language education. Primarily, the legislation creates a National Foreign Language Coordination Council which is composed of the secretaries of various executive branch agencies and chaired by a national language director. The national language director would be appointed by the President and is to be a nationally recognized individual with credentials and abilities necessary to create and implement long-term solutions to achieving national foreign language and cultural competency. By having the key players of the executive branch on the Council, I hope that each agency will come away with an understanding of what their role is, how they can reach out to their stakeholders for input, and become engaged in addressing this problem.

The Council would be charged with developing and overseeing the implementation of a national language strategy. In particular, the Council would identify priorities, increase public awareness, advocate needed resources, and coordinate efforts within the Federal Government to ensure that we are meeting our goal of improved language education and cultural understanding. As former Senator and 9/11 Commissioner Bob Kerrey recently said, ''Someone in the executive branch has got to say, 'Here's where we are today, here's where we want to be in five years, and here's what it's going to take to get there.' '' The National Foreign Language Coordination Act will do just that.

There have been several articles issued recently that have highlighted the need for more language training and the need for leadership in this area. I ask that the following articles be printed in the RECORD:

Tichakorn Hill, Does Anyone Here Speak Arabic? (or Farsi, or Pashto?) The Government's Push to Close the Language Gap, Federal Times, June 20, 2005. John Diamond, Terror War Still Short on Linguists, USA Today, June 20, 2005. John Diamond, Muslim World Isn't Big with U.S. Students, USA Today, June 19, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Jun. 20, 2005]

MUSLIM WORLD ISN'T BIG WITH U.S. STUDENTS

(By John Diamond)

WASHINGTON—Despite an expansion of federal efforts to promote learning Arabic and other languages of the Islamic world, there has been no dramatic increase in Americans studying in countries where such languages are spoken, according to the latest statistics on overseas study. That's the case even though the number of Americans studying abroad has more than doubled since the mid–1990s.

There are some signs of growing interest among American students in learning Arabic, which the U.S. intelligence community hopes will help bolster its ranks with specialists for the war on terrorism.

But as Karin Ryding, a professor of Arabic at Georgetown University, points out, U.S. intelligence can't get by with ''hothouse'' Arabic speakers who have learned the language sitting in American classrooms. They must travel to the region and immerse themselves to become fluent.

Overall interest in foreign languages hasn't surged either since the Sept. 11 attacks. The difficulty of learning Arabic and other Middle East languages means it will be years before academia can produce significantly more graduates fluent in languages important to U.S. national security.

''It's going to take a good, long while. It's going to be a lot more expensive. And it's a question of whether you can afford to wait,'' says Andrew Krepinevich, head of the Center for Strategic and Budgetary Assessments, a Washington-based defense think tank.

Numbers aren't good

For 2002–03, the first full academic year after 9/11, 1,293 Americans studied in predominantly Muslim countries in Africa, the Middle East and Asia. That's a 4.5% increase over the yearly average of 1,237 for the five years leading up to Sept. 11, according to an analysis of figures compiled by the Institute of International Education, which administers several federal study-abroad scholarship programs. The figures cover students who financed their own education as well as those who received private and public scholarships.

The list of majority-Muslim countries in which students studied is not identical from year to year but typically includes countries in the Middle East and North Africa such as Senegal, Morocco, Egypt, Saudi Arabia, Jordan, Kuwait, Lebanon and Turkey; and nations in Asia such as Pakistan, Indonesia and Malaysia.

The institute's figures show that more Americans are studying abroad: 174,629 in 2002–03, up from 84,403 in 1994–95. Yet fewer are focusing on foreign languages: Two decades ago, 16.7% of Americans studying abroad listed foreign languages as their primary field of study, according to the institute's figures. A decade ago, it was down to 11.3%; for 2002–03, 7.9%.

''Despite our growing needs, the number of undergraduate foreign language degrees conferred is only 1% of all degrees,'' Sen. Chris Dodd, D-Conn., said last month. Dodd is sponsoring legislation that would increase federal spending on language and foreign study and create a ''national language director'' to coordinate language programs.

The stakes are high, according to a January Pentagon report: ''Conflict against enemies speaking less-commonly taught languages and thus the need for foreign language capability will not abate.''

Language ability is critical not just for fighting wars or spying, says Thomas Farrell, deputy assistant secretary of State for academic programs. It also means having a better knowledge of ''regions of the world that are important to the United States,'' Farrell says. ''We're seeking to demonstrate, especially to countries with Islamic populations, that people in the United States have respect for their societies and want to learn about them.''

Uptick in Arabic studies

For years, U.S. students didn't learn much about Arabic. In 2002, the latest nationwide figures available, 10,584 students were studying Arabic, whether as a major or an elective. That was a 92% increase from 1998 but

still amounted to fewer than 1% of all students enrolled in foreign language courses in 2002, according to a report by the Association of Departments of Foreign Languages.

The Department of Education is spending about $10 million this year for language study centers based in the Middle East, U.S. language development centers and scholarships for study abroad. The Pentagon is spending $3.6 million for Middle East language scholarships and other language programs. Some of the money is tied to promises that students will commit to jobs in national security.

The State Department handles the bulk of federal money for language scholarships through its Fulbright programs for undergraduates and scholars. Last year, the department spent $86 million on Fulbright and other programs out of a total education and cultural exchange budget of $231 million. Not all of that $86 million was focused on Muslim countries, however.

Concerned that no one coordinates the federal programs, a group of senators—including Dodd, Thad Cochran, R-Miss., and Daniel Akaka, D-Hawaii—wants to start a National Foreign Language Coordination Council.

For now, U.S. military and intelligence agencies compete with one another for a small pool of qualified candidates. Arabic professor John Walbridge of the University of Indiana is worried about the push to fill hiring quotas.

''They're desperate for people,'' Walbridge says. ''They're recruiting people who by no reasonable standard are ready to do intelligence work using Arabic.''

[From USA Today, June 20, 2005]

TERROR WAR STILL SHORT ON LINGUISTS

(By John Diamond)

WASHINGTON.—Nearly four years after the Sept. 11 attacks, the federal government has created a profusion of programs to train students in languages and cultures important in the war on terrorism. But government leaders and language experts say the effort is an uncoordinated jumble too slow to produce measurable results.

''We're not there, and we're not moving fast enough,'' says Rep. Pete Hoekstra, R-Mich., chairman of the House Intelligence Committee.

Since 9/11, Congress and the White House have pumped money into new and existing programs for training in Arabic and other Middle Eastern languages and cultures. Annual spending has jumped from about $41 million in 2001 to $100 million today. While the funding and programs have grown, the results are, so far, insufficient, according to Sen. Chris Dodd, D-Conn. The government needs to hire 34,000 foreign-language specialists, particularly Arabic speakers, for homeland security, defense and intelligence agencies, he says.

The effort to produce more speakers of Arabic and other languages of the Islamic world is needed because many Americans fluent in these languages have difficulty getting security clearances if they have relatives in the region. Producing a ''homegrown'' speaker of Arabic, with its different alphabet and many dialects, can take 10 years, says professor John Walbridge of the University of Indiana, ''if you apply yourself.''

No government agency coordinates this effort, and there are no readily available statistics on how many students get federal money intended to produce more speakers of Arabic, Urdu and other strategic languages and more experts on the Islamic world.

Based on public records and interviews with relevant officials, about $9.5 million in federal money goes to programs designed specifically to produce job candidates for U.S. intelligence and other national security agencies. Only about 40% of that total, roughly $3.8 million, is focused on the Middle East.

The number of students in these programs—named for current and former chairmen of the Senate Intelligence Committee—is modest: 150 in the Pat Roberts Intelligence Scholars Program and 230 in the David Boren Scholarship program. About one-third of the students focus on Middle Eastern languages.

''Someone in the executive branch has got to say, Here's where we are today, here's where we want to be in five years, and here's what it's going to take to get there,'' says Bob Kerrey, a Democrat who served on the federal commission that investigated 9/11. That panel pointed out last year that only six students received undergraduate degrees in Arabic in 2002.

Walbridge and other Arabic scholars agree that living in the Middle East is essential to becoming fluent. But the number of Americans studying in predominantly Muslim countries has remained about the same as pre-Sept. 11 levels. In 2002–03, the most recent year for which figures are available, fewer than 1,300 Americans were studying in Muslim countries, or less than 1% of the Americans studying abroad.

''As a nation, we just don't have any sort of organized language policy, and it shows,'' says Kirk Belnap, director of a federally funded National Middle Eat Language Resource Center at Brigham Young University in Provo, Utah.

[From the Federal Times, June 20, 2005]

DOES ANYONE HERE SPEAK ARABIC? OR FARSI, OR PASHTO . . . THE GOVERNMENT'S PUSH TO CLOSE THE LANGUAGE GAP

(By Tichakorn Hill)

When a congressman asked David Kay, the former head of the U.S. team searching for weapons of mass destruction in Iraq, how many on his 1,400-person team spoke Arabic and understood the technology of weapons of mass destruction, the answer was discouraging.

''I could count on the fingers of one hand,'' Rep. Rush Holt, D-N.J., recalled Kay as saying about a year ago.

Similarly, Holt asked special forces who were combing through Afghan mountain ranges for Osama bin Laden how many of them spoke the local language of Pashto. They said they picked up a little while they were there.

''If Osama bin Laden is truly American public enemy No. 1, how do we expect to track him down if we cannot speak the languages of the people who are hiding him?'' Holt said.

Whether it is military troops, intelligence analysts, translators, interpreters, or just federal employees delivering services to an increasingly diverse American population, there is a troubling shortage of people with foreign language skills. And the shortage is most critical in Middle Eastern and South Asian languages: Arabic; Pashto; Dari, which is spoken in Afghanistan; Farsi, spoken in Iran; Kurdish, spoken in Iraq, Iran, Turkey, Armenia and Syria; and Urdu, spoken in India and Pakistan.

The consequences, say experts, are disturbing. The problem threatens government efforts to keep the peace and rebuild infrastructure in Iraq, translate foreign documents and interpret foreign conversations that could prove to be valuable intelligence, explain U.S. policies to foreign populations, investigate terrorists, and track down illegal aliens.

The shortage of linguists ''makes our mission of representing the American people that much harder,'' said John Limbert, president of the American Foreign Service Association and a former ambassador to Mauritania. ''Most of that mission involves communication—speaking and listening to what others are telling us. I don't see how we can do that without knowing the language of those with whom we are communicating.''

The Defense and State departments, intelligence agencies, the FBI and many other agencies were suffering severe shortages of linguists even before 9/11. The FBI, for example, complained to Congress in 2000 that it had large stockpiles of audio tapes and documents awaiting translation. The Defense Department didn't have a single Dari-speaking employee. And it had only one Marine and one sailor who spoke Pashto.

Kevin Hendzel, a spokesman for the American Translators Association, estimates it will take intelligence agencies between 10 and 15 years to catch up in translating tons of materials recovered from Iraq and Afghanistan. ''As a society, we pay a huge price for not being competent in foreign languages. This is particularly true in the national security area where the people who want to do us harm do not speak English,'' he said.

Federal agencies are expected to hire more than 10,000 contract and staff linguists this year.

But while hiring of linguists since 9/11 has exploded, it still hasn't kept pace with the government's needs—especially for people who know Arabic and South Asian languages.

The problem

Federal managers blame the American education system.

According to the National Center for Education Statistics, out of 2 million college graduates in 2004, only 17 earned bachelor's or advanced degrees in Arabic. Only 206 earned degrees in Chinese, the world's most popular language.

''Academia is not producing enough of the right kind of linguists fast enough,'' said an FBI official. ''And we simply cannot wait for the education system to catch up.''

But the government is trying to kick-start the system. Last year the Defense Department began awarding grants to universities for foreign language studies in Chinese, Arabic, Korean and Russian.

And in Congress, Holt introduced this year the National Security Language Act, which would subsidize colleges and universities that teach critical languages and offer intensive study programs overseas. The bill, which has 43 cosponsors, also would repay student loans for those who study critical foreign languages and then work for federal agencies or as elementary or secondary school language teachers.

The recruiting challenge

In their rush to recruit people with hard-to-find language skills, agency managers are trying a variety of tactics.

They hold job fairs in minority communities, such as Arabic communities in California and Michigan. They advertise in foreign-language newspapers, offer thousands of dollars in sign-up bonuses, and recruit at colleges and universities where needed languages are taught.

But there are a lot of factors working against them. One is stiff competition for a limited pool of candidates.

''We're always in competition with other federal agencies and the private sector for that talent,'' said Reginald Wells, deputy commissioner for human resources at the Social Security Administration.

Many candidates are foreign-born and foreign-educated, which presents another challenge for agencies trying to verify their credentials.

And as if finding people who speak difficult languages is not difficult enough, finding

people who know those languages at a professional or technical level is even harder.

''Many of our assignments are highly technical and they [native speakers] simply do not have vocabulary to move between the two languages. That's where our challenges lie,'' said Brenda Spraque, the director of Office of Language Services at the State Department.

Not all candidates who meet the grade want to work for, say, the Foreign Service and be posted far from their families, said Nancy Serpa, former director of the Human Resources for Recruitment, Examination and Employment at the State Department.

''The Foreign Service is not a career for everyone, and finding people who want to spend their career overseas away from their family is very difficult to begin with, even though we have a lot of people who take the Foreign Service test,'' Serpa said.

National Security Agency managers find that many candidates are reluctant to move even to the agency's Maryland headquarters.

''We may be successful in attracting people to the type of work we do and the opportunities and possibilities we have available, but we're not always successful in encouraging them to move to Columbia or Baltimore,'' said John Taflan, NSA human resources director.

Getting new employees a security clearance is another hurdle.

''We require, for all our full-time positions and even some of our contract positions, that people have the ability to obtain a security clearance, and that's become extremely difficult for those who are naturalized American citizens,'' Spraque said. ''That limits your pool to a large extent.''

Hiring binge.

Despite the recruiting challenges, agencies have been hiring.

Since 9/11, the FBI has hired nearly 1,000 linguists and plans to hire 274 more next fiscal year. Currently it has nearly 1,400 contract and full-time linguists who speak 100 languages. Ninety-five of those linguists are native speakers of their languages. The bureau increased its linguists by 69 percent and the number of those in critical languages, such as Arabic, increasing by 200 percent.

The State Department this year is hiring nearly 400 Foreign Service generalists, many of whom will get training to speak another language. It's also hiring translators and interpreters. Many of those new hires will staff new embassies in Baghdad, Iraq, and Kabul, Afghanistan; and a new liaison office in Tripoli, Libya. Currently the department has about 7,000 employees speaking 60 languages working in the United States and at 265 posts abroad.

Likewise, the National Security Agency is aggressively recruiting: Currently at 35,000 employees, the agency plans to hire 1,500 people every year until 2010, and many will become language analysts. It offers sign-up bonuses of up to 20 percent of a person's salary for those who speak critical languages. NSA also hires 50 to 200 bilinguals a year whom it then trains to speak a third language.

More training.

The shortage of linguists prompted the Defense Department to overhaul its language program. The department in April unveiled a plan, called the Defense Language Transformation Roadmap, to build up its foreign language skills. It includes directing money to colleges and universities to teach languages. Also, the department plans to invest $45 million more than current levels—$195 million in fiscal 2006—in its Defense Language Institute. The department also will build a database of active-duty personnel, civilians, reservists and retirees who speak foreign languages.

''9/11 really changed our whole orientation to understand that this is a major issue that's going to be with us for a long time,'' said Gail McGinn, Defense deputy undersecretary for plans. ''It's going to take a long time to solve it.''

Today, Defense has nearly 84,000 military linguists who speak about 250 languages and dialects—up from 72,000 in 2000. The military services plan to train about 2,300 linguists this year. The Air Force is the most active and plans to train 1,500 military linguists this year.

Agencies that cannot hire or train enough people with foreign language skills borrow them from other agencies or contract for them.

Congress in 2003 also created the National Virtual Translation Center, an interagency clearinghouse that lets agencies share translators with each other or to seek the services of translators in the private sector and academia. The center also performs translation work for intelligence agencies.

Federal contracting for people with language skills has taken off since 9/11. But as demand has shot up, so have labor rates.

Before 9/11, a linguist speaking Arabic might get paid $15 or $20 an hour. Now, rates are about double that. And for those with security clearances and expertise, rates are up to between $70 and $80 an hour. A contract linguist working in Iraq now can make $150,000 a year, Hendzel said.

Not all agencies are willing to pay so much, he said. Some want to settle for $20 an hour and hire someone who can speak a foreign language but may not be certified or have experience or expertise in a particular field. By doing that, Hendzel said agencies risk getting poor-quality work that could undermine their missions.

''Mistranslation or distortion are as dangerous as a lack of translation,'' he said.

Mr. AKAKA. We all understand the importance of language education and cultural understanding in this country; we just need to figure out how we make it happen. I am confident the National Foreign Language Coordination Council will provide the needed leadership and coordination to reach our goal.

U.N. REFORM

Mr. COLEMAN. Mr. President, I rise today to discuss Coleman-Lugar bill that will effect meaningful and reasonable reform of the United Nations. But before I delve into the issues of U.N. reform, I must take a moment to thank my colleague Senator LUGAR for his leadership. As the chairman of the Senate Foreign Relations Committee, Senator LUGAR has been at the forefront of these issues for years—working to pass bipartisan, consensus legislation touching a wide range of international matters. In short, Senator LUGAR's leadership on the issue of U.N. reform has been crucial.

Sixteen months ago, as the chairman of the Permanent Subcommittee on Investigations, I initiated a bipartisan, comprehensive investigation into the massive international fraud that flourished under the United Nations Oil for Food Program. You will recall this program was created to help protect the poor of Iraq from the impact of international sanctions. Unfortunately, Saddam Hussein manipulated the program—siphoning off billions of dollars in under-the-table payments—and used that money to strengthen his murderous regime at home and reward friends abroad. As Secretary of State Condoleezza Rice testified at her confirmation hearing, Saddam Hussein was ''playing the international community like a violin.'' It could not have been more wrong: evil prospered while the poor starved; the program designed to control and oust the oppressor actually helped him stay in power and bolster his arsenal.

Over the course of our 16-month investigation, the subcommittee has held three hearings and released three reports on the oil-for-food scandal. At those hearings and in our reports, we exposed how Saddam abused the program—we documented how the Hussein regime rewarded political allies by granting lucrative oil allocations to foreign officials, such as Russian politician Vladimir Zhirinovsky and the Russian Presidential Council; we presented evidence of how Saddam made money on the oil deals by demanding under-the-table surcharge payments, and how he generated illegal kickbacks on humanitarian contracts.

All of Saddam's abuses occurred under the supposedly vigilant eye of the U.N. How could that happen? Well, over the course of our investigation, an avalanche of evidence has emerged demonstrating that the U.N. terribly mismanaged the Oil for Food Program. That evidence revealed mismanagement ranging from outright corruption to sloppy administration. For instance:

Our subcommittee uncovered evidence that Kofi Annan's handpicked executive director of the Oil for Food Program, a man named Benon Sevan, appears to have received lucrative oil allocations from Saddam.

Our subcommittee discovered evidence that a U.N. oil inspector received a large bribe to help Saddam cheat on two oil deals.

Fifty-eight reports written by the U.N.'s own internal auditors revealed rampant mismanagement by the U.N., describing a program rife with sloppy stewardship and riddled with ''overcharges,'' ''double charge[s]'' and other ''unjustified'' waste of more than $100 million.

The U.N.'s investigators, headed by Paul Volcker, determined that the U.N.'s process for awarding three multimillion-dollar contracts in the program was ''tainted.''

The U.N.'s investigators also found that Kofi Annan failed to adequately investigate or remedy a serious conflict of interest—namely, that the U.N. had awarded a massive contract to the company that employed Annan's son.

Perhaps most disturbing, however, was that Kofi Annan's chief of staff ordered the destruction of 3 years' worth of documents. That order was given the day after the U.N. decided to investigate the Oil for Food Program.

Such gross mismanagement and corruption in the Oil for Food Program

raise serious questions about the U.N.'s ability to administer crucial programs in the future. American taxpayers pay roughly 22 percent of the U.N.'s operating costs. They need assurances that their tax dollars are well spent. This is especially true in light of the fact that the U.N. is playing an increasingly larger role in world affairs.

As a result, we must bring about meaningful and reasonable reform of the U.N. Such reforms must include three elements. First is the concept of ''transparency.'' As Supreme Court Justice Brandeis famously stated, ''Sunlight is the most powerful of all disinfectants.'' Today, the U.N.'s operations are shrouded in mystery—not a single ray of sunlight disinfects the internal machinations of the U.N. The U.N. should be transparent to its member states, and use those rays of sunlight to prevent another episode of massive mismanagement.

Another necessary element for U.N. reform is ''accountability.'' Specifically, U.N. officials responsible for the operation and management of programs, such as sanctions regimes and humanitarian efforts, must be held accountable for their performance. Such accountability should apply to all U.N. officials from the highest to the lowest.

The third element necessary for U.N. reform is effective internal oversight. Simply put, the U.N.'s internal auditor—the Office of Internal Oversight Services, OIOS, needs drastic improvement. The OIOS is woefully underfunded and lacks true independence. With respect to funding, the OIOS receives $24 million per budget—a paltry pittance when compared to the $162 million allocated to U.N.'s press office. Without an effective and independent auditor, the U.N.'s operations will continue to be plagued with misconduct and mismanagement.

Those crucial elements are the cornerstones of the proposed Coleman-Lugar bill, the United Nations, Management, Personnel, and Policy Reform Act of 2005. The bill presents a well-balanced and constructive U.N. reform initiative that addresses: (1) a variety of U.N. management weaknesses identified by the subcommittee, a lack of transparency, oversight, accountability, and effective budgetary and personnel systems, and (2) a series of U.N. policy issues that need reform, including peacekeeping and human rights. The legislation strikes an appropriate balance between important goals: effecting crucial U.N. reforms, preserving U.N. administrative discretion, and ensuring limited U.S. government monitoring and oversight.

Our proposed legislation underscores that an effective United Nations is in the interest of the United States and that the United States must lead the United Nations toward greater relevance and capability. The bill also emphasizes that the U.S. push for further reform will require bipartisanship and the joint involvement of the executive and legislative branches so that the U.S. presents a unified position toward the United Nations. The proposed legislation exhorts the U.S. to use its voice, vote, and funding in the U.N. to accomplish U.N. management, personnel, and policy reforms. It requires the President to submit an annual report on U.N. reform to ''appropriate congressional committees.'' It also authorizes the President to withhold 50 percent of U.S. contributions to U.N. if he determines that the U.N. is not making sufficient progress in implementing reforms described in the act.

While the proposed legislation acknowledges that the U.N. has initiated some reforms, it also recognizes that the U.N. has failed to make many necessary changes. The bill cites past GAO reports on U.N. reforms and recent U.N. reports, including the High-Level Panel Report and the Secretary-General's Report, on the need to expedite existing reforms and implement new urgently-needed reforms. It emphasizes that the U.N. must transform itself to meet current and future challenges and undertake institutional reforms that ensure the effectiveness, integrity, transparency, and accountability of the United Nations system.

The proposed legislation recognizes the important findings of the subcommittee in its Oil for Food Program investigation identifying key internal management weaknesses that led to mismanagement, fraud, and abuse of the program. It also cites the June 2005 Gingrich/Mitchell U.N. Reform Report. The majority of the U.N. management, personnel, budget, and policy issues addressed in the proposed legislation are consistent with many recommendations of the subcommittee and the recent Gingrich/Mitchell report.

The management section of the proposed legislation stems from the many U.N. management weaknesses revealed in the subcommittee's oil-for-food investigation. The section strengthens the power of the Secretary-General to replace top officials in the U.N. Secretariat and recruit only the highest quality individuals, placing emphasis on professional excellence over geographic diversity. It calls for an updated assessment of the U.N. procurement system and the establishment of a new and improved procurement process that embodies the standards currently present in the U.S. Foreign Corrupt Practices Act of 1977, which prohibit officials from making or receiving payments, gifts, or exchanging other promises to secure an improper benefit.

In short, this legislation will help transform the United Nations into a modern and dynamic institution capable of responding to the many complex and varied challenges confronting it. The reforms embodied in this legislation provide the United Nations the opportunity to embrace change and regain its role as a critical institution in today's rapidly changing international environment. This legislation will force the United Nations to be a better managed, transparent, and accountable organization. This legislation will prevent reoccurrences of scandals like the Oil for Food scandal, peacekeeping abuses, and other managerial failures.

I must reiterate the importance of a robust and effective U.N. for the future of U.S. relations with the international community. The U.N., when properly led and properly managed, can play an important role in promoting global peace and stability. Real reform, and not mere rhetoric, is the proper course of action to ensure an effective U.N.—the mission of the U.N. is simply too important to look the other way.

As I conclude my remarks, I would like to reiterate my thanks to Chairman LUGAR for his leadership on the issue of U.N. reform and for the opportunity to work with him to tackle this important issue.

ADDITIONAL STATEMENTS

RECOGNITION OF KENNETH W. MONTFORT COLLEGE OF BUSINESS

• Mr. ALLARD. Mr. President, I rise today to congratulate Kenneth W. Montfort College of Business at the University of Northern Colorado on receiving the 2004 Malcolm Baldrige National Quality Award, the Nation's highest honor for quality and performance excellence.

The Kenneth W. Monfort College of Business at the University of Northern Colorado is the sole business school to receive the Malcolm Baldrige National Quality Award from the National Institute of Standards and Technology. This award recognizes the outstanding performance and accomplishments of American businesses, schools, and health care organizations that surpass standards of excellence and ethics.

Monfort College of Business offers the only program of its kind in the Rocky Mountain region focused exclusively on undergraduate business education and internationally accredited in business administration and accounting. Monfort is one of five undergraduate-only programs in the United States to hold such accreditations. Students at Monfort score in the top 5 percent on nationwide standardized exit exams and earn a degree in business administration with an emphasis in accounting, computer information systems, finance, general business, management, or marketing. An interdisciplinary degree is also available in nonprofit management. Monfort's student-centered approach is exemplified by its three-dimensional learning strategy: High-Touch, small class sizes taught on an interactive basis, Wide-Tech, exposure to a wide array of business technologies, and Professional Depth, instruction from seasoned professors, including highly placed executives.

Understanding the importance of a well-rounded college education is important if we are to produce the next

generation of our State's and our Nation's leaders. I commend Kenneth W. Montfort College of Business at the University of Northern Colorado for their efforts to promote excellence in higher education. Undoubtedly, their success serves as an example of excellence to colleges and universities around the country.

I ask my colleagues to join me in congratulating the Kenneth W. Montfort College of Business at the University of Northern Colorado for being recognized for their efforts and success.●

A TRIBUTE TO COLONEL RAY ALEXANDER

● Mr. BURR. Mr. President, I rise today to offer my thanks and appreciation, and those of all North Carolinians, to Colonel Charles ''Ray'' Alexander, Jr., Commander of the Army Corps of Engineers Wilmington, NC district. Today is Colonel Alexander's last day as commanding officer of the district. While we celebrate his retirement with his family, we will miss the impact he has had on North Carolina and the Nation.

Colonel Alexander has distinguished himself with exceptionally meritorious service as district commander since 2002. Under his command, the district continued construction of the Wilmington Harbor deepening project and met the target for delivering deep water to the State port docks in January 2004 despite numerous fiscal challenges. The Wilmington Harbor deepening is the largest civil works project in the district's history and a very important navigation project, providing economic benefit to the State. Additionally, the deeper channel has been an asset to the local military installations in support of the global war on terror.

Under Colonel Alexander's direction, the district has been involved and successful in protecting the Nation's environment. Numerous environmental enhancement projects, including the Roanoke Island Festival Park aquatic habitat restoration and protection project, are testament to this highly successful program.

This and many other projects earned the district the 2004 Coastal America Partnership Award and North Carolina Coast Federal Pelican Award, the 2003 Chief of Engineers' Environmental Award for product delivery team design and construction of an island estuarine habitat, and nomination and subsequent recognition as the North Carolina Conservationist Partner of 2003 by the North Carolina Land Trust Council. A district project delivery team under Colonel Alexander's command also earned an environmental award from the Environmental Protection Agency for its work cleaning up EPA facilities in the Research Triangle Park.

Colonel Alexander also executed a systematic plan to improve relationships with local, State, and Federal entities. Locally, we completed renourishment of Kure, Carolina, and Bald Head Island Beaches and a project to reinstitute the use of dredged materials on Bogue Banks. Additionally, the district created a water management committee to meet the needs of over 40 agencies and many private citizens.

Colonel Alexander also led the efforts in 2003 to provide exceptionally responsive emergency management services during Hurricane Isabel in North Carolina, including the highly successful reconstruction of vital road infrastructure for the Cape Hatteras breach. He also led the Wilmington effort in aiding the recovery from the record-breaking 2004 hurricane storm season.

I would also like to commend Colonel Alexander for his support of the Army Corps outside his district and in the war on terror. His selflessness was exhibited by his leadership for the $84 million recovery effort in 2004 after Hurricane Ivan devastated Alabama. This highly complex operation included providing emergency power, ice, water, housing, debris collection and reduction, roofing, and technical assistance to the citizens of Alabama following the storm, which made landfall 700 miles from the district headquarters. Hundreds of Corps of Engineers employees from all over the Nation were brought in to this well executed operation.

Colonel Alexander's leadership and commitment in the global war on terror is evident in his ability to motivate more than 20 team members to volunteer to serve abroad as members of South Atlantic Division's Forward Engineer Support Teams, Task Force Restore Iraqi Electricity, the Gulf Region Division, and the Afghanistan District. The number continues to grow and several members have served on multiple deployments.

In closing, generations of North Carolinians who have never met Colonel Alexander will benefit from the results of his work. At this special time in his career, I wish him all the best and thank him for a job well done.●

LIEUTENANT COMMANDER ELIZABETH J. FRENCH

● Mr. BURR. Mr. President, the Naval Hospital at Camp Lejeune, NC, has selected LCDR Elizabeth J. French to be the hospital's Officer of the Year for 2004. She serves as the department head for the inpatient obstetrics department at the hospital. U.S. Navy Captain Richard C. Welton presented Commander French with a Letter of Commendation for her ''dedication to this Command and continual support of superb family centered maternal and childcare services in the Obstetric Department sets the standard.''

I am proud of Elizabeth French's outstanding service and I ask unanimous consent that Captain Welton's Letter of Commendation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER OF COMMENDATION

The Commanding Officer, Naval Hospital Camp Lejeune takes pleasure in commending Lieutenant Commander Elizabeth J. French for service as set forth in the following citation: Upon the occasion of her selection as the Officer of the Year, Calendar Year 2004, Commander French is commended for her dedicated and outstanding performance of duty while serving as the Department Head, Inpatient Obstetrics Department, Naval Hospita1, Marine Corps Base, Camp Lejeune, North Carolina from 1 January 2004 to 31 December 2004. Commander French's dedication to this Command and continual pursuit of superb family centered maternal and childcare services in the Obstetric Department sets the standard. She expertly led 70 military, civilians, and contract personnel in providing quality and safe care for 1,500 births and 4,800 outpatient visits. She chaired the Lactation Council and coordinated lactation services. Commander French implemented a lactation consult call schedule to provide 24/7 lactation services for 300 beneficiaries, which reduced infant readmissions for hyperbilirubinemia and dehydration by 80 percent. Clinically proficient, Commander French provides daily hands-on care to patients in addition to covering critical staffing shortages during off-duty hours. She coordinated the Bureau of Medicine and Surgery's, Family Centered Care training for more than 40 medical and nursing personnel. Commander French saved the Command $5,000 in Temporary Additional Duty costs when she established a regional testing site for the Maternal Newborn and Inpatient Obstetric Nursing National Certification exam, allowing 10 military and civilian nurses to locally obtain certification. She coordinated the $5 Million Labor and Delivery, Recovery, and Postpartum renovation project, continuously interacting with Facilities Department personnel, contractors, news media and multiple hospital departments to ensure the project remained within contractual agreements and maintained patient safety and workload. Commander French's professionalism, initiative, and total devotion to duty reflected great credit upon herself and were in keeping with the highest tradition of the United States Naval Service. On behalf of the entire staff, she is extended the traditional Navy ''Well Done.''

RICHARD C. WELTON,
Captain, Medical Corps,
United States Navy.●

100TH ANNIVERSARY OF FORDVILLE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1–3, 2005, the residents of Fordville, ND, past and present, gathered to celebrate the community's centennial.

Fordville is a city in the northeastern part of my great State with about 266 residents. Although its population is small, Fordville holds an important place in the history of North Dakota. Medford was founded in 1905 and was an important stop along the Soo Railroad line. Because of confusion caused as a result of other stations along the Soo line with the name Medford, it was decided to combine its name with the rural post office of

Belleville. The combination of Medford and Belleville resulted in the now familiar name of Fordville.

The people of Fordville are proud of their local public schools and the railroad system, which helps to sustain the city. Additionally, the city has a strong farming co-operative system featuring a new grain elevator. Their lively centennial celebration included a parade, street dance, musicals and a fireworks display.

I ask the Senate to join me in congratulating Fordville, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Fordville and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. It is places such as Fordville that shaped this country into what it is today, which is why this fine community deserves our recognition.

Fordville has a proud past and a bright future.●

100TH ANNIVERSARY OF TURTLE LAKE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. From July 15 to 17, the residents of Turtle Lake, ND, will celebrate their history and the town's founding.

Turtle Lake is a small town in north-central North Dakota with a population of 580. Despite its small size, Turtle Lake holds an important place in North Dakota's history. The founder of Turtle Lake was Peter Miller, the earliest homesteader in the region. Mr. Miller established the Turtle Lake post office in his farmhouse on January 25, 1886, and subsequently formed the first Turtle Lake business by setting up a shop under a lean-to. As other businesses spread throughout the area, the Miller town site was formed. Over the next decade, the post office moved to Wanamaker town site and then finally to the current location of Turtle Lake, north of the lake itself. The communities of the area came together and were incorporated as the village of Turtle Lake in 1907. Turtle Lake is a thriving community today, with a rapidly growing tourist industry that brings visitors to the turtle shaped lake for which the town is named.

I ask the Senate to join me in congratulating Turtle Lake, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Turtle Lake and all the other historic small towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Turtle Lake that have helped to shape this country into what it is today. I believe that the community of Turtle Lake is deserving of our recognition.

Turtle Lake has a proud past and a bright future.●

IDAHO'S VERY OWN GUNFIGHTERS

● Mr. CRAPO. Mr. President, I would like to recognize a nontraditional Idaho community that although a Federal installation, is as much a part of our State as any other community. The Mountain Home Air Force Base Gunfighters support and execute our military air mission worldwide while devoting time and energy to improve the quality of life on base and off.

In the 1940s, Mountain Home Air Force Base was established and over the next few decades took on many different Air Force missions including bombers, fighters, tankers, and even intercontinental ballistic missiles for a short time. As the needs and overall mission of the Air Force has evolved over the years, Mountain Home has followed suit, proven to be a site of flexibility and superior support, operations, and training. Wings based at Mountain Home have provided air support all around the world and, in times of need like September 11, here at home. The capabilities of the personnel, facilities, resources and organizations at Mountain Home have always been characterized by flexibility, readiness and immediate and forceful global deployment in a tightly controlled and effective command and control environment. Exercising their skills and military professionalism, Gunfighters have not only fought the battles but participated in reconstruction and humanitarian missions in the current conflict in the Middle East as well as other places around the globe where innocent people are suffering from the evils of poverty, economic oppression, and the tragedies of natural disasters.

In a similar way, Gunfighters have proven to be able to ''deploy'' to the community on base and off at a moment's notice when duty calls. Last year alone, volunteers worked on base more than 100,000 hours valued at $1.5 million. Many of these individuals already have more than full-time work in the military but have found the time to make a difference to others expecting no compensation. Stories abound of emergency assistance given by members of the military to civilians in Idaho. Recently, two jet fighters escorted a disabled civilian aircraft to safety, averting a possible crash and fatality. Another form of giving that is particularly important to the troops who are deployed is donating blood. I am proud to say that in the recent Armed Forces blood drive, Mountain Home Air Force Base more than doubled its goal and donated a total of 265 units of blood that was shipped directly to Iraq. In addition, the base sent 60 units of a special blood product designed to promote quick clotting to our mobile medical units. What a terrific example of fellow soldiers and families lending aid and comfort to our military men and women across the world.

I offer my sincere thanks and gratitude to our very own Idaho Gunfighters, both at Mountain Home and deployed. You make Idaho proud.●

HONORING THE CITY OF CHAMBERLAIN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly acknowledge the 125th anniversary of Chamberlain, SD, a small city nestled on the eastern bluffs of the Missouri River marking the divide between eastern and western South Dakota.

Chamberlain, located in Brule County in central South Dakota, was founded in 1880. The land on which the town is located was obtained from the Federal Government by means of Civil War script. Once the property was acquired, a small group of men, for whom the streets of the city are now named, established the town. Soon thereafter, it was announced that the railroad would pass through the area, thus bringing a flood of pioneers to the city in search of a new home on the frontier.

The town of Chamberlain grew rapidly. Within weeks, it was home to the Merchant's Hotel, the Brule County Bank and the Dakota Fire and Marine Insurance Company. Chamberlain's post office was established in May of 1881, and the Dakota Register, the town's first newspaper, was founded later that year.

The first church in Chamberlain was the Congregational Church, established under the leadership of Reverend W.H. Thrall. Built in 1881, the structure was donated by Selah Chamberlain, an officer of the Milwaukee railroad and the man for whom Chamberlain was named. The church still stands today as a symbol of unity in this small city. Other denominations, including the Methodists, Catholics, Episcopalians, Lutherans, and Seventh Day Adventists, also established their respective churches in Chamberlain's early years.

Ask any of its residents about the history of Chamberlain and they will probably recount the story of Theodore Roosevelt's campaign visit. Roosevelt and his band of Rough Riders arrived from the west on a very windy day when the air was so full of dust that people could barely see each other as they made their way around the town. Consequently, two cowboys collided on the street and one of the horses was killed in the accident. Roosevelt asked Mr. Lockwood, marshal of the day, if a local cowboy would lend him a horse. The request was overheard by a nearby rancher who promptly offered up one of his. Roosevelt, proud of his new acquisition, rode the horse around town with local boys until he left to continue his campaign elsewhere.

Chamberlain is also known as one of the many places the Louis and Clark Expedition passed through. In mid-September of 1804, the team was greeted by exotic animals, such as jackrabbits, antelopes, mule deer and black-billed magpies, as well as the enormous herds of buffalo, deer, elk and antelope. The path the expedition traveled is now a popular hiking destination for outdoorsmen and history buffs alike.

Like most young communities in the Dakotas, Chamberlain was not without

its share of tragedy and hardship. In the first two years of Chamberlain's existence, the pioneers of the area experienced two of the hardest winters on record. Also, few can forget the typhoid epidemic in 1932. Towns upstream believed an old tale that the water in the river cleansed itself every 20 feet due to its saturation of mud and sand. As a result, many residents diverted their sewage into the river. Unfortunately, this resulted in a widespread typhoid outbreak. In a matter of months, the disease claimed the lives of 33 Chamberlain residents.

Anyone who has traveled the State of South Dakota can attest to the beautiful vistas from the eastern bluffs of the Missouri River. This picture of the river stands as a warm welcome to western South Dakota and is a lasting reminder of the unique treasures and beauty of our State. Perhaps it was this panorama which inspired an early pioneer to write, ''I've reached the land of wealth and kine, a home in it may yet be mine.''

I take this opportunity to recognize the achievements of the small city of Chamberlain and to congratulate its 2,260 residents as they celebrate their vibrant 125 year history.●

HONORING THE CITY OF MADISON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, it is with great honor that I wish today to publicly recognize the 125th anniversary of the founding of the city of Madison, SD. It is at this time I would like to draw my colleagues' attention to the achievements and history of this charming city that stands as an enduring tribute to the moral fortitude and pioneer spirit of the earliest Dakotans.

Located in the eastern part of South Dakota, Madison is one of the oldest towns in Lake County. The present town of Madison is actually the result of the merging of two cities, Madison and Herman. Lake County was established in January of 1873, and in the fall of that year, the county commissioners selected Madison to serve as the county seat. Interestingly, the town of Madison was not platted until July of 1875, 2 years after receiving its county seat title. The nearby town of Herman was founded in 1878 and a rivalry quickly developed between the two communities.

In 1880, the southern Minnesota division of the Milwaukee Railroad decided to extend the rail line through the region. The area chosen for the tracks, however, missed Madison by three miles but passed through Herman. Herman's close proximity to the trains put Madison's status as county seat in jeopardy. Consequently, Madison residents decided to relocate their town to a new 320 acre plot owned by Mr. and Mrs. C.B. Kennedy, which was in the railroad's path. When railroad officials favored Madison over Herman, the two communities decided to merge into one, thus forming the present city of ''new'' Madison.

Madison grew rapidly. The move to the new town began in August, 1880, when the J.H. Law building was transported from old Madison into new Madison. Dyer Hardware and the P.H. Harth General Store quickly followed. By the end of 1880, Madison boasted two general stores, a drug store, a livery barn, a blacksmith shop, a carpenter shop, three saloons, and a millinery store.

The area's first newspaper, the Lake County Leader, was established by F.C. Stowe in Herman. In 1880, Stowe moved the printing press to Madison, and in the spring of 1881, Stowe sold the Leader. After passing through a few hands, James F. Stahl eventually purchased the paper. Stahl converted the weekly paper into a daily publication in 1890. Madison's second paper, the Madison Sentinel, began in old Madison in April, 1879 by Joe H. Zane and F.L. Fifield. The Leader and Sentinel were competitors until 1937, when the two combined to form the Madison Daily Leader. Since 1947, the Hunter family has published the Madison Daily Leader, and to this day the paper continues to provide residents with accurate and reliable news coverage.

Among Madison's notable attributes is its public library. In 1905, town residents held a meeting and decided to create the facility. Quickly thereafter, the community raised money, donated books, and secured a room in the building of Mr. John Warren's new bank. The Madison Free Public Library opened its doors in December of that year. Meanwhile, George R. Farmer had been working with Andrew Carnegie to secure additional funds for a library. One month after the opening of the Madison Free Public Library, Farmer received word from Carnegie's private secretary that Carnegie would donate $10,000 to erect a public library if the city would provide and maintain a suitable site for the building. A site was selected and construction quickly began. On Thursday, November 12, 1907, the new Madison Library opened. In 1960 and 1980, improvements were made to the building. Yet these modifications pale in comparison to the major renovations undertaken in 1994, when the size of the library was increased by 400 percent with a striking architecturally compatible addition. The facility now houses 48,055 books and more than 3,500 audiovisual materials.

Like most communities in the Dakotas, Madison's history is not without its share of tragedy and hardship. On July 4, 1919, ''The Reliance,'' a touring boat used to take people around Lake Madison, set out with a group of 32 passengers to view the fireworks from the water. The ship headed across the lake to hug the shoreline as it always did. Sadly, it struck a sunken tree about 80 to 100 feet off shore. The passengers on board panicked and rushed to one side of the vessel, causing it to capsize. Nine people, including the engineer, drowned in that tragic accident.

Similarly, on the night of April 11, 1980, the Hotel Park caught fire and burned for nearly 8 hours, killing four people. The blaze was so difficult to contain that the National Guardsmen, who were on their weekend drill in Madison, were called in to assist the exhausted firefighters the following morning. Despite these adversities, this resilient community has always managed to recover, rebuild and prosper.

Madison is home to Dakota State University, DSU, founded in 1881 by William H. Beadle. DSU is recognized nationally as a leader in computer and information systems. Additionally, Karl Mundt was a notable DSU faculty member. Not only was Mr. Mundt an extraordinary speech and social science teacher, but he also served in Congress longer than any other South Dakotan. Elected to the House of Representatives in 1938, he remained a Congressman until 1948, when he took office as U.S. Senator from South Dakota. Senator Mundt held that post until 1972, having served 34 years in Congress.

The sense of community, moral fortitude, perseverance, and enduring work ethic that is evident in the people and the history of Madison stands as a testament to the integrity of all South Dakotans. It is my honor to acknowledge the proud residents of Madison, as they celebrate 125 years of history.●

TRIBUTE TO CAPTAIN JAMES C. STEIN

● Mr. WARNER. Mr. President, I rise today to recognize and honor Captain James C. Stein, United States Navy, as he retires from the Naval Service. Captain Stein is a Naval Officer of the finest caliber who has established an impeccable reputation in the Navy and with the Senate through his distinguished tour as deputy director of the Navy Senate Liaison Office.

He is a 1982 graduate of the University of Notre Dame. As the midshipman achieving the highest 4-year academic average in the NROTC curriculum, he received the Notre Dame Reverend Hugh J. O'Donnell Award.

A Captain's List flight student, he was designated a Naval Aviator in 1984. His initial squadron tours were with Patrol Squadron 26, Patrol Squadron 30 as a Fleet Replacement Squadron Instructor Pilot, and as a department head with Patrol Squadron 10. He served as the Assistant Navigator in USS *Ranger*, CV–61, during Operation Desert Storm, was selected as the 1991 Pacific Fleet Shiphandler of the Year, and ultimately earned designation as a Surface Warfare Officer.

While ashore, Captain Stein earned a master of arts degree in national security and strategic studies from the Naval War College. He served on the chief of Naval Operations' staff as the

assistant Maritime Patrol Aviation Requirements Officer, and deputy executive assistant to the director, Air Warfare. Selected for the Navy Federal Executive Fellowship program, he attended the Harvard University Center for International Affairs John M. Olin Institute for Strategic Studies.

Captain Stein commanded Patrol Squadron 8, leading the Fighting Tigers on a highly successful Sigonella, Sicily deployment, earning the Naval Air Forces Atlantic Fleet Battle Efficiency Award, Meritorious Unit Citation, and Atlantic Fleet Retention Excellence Award. As commanding officer, Captain Stein was one of four finalists for the prestigious Vice Admiral J. B. Stockdale Leadership Award.

Following command, Captain Stein reported to the Office of Legislative Affairs, where he has served as a valued advisor to the very top echelons of the Navy and Congress. His insight into the legislative process is respected and sought out by all levels of the chain of command. The Department of the Navy, the Congress, and the American people have been served well by this dedicated naval officer. Members of this Congress will not soon forget the leadership, service, and dedication of Captain Jim Stein. He will be missed.

I have had the privilege of working with this outstanding Naval officer and commend him for his dedicated service to our country. We wish Jim, his lovely wife Melissa, and their sons Alexander and William, our very best as they move on to a bright future.●

MESSAGE FROM THE HOUSE

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 68. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

H.R. 739. An act to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to provide for greater efficiency at the Occupational Safety and Health Review Commission; to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission; and to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration.

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 68. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 739. An act to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to provide for greater efficiency at the Occupational Safety and Health Review Commission; to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission; and to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1394. A bill 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–2920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wray, CO'' ((RIN2120–AA66)(2005–0133)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes; Charlotte, NC'' ((RIN2120–AA66)(2005–0135)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Restricted Area 2211, Blair Lakes, AK'' ((RIN2120–AA66)(2005–0132)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Restricted Areas 5103A, 5103B, and 5103C and Revocation of Restricted Area 5103D; McGregor, NM'' ((RIN2120–AA66)(2005–0134)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–200F and 400 Series Airplanes; Model 767–400ER Series Airplanes; and Model 777 Series Airplanes'' ((RIN2120–AA64)(2005–0282)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 Series Airplanes'' ((RIN2120–AA64)(2005–0283)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 400 Series Airplanes'' ((RIN2120–AA64)(2005–0285)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F.28 Mark 0100 Airplanes'' ((RIN2120–AA64)(2005–0284)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(2005–0287)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300, and 400ER Series Airplanes Equipped with Door-Mounted Escape Slides'' ((RIN2120–AA64)(2005–0286)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF6–45A, CF6–50A, CF6–50C, and CF6–50E Series Turbofan Engines; Correction'' ((RIN2120–AA64)(2005–0288)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Revo, Incorporated Models Colonial C–2, Lake LA–4, Lake LA–4–4A, Lake LA–4P, and Lake LA–4–200 Airplanes'' ((RIN2120–AA64)(2005–0289)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Teledyne Continental Motors S–20, S–1200, D–2000, and D–3000 Series Magnetos'' ((RIN2120–AA64)(2005–0290)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca S.A. Arrius 2 B1, 2 B1A, 2 B1A–1, and 2 B2 Turboshaft Engines'' ((RIN2120–AA64)(2005–0291)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 401, 401A, 402, 402A,402B,411, and 411A Airplanes'' ((RIN2120–AA64)(2005–0292)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 402C and 414A Airplanes'' ((RIN2120–AA64)(2005–0293)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GROB–WERKE Model G120A Airplanes'' ((RIN2120–AA64)(2005–0294)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, 300, 400, 500, 600, 700, 800, 900, 757–200, and 300 Series Airplanes; and McDonnell Douglas Model DC 10–10, DC 10–10F, DC 10–30, DC 10–30F, DC 10–40, MD 10–10F, MD 10–30F, MD–11, and MD–11F Airplanes'' ((RIN2120–AA64)(2005–0295)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200, –200PF, and –200CB Series Airplanes'' ((RIN2120–AA64)(2005–0296)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Corporation Model S–92A Helicopters'' ((RIN2120–AA64) (2005–0297)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2940. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Clarifications of Requirements for Fuel-burning Equipment'' (FRL7933–6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2941. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Transportation Conformity'' (FRL7928–6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2942. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropathrin; Re-Establishment of Tolerance for Emergency Exemption'' (FRL7723–2) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2943. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Public Records'' (RIN3150–AH12) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2944. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Export and Import of Radioactive Materials: Security Policies'' (RIN3150–AH44) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2945. A communication from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting, pursuant to law, a report relative to the Flood Damage Reduction Project in Centralia and Chehalis, Lewis County, Washington; to the Committee on Environment and Public Works.

EC–2946. A communication from the Special Trustee for American Indians, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Deposit of Proceeds from Lands Withdrawn for Native Selection'' (RIN1035–AA04) received on June 28, 2005; to the Committee on Indian Affairs.

EC–2947. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ''Response to Telephone Inquiries to Commissioner Hill Regarding Recommendations in Texas'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2948. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with ''Navy Response Regarding Relocation of Naval Submarine School from Naval Submarine Base New London, CT'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2949. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ''Fort Bliss, TX Net Fires Center Concept Brief'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2950. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ''Master Plan for Fort Knox, KY'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2951. A communication from the Director, Executive Office of the President, transmitting, the report of proposed legislation entitled ''The Government Reorganization and Program Performance Improvement Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2952. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled ''Regulation on Maintaining Telecommunication Services During a Crisis or Emergency in Federally-owned Buildings'' received on June 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2953. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the Annual Postal Rate Commission Report on International Mail Costs, Revenues and Volumes for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2954. A communication from the Investment Manager, Treasury Division, Army and Air Force Exchange Service, transmitting, pursuant to law, reports entitled ''Retirement Annuity Plan for Employees of the Army and Air Force Exchange Service''; ''Supplemental Deferred Compensation Plan for Members of the Executive Management Program of the Army and Air Force Exchange Service''; and ''Retirement Savings Plan and Trust for Employees of the Army and Air Force Exchange Service''; to the Committee on Homeland Security and Governmental Affairs.

EC–2955. A communication from the Counsel for Legislation and Regulations, Office of the Inspector General, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Office of Inspector General (OIG) Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities'' (RIN2508–AA14) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2956. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (44 CFR 65) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2957. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (44 CFR 64) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2958. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (70 FR 30643) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2959. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2960. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–2961. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant

to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–2962. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Intermediary Relending Program Direct Final Rule'' (RIN0570–AA42) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2963. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Increased Assessment Rate'' (FV05–915–1 FR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2964. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designed Counties in Washington; Decreased Assessment Rate'' (FV05–922–1 IFR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2965. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Revision to Requirements Regarding Credit for Promotion and Advertising'' (FV05–981–1 IFR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2966. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Decreased Assessment Rate'' (FV05–948–2 IFR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2967. 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 ''Dimethyl Ether; Exemption from the Requirement of a Tolerance; Technical Correction'' (FRL No. 7721–1) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2968. 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 ''Alpha-cyclodextrin, Beta-cyclodextrin, and Gamma-cyclodextrin; Exemption from the Requirement of a Tolerance'' (FRL No. 7720–9) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2969. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Interstate Movement of Regulated Articles'' (APHIS Docket No. 03–059–3) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 364. A bill to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities (Rept. No. 109–102).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Terry L. Gabreski to be Lieutenant General.

Air Force nominations beginning with Col. David G. Ehrhart and ending with Col. Richard C. Harding, which nominations were received by the Senate and appeared in the Congressional Record on June 8, 2005.

Army nomination of Lt. Gen. Walter L. Sharp to be Lieutenant General.

Army nomination of Maj. Gen. John F. Kimmons to be Lieutenant General.

Army nomination of Brig. Gen. Paulette M. Risher to be Major General.

Marine Corps nomination of Gen. Peter Pace to be General.

Navy nomination of Adm. Edmund P. Giambastiani, Jr. to be Admiral.

Navy nomination of Vice Adm. Albert M. Calland III to be Vice Admiral.

Navy nomination of Rear Adm. Paul E. Sullivan to be Vice Admiral.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. MARTINEZ:

S. 1386. A bill to exclude from consideration as income certain payments under the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE (for himself, Mr. KERRY, Mr. KENNEDY, and Mr. REED):

S. 1387. A bill to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Corridor; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1388. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, and Mr. KYL):

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. SUNUNU):

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY):

S. 1391. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. DORGAN):

S. 1392. A bill to reauthorize the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself, Mr. KYL, Mr. COBURN, Mr. INHOFE, and Mr. VITTER):

S. 1394. A bill to reform the United Nations, and for other purposes; read the first time.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 1395. A bill to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. CRAPO):

S. Res. 197. A resolution to commemorate the 60th Anniversary of the Trinity Test, the culmination of the Manhattan Project, and to honor the people who made it possible; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 58

At the request of Mr. INOUYE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 309

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. ALLEN) 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. 424

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 467

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 559

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 559, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor 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. 629

At the request of Mr. BYRD, his name was added as a cosponsor of S. 629, a bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

At the request of Mr. SESSIONS, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 629, supra.

S. 642

At the request of Mr. HATCH, his name 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. 676

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 784

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Oregon (Mr. WYDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. PRYOR), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. DEWINE) and the Senator from Oregon (Mr. SMITH) 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. 1060

At the request of Mr. COLEMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1082

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Utah (Mr. BENNETT) 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. 1171

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1240

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes.

S. 1265

At the request of Mr. VOINOVICH, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor 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. 1283

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of 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.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1355

At the request of Mr. ENZI, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1355, a bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1371

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1371, a bill to extend the termination date of Office of the Special Inspector General of Iraq Reconstruction and provide additional funds for the Office, and for other purposes.

S. 1379

At the request of Mr. MCCAIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1379, a bill to provide increased rail transportation security.

S. RES. 77

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 77, a resolution condemning all acts of terrorism in Lebanon and calling for the removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government.

S. RES. 121

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 121, a resolution supporting May 2005 as ''National Better Hearing and Speech Month'' and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

S. RES. 173

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 173, a resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

At the request of Mr. HARKIN, his name was added as a cosponsor of S. Res. 173, supra.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1075

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1075 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VOINOVICH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Montana (Mr. BAUCUS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1075 proposed to H.R. 2360, supra.

AMENDMENT NO. 1112

At the request of Mr. AKAKA, the names of the Senator from New York (Mrs. CLINTON), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 1112 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1113

At the request of Mr. AKAKA, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1113 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1120

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1120 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1124

At the request of Mr. ENSIGN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1124 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1125

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1125 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1126

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1126 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1128

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1128 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1139

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1139 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1140

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of

amendment No. 1140 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1142

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1161 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1162

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1181

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 1181 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1184

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1184 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1189

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1189 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1190

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1190 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1191

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1191 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1192

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1192 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1194

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1194 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1206 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1207

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1207 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1209

At the request of Mr. SALAZAR, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1209 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1210

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1210 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1217

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1388. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have fought to ensure that small businesses across the country are treated fairly by Federal Government regulations. Unfortunately, in far too many cases, Federal agencies promulgate regulations without adequately addressing the economic impacts on small businesses.

The Regulatory Flexibility Act, RFA, was enacted in 1980 and requires Federal Government agencies to propose rules that keep the regulatory burden at a minimum on small businesses. The RFA requires agencies to analyze the economic impact of proposed regulations when there is likely to be a significant economic impact on a substantial number of small entities.

In 1996, I was pleased to support, along with all of my colleagues, the Small Business Regulatory Enforcement Fairness Act, SBREFA, which amended the RFA. The intent of SBREFA was to further curtail the impact of burdensome or duplicative regulations on small businesses, by clarifying key RFA requirements. In September we will celebrate the 25th Anniversary of the RFA—a law that is largely working as Congress intended.

Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens. To close these loopholes, today I introduce the Regulatory Flexibility Reform Act of 2005, RFRA. This bill would ensure that Federal agencies conduct a complete analysis of the impacts of Federal regulations, thereby providing small businesses, which represent more than 99 percent of all firms in America and provide up to 75 percent of new jobs each year, with much needed regulatory relief.

Under my legislation agencies must consider the indirect effects of an ''economic impact.'' Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means a Federal agency can avoid the various analyses required under the RFA by either requiring the States to regulate small entities or regulating an industry so rigorously that it has a negative trickle down impact on other industries.

For example, rules can regulate a handful of large manufacturers in the

same industry. Yet, a foreseeable, indirect effect of these rules—not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers. In one case 100,000 small distributors were prevented from distributing their products.

This indirect economic effect had a significant impact on a substantial number of small businesses because their ability to compete in the marketplace—and create jobs—has and will continue to be harmed.

In addition, this large loophole amounts to an ''unfunded mandate'' because many States do not have a requirement to conduct an RFA-type analysis of regulations. And even when there is such a statute on the books, those States frequently do not have the resources to conduct the analysis themselves. Worse still, for States with no requirement to conduct RFA-type analyses, the impact of the Federal regulation upon small businesses is never properly assessed either at the Federal or State level.

This situation demands reform.

Second, my legislation requires Federal agencies to consider comments provided by the Small Business Administration's Office of Advocacy. The SBA's Office of Advocacy does not receive the public attention it deserves. It should. In case after case it has been the last, best hope for small businesses faced with burdensome, duplicative and nonsensical Federal regulations.

The Office of Advocacy serves two critical roles: No. 1, it represents small business' interests before the Federal government in regulatory matters, and No. 2, it conducts valuable research to further our understanding of the importance of small businesses and their job creating potential in our economy.

My legislation would also amend the RFA to include a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and hence, to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

Finally, the RFRA would clarify the circumstances for a periodic review of Federal rules. If there is a significant impact on a substantial number of small entities, a review would be required. It would also clarify the requirement that agencies review all 10-year-old rules to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years. That's because rules can have unintended and negative consequences in our changing global, information-age economy.

This legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation's small businesses and their employees are provided with much needed regulatory relief.

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. 1388

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 ''Regulatory Flexibility Reform Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
Sec. 4. Requirements providing for more detailed analyses.
Sec. 5. Periodic review of rules.
Sec. 6. Clerical amendments.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, even though the problems sought to be solved by such regulations are not always caused by these small businesses and other small entities.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but have failed to do so.

(5) Alternative regulatory approaches that do not conflict with the stated objectives of the statutes the regulations seek to implement may be available and may minimize the significant economic impact of regulations on small businesses and other small entities.

(6) Federal agencies have failed to analyze and uncover less-costly alternative regulatory approaches, despite the fact that the chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), requires them to do so.

(7) Federal agencies continue to interpret chapter 6 of title 5, United States Code, in a manner that permits them to avoid their analytical responsibilities.

(8) The existing oversight of the compliance of Federal agencies with the analytical requirements to assess regulatory impacts on small businesses and other small entities and obtain input from the Chief Counsel for Advocacy has not sufficiently modified the Federal agency regulatory culture.

(9) Significant changes are needed in the methods by which Federal agencies develop and analyze regulations, receive input from affected entities, and develop regulatory alternatives that will lessen the burden or maximize the benefits of final rules to small businesses and other small entities.

(10) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences or enhance economic benefits.

(11) Federal agencies should be capable of assessing the impact of proposed and final rules without delaying the regulatory process or impinging on the ability of Federal agencies to fulfill their statutory mandates.

SEC. 3. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available.''; and

(2) by adding at the end the following:

''(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking ''succinct'';

(B) in paragraph (2), by striking ''summary'' each place it appears and inserting ''statement'';

(C) in paragraph (3), by—

(i) striking ''an explanation'' and inserting ''a detailed explanation''; and

(ii) inserting ''detailed'' before ''description'';

(D) in paragraph (4), by inserting ''detailed'' before ''description''; and

(E) in paragraph (5), by inserting ''detailed'' before ''description''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and inserting after paragraph (2) the following:

''(3) the agency's response to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;''.

(4) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's Web site, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the Web site where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended—

(1) by inserting ''detailed'' before ''statement''; and

(2) by inserting ''and legal'' after ''factual''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 5. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Regulatory Flexibility Reform Act of 2005, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's Web site.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Reform Act of 2005 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Regulatory Flexibility Reform Act of 2005 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

''(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

''(d) In reviewing rules under such plan, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

''(7) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the current impact of the rule, including—

''(A) the number of small entities to which the rule will apply; and

''(B) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(e) The agency shall publish in the Federal Register and on its Web site a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 6. CLERICAL AMENDMENTS.

(a) IN GENERAL.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (2)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(2) the term'' and inserting the following:

''(2) RULE.—The term'';

(3) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(4) in paragraph (4)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(4) the term'' and inserting the following:

''(4) SMALL ORGANIZATIONS.—The term'';

(5) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term'';

(6) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term'';

(7) in paragraph (7), by striking ''(7) the term'' and inserting the following:

''(7) COLLECTION OF INFORMATION.—The term''; and

(8) in the matter preceding paragraph (1), by striking ''chapter—'' and inserting ''chapter, the following definitions apply:''.

(b) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.''; and

(2) by striking the item relating to section 607 and inserting the following:

''607. Quantification requirements.''.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, and Mr. KYL):

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce, along with my colleagues Senator FEINSTEIN and Senator KYL, the USA PATRIOT Improvement and Reauthorization Act of

2005, a bipartisan bill to reauthorize provisions of the landmark anti- terrorism legislation we adopted in the wake of September 11, 2001. We continue to give tools to law enforcement to protect our security; and, at the same time, we make important improvements to the law to ensure greater protection of civil liberties and to require greater accountability through enhanced reporting and oversight.

In recent months, the political rhetoric about the PATRIOT Act has reached a fever pitch. Not surprisingly, however, the reality fails to match the rhetoric. As the Washington Post has editorialized, ''[a]lthough the PATRIOT Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the most serious infringements on civil liberties in the war on terrorism.'' At the same time, it would be unwise to credit the act with all of our hard-won successes in the effort to combat terror. As evidenced by the grisly attacks in London last week, no law or surveillance regime can prevent every terrorist attack.

Nevertheless, as last week's attacks remind us, the danger of international terrorism remains real, and has not abated in the years since 9/11. So, we must remain vigilant, and we must be cautious not to recreate the legal circumstances that arguably contributed to significant intelligence failures before 9/11. Reauthorizing the PATRIOT Act, while incorporating improvements designed to safeguard our liberties and enhance oversight, is the right thing to do. To quote the Post again, ''there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what's known, it merits reauthorization with minor modifications.''

The bill we introduce today is the result of careful consideration. We have listened both to the concerns of critics and the arguments of the administration. We have probed and prodded both for information. And, we have consulted with both sides of the political aisle to fashion language designed to maintain the Government's ability to effectively investigate—and hopefully preempt—terrorist attacks, while making changes to reassure the American people that the law will be used responsibly, consistent with the rights enshrined in our Constitution.

Mr. President, I would like to focus on the changes we have made to those PATRIOT Act provisions that have generated the most controversy.

The PATRIOT Act modified electronic surveillance authority under the Foreign Intelligence Surveillance Act of 1978, or FISA, to permit multipoint wiretaps of suspected terrorists or spies; but only upon a judicial finding of probable cause to believe the target is an agent of a foreign power and a further finding that the target's actions could thwart efforts to identify a single phone company or similar communications provider upon whom to serve the order. The principle behind this authority, which parallels similar authority in the criminal law, is that surveillance of a suspected terrorist or spy should be permitted to continue, uninterrupted, when the target changes phones. By definition, a multipoint wiretap order does not identify the specific phone to be tapped, because the order allows the Government to track the person not a single device. This was a change made necessary by the advent of cell phones, which are easily purchased and then discarded. After passage of the PATRIOT Act, however, this authority was further modified, so that a FISA surveillance order only had to specify the identity of the target ''if known.'' If the identity was unknown, the order had to include a ''description of the target,'' but there was no further requirement about how detailed the description of such ''John Doe'' targets had to be—raising concerns that the Government could conduct roving surveillance of a broadly described target. Our bill corrects this shortcoming and makes other improvements to the roving authority under FISA.

First, the bill responds to concerns that so-called John Doe roving wiretaps could be used against someone described generically as a ''Middle Eastern male'' or ''Hispanic female'' by requiring such orders to include ''sufficient information to describe a specific target with particularity.'' This makes it clear that, although such orders may ''rove'' from one phone to another when the target changes devices, the Government cannot ''rove'' from one investigative target to another, seeking to identify the right person. Through this change, we avoid rewarding terrorists or spies who successfully conceal their identities, but we also protect innocent Americans from unwarranted surveillance.

The bill further minimizes the chance that ''roving'' wiretaps could be used indiscriminately against multiple devices by requiring the Government to notify the court every time it begins surveillance of a new device. This notice must be made within 10 days of the initiation of surveillance, and must include a description of the new device, as well as the ''facts and circumstances'' indicating that each new phone or similar device is ''being used, or is about to be used,'' by the target. The notice must also update the techniques being used to minimize the interception and retention of unrelated communications. Finally, the bill adds new reporting requirements and extends the sunset date until December 31, 2009, allowing Congress to revisit the need for this surveillance tool.

I would next like to turn to the bill's modification of section 215 of the PATRIOT Act, perhaps the most controversial provision of the act, and one that is frequently misidentified as the ''library'' provision.

Prior to the PATRIOT Act, FISA authorized the FBI to obtain orders for the production of certain types of business records, including those of hotels, car rental agencies and storage facilities, in limited circumstances. Under the pre-PATRIOT standard, however, the FBI could not even seek the records of someone observed in the presence of a suspected spy or terrorist, unless it had specific reasons to suspect the associate was himself a spy or terrorist. Strangely, this standard was significantly higher than the standard applicable to similar records requests in criminal cases. Accordingly, section 215 of the PATRIOT Act amended FISA to permit orders for any records or tangible things sought in connection with an authorized investigation to obtain foreign intelligence not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

As enacted, however, section 215 did not require the FBI to establish the factual basis for the requested order. According to critics, section 215 rendered the FISA court little more than a rubber stamp for the Government's requests. Moreover, section 215 included no explicit right for recipients to confer with legal counsel. And, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review akin to a motion to quash a subpoena. Indeed, in testimony before the Judiciary Committee earlier this year, Attorney General Gonzales conceded these shortcomings in the law, and expressed a new willingness to consider modifications of section 215.

Our bill addresses these issues, and adds still more protections to ensure the provision is used responsibly. First, the bill eliminates the mere certification of relevance required by current law and enhances the factual showing that must be made by the Government to obtain records. It also requires the court to agree with the adequacy of the Government's factual showing, and adds several procedural protections including heightened approval requirements and increased reporting for orders seeking sensitive materials, like library or medical records. Specifically, the bill requires the Government to submit ''a statement of facts'' showing ''reasonable grounds to believe that the records or other things sought are relevant'' to an authorized investigation. The bill then addresses concerns about the FISA judge acting as a ''rubber stamp'' by requiring the court to find that the facts establish ''reasonable grounds to believe'' the items sought are relevant. The bill also adds an explicit right to consult counsel; provides for judicial review; requires approval of the FBI Director or Deputy Director for orders concerning library records and other sensitive materials; and adds annual reports to Congress regarding use of the provision to obtain library records, book sales records, firearms sales records, health information or tax information. This reporting feature is important because it enables

the Congress to monitor the Justice Department's activities.

In addition to the foregoing, the bill also requires an annual report on the number of times FISA orders for records and tangible things have been issued, modified, or denied. At our April 5 hearing, the Attorney General declassified the fact that, as of March 30, 2005, the FISA court had ''granted the department's request for a 215 order 35 times.'' He further noted that section 215 had not been used to obtain library or bookstore records, medical records or gun sale records. According to the Attorney General, section 215 had been used only to obtain driver's license records, public accommodation records, apartment leasing records, credit card records and subscriber information, such as names and addresses for telephone numbers captured through court-authorized pen register devices. It is our hope that regular public reporting, together with enhanced congressional reporting, will bolster public confidence in the law without compromising sensitive investigations. Finally, as with the multipoint surveillance authority, we have extended the sunset date for section 215 of the PATRIOT Act until December 31, 2009, so Congress must revisit the continuing need for this tool.

Another PATRIOT Act provision that has inspired significant criticism is section 213 of the act, which authorized delayed notice or so-called sneak & peek search warrants. Unlike the other sections I have discussed, section 213 is not scheduled to sunset later this year. Nevertheless, in recognition of the concerns raised about this provision, we have made several changes to this authority as well.

Prior to the PATRIOT Act, three Federal circuits had approved the practice of delayed notice search warrants. Supreme Court precedent also supported the legality of judicially authorized covert entries. Indeed, in Dalia v. United States, a 1979 case involving the analogous situation of a covert entry to install a listening device, the Supreme Court described as ''frivolous'' the argument that ''covert entries are unconstitutional for their lack of notice.'' Nevertheless, in the 1995 case of Wilson v. Arkansas, which focused on whether officers must ''knock and announce'' their presence before serving a warrant, the Court held that, ''in some circumstances an officer's unannounced entry into a home might be unreasonable under the Fourth Amendment.'' But, the Court did not address sneak and peek warrants directly, and it left ''to the lower courts the task of determining the circumstances under which an unannounced entry is reasonable under the Fourth Amendment.''

The PATRIOT Act sought to create a unified standard for delayed notice searches. Under the PATRIOT Act, notice of a search may be delayed if a court finds reasonable cause to believe immediate notice may have an adverse result, including: (A) endangering the life or physical safety of an individual; (B) flight from prosecution; (C) destruction of, or tampering with, evidence; (D) intimidation of potential witnesses; or (E) otherwise seriously jeopardizing an investigation or unduly delaying a trial. Notice must be provided within a ''reasonable period'' of time, which may be extended for good cause. As noted by critics, however, the period of delay could be indefinite. And, in at least six instances reported by the Department of Justice, courts have authorized unspecified periods of delay—such as delays until the conclusion of an investigation.

Over the last 3 months, at the Judiciary Committee's request, the Department of Justice has furnished new information about its use of delayed notice search warrants. This data shows that delayed notice warrants account for less than 0.2 percent of the warrants handled by Federal district courts. Moreover, delayed notice warrants based solely on seriously jeopardizing an investigation account for less than 1 in every 1,500 warrants—mitigating concerns that the ''catch-all'' provision is being overused. DOJ has also now supplied summaries of 15 cases—out of a total of 22 where the delay was based solely on the ''catch-all.'' In these cases, the delay was based on the substantial risk of comprising a title III wiretap or frustrating efforts to identify the full scope of a complex criminal enterprise. Accordingly, the draft bill does not eliminate seriously jeopardizing an investigation as a basis for delay. Instead, the bill enhances reporting requirements—including the addition of new public reporting requirements—to ensure that DOJ continues to use this authority responsibly. The bill also requires the court to set a ''date certain'' for notice to be provided, eliminating concerns about indefinite delays. The bill permits extensions of the delay period, but requires that extensions be granted only ''upon an updated showing of the need for further delay.'' Finally, the bill limits extensions to 90 days each, which parallels the notice requirements for criminal wiretaps and ''bugs'' which are arguably more invasive that a one-time search, because they may require covert entries and they continue to collect personal data for extended periods of time.

As these changes illustrate, while reauthorizing the PATRIOT Act, we have emphasized enhanced oversight through reporting. This bill adds reporting requirements to several PATRIOT provisions, including the aforementioned public reporting on delayed notice search warrants and FISA business records orders. The bill also adds public reporting on FISA pen registers and the emergency authorization of FISA electronic surveillance. Moreover, throughout FISA, the draft bill adds the Senate and House Judiciary Committees to reporting provisions currently limited to the Senate and House Intelligence Committees.

In addition, we have made adjustments to other provisions of the PATRIOT Act. These include:

Section 203, sharing criminal information with intelligence agencies: The bill requires notice to the authorizing court when foreign intelligence information gathered via a court-authorized criminal wiretap is disclosed to intelligence agencies.

Section 207, Duration of FISA surveillance of non-U.S. persons: The bill extends surveillance periods for non-U.S. persons under FISA, 120 days for original orders, and up to 1 year for extensions. Also, it extends the duration of FISA pen registers for non-U.S. persons, up to 1 year.

Section 212, emergency disclosure of electronic communications: The bill adds new reporting requirements to ensure the government is using this authority appropriately. The bill also makes technical corrections to harmonize the language permitting the emergency disclosure of contents and records.

Section 505, national security letters: The bill incorporates legislation introduced by Senator CORNYN to address a 2004 Federal district court decision holding a national security letter, or NSL, served on an Internet service provider unconstitutional. This legislation permits disclosure to legal counsel; allows court challenges; and permits judicial enforcement of NSLs.

Sunsets: As I have noted, the bill retains sunsets for PATRIOT sections 206, multi-point wiretaps, and 215, FISA orders for business records and tangible things. The bill also extends the sunset date for the ''Lone Wolf'' provision added to FISA by last year's Intelligence Reform and Terrorism Prevention Act until December 31, 2009.

Taken together, these changes provide important checks on the governmental authorities contained in the PATRIOT Act. At the same time, these amendments honor President Bush's call for Congress to reauthorize the act without weakening the tools used to combat terrorism. I am pleased to be joined by Senators FEINSTEIN and KYL in introducing this measure, and I look forward to securing the support of other Judiciary Committee members as we move to consider this bill.

Mr. President, I would ask that the Washington Post editorial mentioned in my remarks, as well as three letters from the Department of Justice on the use of delayed notice warrants, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 2005]

PATRIOT SECOND ACT

Congress passed the USA Patriot Act in haste after the Sept. 11, 2001, attacks. Critics predicted that the act would deal a blow to liberty, while proponents insisted it was essential to the fight against al Qaeda. A wise compromise gave the administration new powers but had them expire at the end of 2005, giving Congress a chance to take a second look. Consequently, various congressional committees are considering whether

the Patriot Act should be reauthorized, rolled back or expanded—and whether this time it should be made permanent, as the administration wishes, or renewed only temporarily.

Although the Patriot Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the most serious infringements on civil liberties in the war on terrorism. It has nothing to do with the detention of Americans as enemy combatants, the abuse of prisoners captured abroad or the roundup of foreigners for minor immigration violations. The law's key sections were designed to expand investigative powers in national security cases and permit more information-sharing between intelligence and law enforcement agencies. These have sparked controversy more because of abuses they might permit than because of anything that is known to have happened. Indeed, there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what's known, it merits reauthorization with minor modifications.

But first more ought to be known. Far from regularly releasing information about its use of the law, the administration has generally hidden even basic information—only to release it when politically convenient. Neither in the Patriot Act nor in the surveillance statute it amended did Congress require the sort of routine public reporting that would offer Americans a useful ongoing sense of the law in operation. And while the administration has, in recent months, released a good deal of information to support its request for reauthorization, the public still lacks a full picture. Before reauthorizing the Patriot Act, Congress needs to demand and release sufficient information. And in revising the law, Congress should make it more transparent, so the public is not at the mercy of the administration's sense of openness.

Nor should reauthorization be permanent. Knowing it had to return to Congress for reauthorization was one of the few incentives for the administration to release information; it's useful to maintain that incentive. And it's not overly burdensome to ask the executive branch to periodically justify its need for such powerful investigative tools.

Finally, the Senate intelligence committee has included as part of its reauthorization package a broad authority for the FBI to collect information from businesses in intelligence matters using an administrative subpoena the FBI can issue on its own. This should not become law. Administrative subpoenas make sense in regulatory matters have made their way into certain criminal and security investigations. But the Justice Department already can get the records it needs using the traditional, wide-ranging investigative powers of the grand jury or another provision of the Patriot Act. Administrative subpoenas are more secretive than grand jury subpoenas, and they involve less scrutiny from prosecutors; they strip away a layer of oversight. The administration may well make a persuasive case for Patriot Act renewal, with increased oversight. But this particular power should not be granted.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, Apr. 4, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We have indicated in some of our responses to questions for the record, including those recently submitted on April 1, 2005, that we would supplement our responses to some questions. This letter is intended to supplement previous information we have provided regarding the usage of section 213 of the USA PATRIOT Act (''the Act''), relating to delayed-notice search warrants. We believe the information contained herein completely answers all the Committee's questions submitted to date regarding section 213 and we look forward to working with you on this and other issues related to the reauthorization of the USA PATRIOT Act.

As you know, the Department of Justice believes very strongly that section 213 is an invaluable tool in the war on terror and our efforts to combat serious criminal conduct. In passing the USA PATRIOT Act, Congress recognized that delayed-notice search warrants are a vital aspect of the Department's strategy of prevention; detecting and incapacitating terrorists, drug dealers and other criminals before they can harm our nation. Codified at 18 U.S.C. §3103a, section 213 of the Act created an explicit statutory authority for investigators and prosecutors to ask a court for permission to delay temporarily notice that a search warrant was executed. While not scheduled to sunset on December 31, 2005, section 213 has been the subject of criticism and various legislative proposals. For the following reasons, the Department does not believe any modifications to section 213 are required.

To begin with, delayed-notice search warrants have been used by law enforcement officers for decades. Such warrants were not created by the USA PATRIOT Act. Rather, the Act simply codified a common-law practice recognized by courts across the country. Section 213 simply created a uniform nationwide standard for the issuance of those warrants, thus ensuring that delayed-notice search warrants are evaluated under the same criteria across the nation. Like any other search warrant, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that the property to be searched for or seized constitutes evidence of a criminal offense. A delayed-notice warrant differs from an ordinary search warrant only in that the judge specifically authorizes the law enforcement officers executing the warrant to wait for a limited period of time before notifying the subject of the search that a search was executed.

In addition, investigators and prosecutors seeking a judge's approval to delay notification must show that, if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following might occur: (1) notification would endanger the life or physical safety of an individual; (2) notification would cause flight from prosecution; (3) notification would result in destruction of, or tampering with, evidence; (4) notification would result in intimidation of potential witnesses; or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial.

To be clear, it is only in these five tailored circumstances that the Department may request judicial approval to delay notification, and a federal judge must agree with the Department's evaluation before approving any delay.

Delayed-notice search warrants provide a crucial option to law enforcement. If immediate notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a ''Hobson's choice'': delaying the urgent need to conduct a search and/or seizure or conducting the search and prematurely notifying the target of the existence of law enforcement interest in his or her illegal conduct and undermine the equally pressing need to keep the ongoing investigation confidential.

A prime example in which a delayed-notice search warrant was executed is Operation Candy Box. This operation was a complex multi-year, multi-country, multi-agency investigative effort by the Organized Crime Drug Enforcement Task Force, involving the illegal trafficking and distribution of both MDMA (also known as Ecstasy) and BC bud (a potent and expensive strain of marijuana). The delayed-notice search warrant used in the investigation was obtained on the grounds that notice would cause serious jeopardy to the investigation (see 18 V.S.C. §2705(a)(2) (E)).

In 2004, investigators learned that an automobile loaded with a large quantity of Ecstasy would be crossing the U.S.-Canadian border en route to Florida. On March 5, 2004, after the suspect vehicle crossed into the United States near Buffalo, Drug Enforcement Administration (DEA) Special Agents followed the vehicle until the driver stopped at a restaurant. One agent then used a duplicate key to enter the vehicle and drive away while other agents spread broken glass in the parking space to create the impression that the vehicle had been stolen. The ruse worked, and the drug traffickers were not tipped off that the DEA had seized their drugs. A subsequent search of the vehicle revealed a hidden compartment containing 30,000 MDMA tablets and ten pounds of BC bud Operation Candy Box was able to continue because agents were able to delay notification of the search for more than three weeks.

On March 31, 2004, in a two-nation crackdown the Department notified the owner of the car of the seizure and likewise arrested more than 130 individuals. Ultimately, Operation Candy Box resulted in approximately 212 arrests and the seizure of $8,995,811 in U.S. currency, 1,546 pounds of MDMA powder, 409,300 MDMA tablets, 1,976 pounds of marijuana, 6.5 pounds of methamphetamine, jewelry valued at $174,000,38 vehicles, and 62 weapons. By any measure, Operation Candy Box seriously disrupted the Ecstasy market in the United States and made MDMA pills less potent, more expensive and harder to find. There has been a sustained nationwide eight percent per pill price increase since the culmination of Operation Candy Box; a permanent decrease of average purity per pill to the lowest levels since 1996; and currency seizures have denied traffickers access to critical resources—preventing the distribution of between 17 and 34 million additional Ecstasy pills to our Nation's children.

Had Operation Candy Box agents, however, been required to provide immediate notification of the search of the car and seizure of the drugs, they would have prematurely revealed the existence of and thus seriously jeopardized the ultimate success of this massive long-term investigation. The dilemma faced by investigators in the absence of delayed notification is even more acute in terrorism investigations where the slightest indication of governmental interest can lead a loosely connected cell to dissolve. Fortunately though, because delayed-notice search warrants are available, investigators do not have to choose between pursuing terrorists or criminals and protecting the public—we can do both.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notice search warrants allow the government to search an individual's ''houses, papers, and effects'' without notifying them of the search. In every case where the government executes a criminal search warrant, including those issued pursuant to section 213, the subject of the search is told of the search. With respect to delayed-notice search warrants, such notice is simply delayed for a reasonable period of time—a time period defined by a Federal judge.

Delayed-notice search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in Dalia v. United States that the Fourth Amendment does not require law enforcement to give immediate notice of the execution of a search warrant. Since Dalia, three Federal courts of appeals have considered the constitutionality of delayed-notice search warrants, and all three have upheld their constitutionality. To our knowledge, no court has ever held otherwise. In short, long before the enactment of the USA PATRIOT Act, it was clear that delayed notification was appropriate in certain circumstances; that remains true today. The USA PATRIOT Act simply resolved the mix of inconsistent rules, practices and court decisions varying from circuit to circuit. Therefore, section 213 had the beneficial impact of mandating uniform and equitable application of the authority across the Nation.

The Committee has requested detailed information regarding how often section 213 has been used. Let us assure you that the use of a delayed-notice search warrant is the exception, not the rule. Law enforcement agents and investigators provide immediate notice of a search warrant's execution in the vast majority of cases. According to Administrative Office of the U.S. Courts (AOUSC), during a 12–month period ending September 30, 2003, U.S. District Courts handled 32,539 search warrants. By contrast, in one 14-month period—between April 2003 and July 2004—the Department used the section 213 authority only 61 times according to a Department survey. Even when compared to the AOUSC data for a shorter period of time, the 61 uses of section 213 still only accounts for less than 0.2% of the total search warrants handled by the courts. Indeed, since the USA PATRIOT Act was enacted on October 26, 2001, through January 31, 2005—a period of more than 3 years—the Department has utilized a delayed-notice search warrant only 155 times.

We have been working with United States Attorneys across the country to refine our data and develop a more complete picture of the usage of the section 213 authority. We have manually surveyed each of the 94 United States Attorneys' Offices for this information which, we understand, is not in a database. We are pleased to report our additional findings below.

In September 2003, the Department made public the fact that we had exercised the authority contained in section 213 to delay notification 47 times between October 2001, and April 1, 2003. Our most recent survey, which covers the time frame between April 1, 2003, and January 31, 2005, indicates we have delayed notification of searches in an additional 108 instances. Since April 1, 2003, no request for a delayed-notice search warrant has been denied. It is possible to misconstrue this information as evidence that courts are merely functioning as a ''rubber stamp'' for the Department's requests. In reality, however, it is an indication that the Department takes the authority codified by the USA PATRIOT Act very seriously. We judiciously seek court approval only in those rare circumstances—those that fit the narrowly tailored statute—when it is absolutely necessary and justified. As explained above, the Department estimates that it seeks to delay notice of fewer than 1 in 500 search warrants issued nationwide. To further buttress this point, the 108 instances of section 213 usage between April 1, 2003, and January 31, 2005, occurred in 40 different offices. And of those 40 offices, 17 used section 213 only once. Looking at it from another perspective over a longer time frame, 48 U.S. Attorneys' Offices—or slightly more than half—have never sought court permission to execute a delayed-notice search warrant in their districts since passage of the USA PATRIOT Act.

To provide further detail for your consideration, of the 108 times authority to delay notice was sought between April 1, 2003, and January 31, 2005, in 92 instances ''seriously jeopardizing an investigation'' (18 U.S.C. §2705(a)(2)(E) was relied upon as a justification for the application. And in at least 28 instances, jeopardizing the investigation was the sole ground for seeking court approval to delay notification, including Operation Candy Box described above. It is important to note that under S. 1709, the ''SAFE Act,'' which was introduced in the 108th Congress, this ground for delaying notice would be eliminated. Other grounds for seeking delayed-notice search warrants were relied on as follows: 18 U.S.C. §2705(a)(2)(A) (danger to life or physical safety of an individual) was cited 23 times; 18 U.S.C. §2705(a)(2)(B) (flight from prosecution) was cited 45 times; 18 U.S.C. §2705(a)(2)(C) (destruction or tampering with evidence) was cited 61 times; and 18 U.S.C. §2705(a)(2)(D) (intimidation of potential witnesses) was cited 20 times. As is probably clear, in numerous applications, U.S. Attorneys' Offices cited more than one circumstance as justification for seeking court approval. The bulk of uses have occurred in drug cases; but section 213 has also been used in many cases including terrorism, identity fraud, alien smuggling, explosives and firearms violations, and the sale of protected wildlife.

Members of the Senate Judiciary Committee have also been concerned about delayed notification of seizures and have requested more detailed explanation of the number of times seizures have been made pursuant to delayed-notice warrants. The Department is pleased to provide the following information.

Seizures can be made only after receiving approval of a Federal judge that the government has probable cause to believe the property or material to be seized constitutes evidence of a criminal offense and that there is reasonable necessity for the seizure. (See 18 U.S.C. §3103a(b)(2)). According to the same survey of all U.S. Attorneys' Offices, the Department has asked a court to find reasonable necessity for a seizure in connection with delayed-notice searches 45 times between April 1, 2003, and January 31, 2005. In each instance in which we have sought authorization from a court during this same time frame, the court has granted the request. Therefore, from the time of the passage of the USA PATRIOT Act through January 31, 2005, the Department exercised this authority 59 times. We previously, in May 2003, advised Congress that we had made 15 requests for seizures, one of which was denied. In total, since the passage of the USA PATRIOT Act, the Department has therefore requested court approval to make a seizure and delay notification 60 times. Most commonly, these requests related to the seizure of illegal drugs. Such seizures were deemed necessary to prevent these drugs from being distributed because they are inherently dangerous to members of the community. Other seizures have been authorized pursuant to delayed-notice search warrants so that explosive material and the operability of gun components could be tested, other relevant evidence could be copied so that it would not be lost if destroyed, and a GPS tracking device could be placed on a vehicle. In short, the Department has sought seizure authority only when reasonably necessary.

The length of the delay in providing notice of the execution of a warrant has also received significant attention from Members of Congress. The range of delay must be decided on a case-by-case basis and is always dictated by the approving judge or magistrate. According to the survey of the 94 U.S. Attorneys' Offices, between April 1, 2003 and January 31, 2005, the shortest period of time for which the government has requested delayed-notice of a search warrant was 7 days. The longest such specific period was 180 days; the longest unspecified period was until ''further order of the court'' or until the end of the investigation. An unspecified period of time for delay was granted for six warrants (four of these were related to the same case). While no court has ever rejected the government's request for a delay, in a few cases courts have granted a shorter time frame than the period originally requested. For example, in one case, the U.S. Attorney for the District of Arizona sought a delay of 30 days, and the court authorized a shorter delay of 25 days.

Of the 40 U.S. Attorneys' Offices that exercised the authority to seek delayed-notice search warrants between April 1, 2003, and January 31, 2005, just over half (22) of the offices sought extensions of delays. Those 22 offices together made approximately 98 appearances to seek additional extensions. In certain cases, it was necessary for the Offices to return to court on multiple occasions with respect to the same warrant. One case bears note. The U.S. Attorney in the Southern District of Illinois sought and received approval to delay notification based on the fifth category of adverse result—that immediate notification would seriously jeopardize the investigation. The length of the delay granted by the court was 7 days. However, the notification could not be made within 7 days and the office was required to seek 31 extensions. So, each week for almost eight straight months, the case agent was made to swear out an affidavit, and the Assistant United States Attorney (AUSA) then had to reappear before the judge or magistrate to renew the delay of notice.

In the vast majority of instances reported by the U.S. Attorneys' Offices, original delays were sought for between 30 to 90 days. It is not surprising that our U.S. Attorneys' Offices are requesting up to 90-day delays. Ninety days is the statutory allowance under Title III for notification of interception of wire or electronic communications (see 18 U.S.C. 2518(8)(d). In only one instance did a U.S. Attorney's Office seek a delay of a specified period of time longer than 90 days (180 days), and the court granted this request. In another instance, an office sought a 90-day delay period, and the court granted 180 days. In seven instances, the Department sought delays that would last until the end of the investigation. In only once instance was such a request modified. In that matter, the court originally granted a 30-day delay. However, when notification could not be made within 30 days, the U.S. Attorney's Office returned to the judge for an extension, and the judge granted an extension through the end of the investigation, for a total of 406 days. This is, according to our survey, the longest total delay a court authorized. However, most extensions were sought and granted for the same period as the original delay requested.

In one case, a court denied a U.S. Attorney's Office's request for an extension of the delay in providing notice. This matter involved three delayed-notice search warrants—all-stemming from the same investigation. The original period of delay sought and granted was for 30 days on all three warrants. The Office then sought 30-day extensions on all three warrants out of concern that the multiple targets of the investigation might flee to a foreign country if notifie.d The court denied our request. The judge in the matter reasoned that the need to delay notification warranted only a 30-day stay of service, particularly in light of the

fact that one of the targets of the investigation was, by this time, in Federal custody in California on an unrelated matter. At some point after notification was made, however, the other targets fled to Mexico.

In sum, both before enactment of section 213 and after, immediate notice that a search warrant had been executed has been standard procedure. Delayed-notice search warrants have been used for decades by law enforcement and, as demonstrated by the numbers provided above, delayed-notice warrants are used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm individuals or compromise investigations, and even then only with a judge's express approval. The investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to make that choice. Section 213 enables us to better protect the public from terrorists and criminals while preserving Americans constitutional rights.

As you may be aware, the Department published a detailed report last year that includes numerous additional examples of how delaying notification of search warrants in certain circumstances resulted in beneficial results. We have enclosed a copy for your convenience.

If we can be of further assistance regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 3, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During the closed session of the Senate Judiciary Committee on April 12, 2005, you requested additional information regarding Section 213 of the USA PATRIOT Act. Specifically, you inquired about examples of where the ''seriously jeopardizing an investigation'' prong was the sole ''adverse result'' used to request delayed notice. In addition to Operation Candy Box, which was detailed in our April 4, 2005, letter to the Committee, we have described seven additional cases below. It is important to note that the twenty-eight instances cited in our April 4 letter do not equate to twenty-eight investigations or cases. For example, some of the cases that used delayed-notice search warrants utilizing the ''seriously jeopardize'' prong involved multiple search warrants.

As we are sure you will agree, the following examples of the use of delayed-notice search warrants illustrate not only the appropriateness of the Department's use of this important tool, but also its criticality to law enforcement investigations.

Example #1: Western District of Pennsylvania:

The Justice Department obtained a delayed-notice search warrant for a Federal Express package that contained counterfeit credit cards. At the time of the search, it was very important not to disclose the existence of a federal investigation, as this would have revealed and endangered a related Title III wiretap that was ongoing for major drug trafficking activities. Originally, the Department was granted a ten-day delay by the court; but the Department sought and was granted eight extensions before notice could be made.

An Organized Crime Drug Enforcement Task Force (''OCDETF''), which included agents from the Drug Enforcement Administration (DEA), the Internal Revenue Service, and the Pittsburgh Police Department, as well as from other state and local law enforcement agencies, was engaged in a multi-year investigation that culminated in the indictment of the largest trafficking organization ever prosecuted in the Western District of Pennsylvania. The organization was headed by Oliver Beasley and Donald ''The Chief'' Lyles. A total of fifty-one defendants were indicted on drug, money laundering and firearms charges. Beasley and Lyles were charged with operating a Continuing Criminal Enterprise as the leaders of the organization. Both pleaded guilty and received very lengthy sentences of imprisonment.

The Beasley/Lyle organization was responsible for bringing thousands of kilograms of cocaine and heroin into Western Pennsylvania. Cooperation was obtained from selected defendants and their cooperation was used to obtain indictments against individuals in New York who supplied the heroin and cocaine. Thousands of dollars in real estate, automobiles, jewelry and cash have been forfeited.

The case had a discernible and positive impact upon the North Side of Pittsburgh, where the organization was based. The DEA reported that the availability of heroin and cocaine in this region decreased as the result of the successful elimination of this major drug trafficking organization. In addition, heroin overdose deaths in Allegheny County declined from 138 in 2001 to 46 in 2003.

While the drug investigation was ongoing, it became clear that several leaders of the drug conspiracy had ties to an ongoing credit card fraud operation. An investigation into the credit card fraud was undertaken, and a search was made of a Fed Ex package that contained fraudulent credit cards. Had the search into the credit card fraud investigation revealed the ongoing drug investigation prematurely, the drug investigation could have been seriously jeopardized. The credit card investigation ultimately resulted in several cases including US v. Larry Goolsby, Sandra Young (Cr. No. 02–74); US v. Lasaun Beeman, Derinda Daniels, Anna Holland, Darryl Livsey and Kevin Livsey (Cr. No. 03–43); US v. Gayle Charles (Cr. No. 03–77); US v. Scott Zimmerman, Lloyd Foster (Cr. No. 03–44). All of the defendants charged with credit card fraud were convicted except one, Lloyd Foster, who was acquitted at trial. These cases have now concluded.

Example #2: Western District of Texas:

The Justice Department executed three delayed notice searches as part of an OCDETF investigation of a major drug trafficking ring that operated in the Western and Northern Districts of Texas. The investigation lasted a little over a year and employed a wide variety of electronic surveillance techniques such as tracking devices and wiretaps of cell phones used by the leadership. The original delay approved by the court in this case was for 60 days. The Department sought two extensions, one for 60 days and one for 90 days both of which were approved.

During the wiretaps, three delayed-notice search warrants were executed at the organization's stash houses. The search warrants were based primarily on evidence developed as a result of the wiretaps. Pursuant to section 213 of the USA PATRIOT Act, the court allowed the investigating agency to delay the notifications of these search warrants. Without the ability to delay notification, the Department would have faced two choices: (1) seize the drugs and be required to notify the criminals of the existence of the wiretaps and thereby end our ability to build a significant case on the leadership or (2) not seize the drugs and allow the organization to continue to sell them in the community as we continued with the investigation. Because of the availability of delayed-notice search warrants, the Department was not forced to make this choice. Agents seized the drugs, continued our investigation, and listened to incriminating conversations as the dealers tried to figure out what had happened to their drugs.

On March 16, 2005, a grand jury returned an indictment charging twenty-one individuals with conspiracy to manufacture, distribute, and possess with intent to distribute more than 50 grams of cocaine base. Nineteen of the defendants, including all of the leadership, are in custody. All of the search warrants have been unsealed, and it is anticipated that the trial will be set sometime within the next few months.

Example #3: District of Connecticut:

The Justice Department used section 213 of the USA PATRIOT Act in three instances to avoid jeopardizing the integrity of a pending federal investigation into a Connecticut drug trafficking organization's distribution of cocaine base and cocaine. The provision was used to place a global positioning device on three vehicles.

These applications were submitted in the case of United States v. Julius Moorning, et al. That case was indicted at the end of April 2004, and 48 of 49 individuals charged have been arrested. As of this date, 38 of the defendants have entered guilty pleas, and several more are being scheduled. The trial of the remaining defendants is scheduled to begin on July 15. All defendants with standing to challenge any of the orders obtained have entered guilty pleas.

The Justice Department believed that if the targets of the investigation were notified of our use of the GPS devices and our monitoring of them, the purpose of the use of this investigative tool would be defeated, and the investigation would be totally compromised. As it was, the principals in the targeted drug-trafficking organization were highly surveillance-conscious, and reacted noticeably to perceived surveillance efforts by law enforcement. Had they received palpable confirmation of the existence of an ongoing federal criminal investigation, the Justice Department believed they would have ceased their activities, or altered their methods to an extent that would have required us to begin the investigation anew.

In each instance, the period of delay requested and granted was 90 days, and no renewals of the delay orders were sought. And, as required by law, the interested parties were made aware of the intrusions resulting from the execution of the warrants within the 90 day period authorized by the court.

Example #4: Western District of Washington:

During an investigation of a drug trafficking organization, which was distributing cocaine and an unusually pure methamphetamine known as ''ice,'' a 30-day delayed-notice search warrant was sought in April 2004. As a result of information obtained through a wiretap as well as a drug-sniffing dog, investigators believed that the leader of the drug distribution organization was storing drugs and currency in a storage locker in Everett, Washington. The warrant was executed, and while no drugs or cash was found, an assault rifle and ammunition were discovered. Delayed notice of the search warrant's execution was necessary in order to protect the integrity of other investigative techniques being used in the case, such as a wiretap. The investigation ultimately led to the indictment of twenty-seven individuals in

the methamphetamine conspiracy. Twenty-three individuals, including the leader, have pled guilty, three are fugitives, and one is awaiting trial.

Example #5: Southern District of Illinois:

The Justice Department used section 213 of the USA PATRIOT Act in an investigation into a marijuana distribution conspiracy in the Southern District of Illinois. In particular, in November 2003, a vehicle was seized pursuant to authority granted under the provision.

During this investigation, a Title III wiretap was obtained for the telephone of one of the leaders of the organization. As a result of intercepted telephone calls and surveillance conducted by DEA, it was learned that a load of marijuana was being brought into Illinois from Texas. Agents were able to identify the vehicle used to transport the marijuana. DEA then located the vehicle at a motel in the Southern District of Illinois and developed sufficient probable cause to apply for a warrant to search the vehicle. It was believed, however, that immediate notification of the search warrant would disclose the existence of the investigation, resulting in, among other things, phones being ''dumped'' and targets ceasing their activities, thereby jeopardizing potential success of the wiretaps and compromising the overall investigation (as well as related investigations in other districts). At the same time it was important, for the safety of the community, to keep the marijuana from being distributed.

The court approved the Department's application for a warrant to seize the vehicle and to delay notification of the execution of the search warrant for a period of seven days, unless extended by the Court. With this authority, the agents seized the vehicle in question (making it appear that the vehicle had been stolen) and then searched it following the seizure. Approximately 96 kilograms of marijuana were recovered in the search. Thirty one seven-day extensions to delay notice were subsequently sought and granted due to the ongoing investigation.

As a result of this investigation, ten defendants were ultimately charged in the Southern District of Illinois. Seven of these defendants have pled guilty, and the remaining three defendants are scheduled for jury trial beginning on June 7, 2005.

Example #6: Eastern District of Wisconsin:

In a Wisconsin drug trafficking case, a delayed-notice search warrant was issued under section 213 because immediate notification would have seriously jeopardized the investigation. In this case, the Department was in the final stages of a two-year investigation, pre-takedown of several individuals involved in the trafficking of cocaine. The Department initially received a delayed-notice search warrant for seven days, and thereafter received three separate seven-day extensions. For each request, the Department showed a particularized need that providing notice that federal investigators had entered the home being searched would compromise the informant and the investigation.

On February 14, 2004, the United States Attorney's Office for the Eastern District of Wisconsin requested a search warrant to look for evidence of assets, especially bank accounts, at a suspect's residence as well as to attach an electronic tracking device on a vehicle investigators expected to find in the garage. The purpose of the device would be to track the suspect and observe his meetings in the final weeks before the takedown. The warrant also requested delayed notice, based on the particularized showing that providing notice that federal investigators had entered the home would compromise an informant and the investigation. The court issued the search warrant and granted the delayed notification for a period of seven days. On February 15, 2004, authorized officers of the United States executed the search warrant on the subject premises. However, agents were unable to locate the vehicle to install the electronic tracking device.

Before the expiration of the initial delayed-notice period, the Department sought an extension of the delay based on the showing that notice would compromise the informant and the investigation. The court granted a seven-day extension, but investigators were still unable to locate the suspect's vehicle during this time. During this period, however, five suspects were charged with conspiring to possess more than five kilograms of cocaine, and arrest warrants were issued for each of the individuals.

After the issuance of the arrest warrants, the Department sought its third delay of notice to allow agents to endeavor to install the electronic tracking device and to attempt to locate the five suspects. Once again, the request was based on the showing that notice would compromise the informant and the investigation. The court granted another seven-day extension, and agents were able to find a location where one suspect appeared to be staying. After locating the suspect, and before the expiration of the delayed-notice period, the government requested a separate warrant for this location and for other locations used by the conspirators. The Department also requested its fourth and final delay in the notice period to allow agents to execute the search warrants sought, and to arrest the suspects. The court granted all requests and the suspects were subsequently arrested. As required by law, notice of the searches was given upon arrest.

Example #7: Eastern District of Washington:

In a drug trafficking and money laundering case in the State of Washington, a delayed-notice search warrant was issued under section 213 because immediate notification would have seriously jeopardized the investigation. In this case, a district judge had authorized the interception of wire and electronic communications occurring over four cellular telephones that were being used in furtherance of drug trafficking and/or money laundering activities. On December 18, 2004, more than one month after the Drug Enforcement Administration (DEA) began surveillance, DEA agents administratively seized a black Ford Focus owned by one of the suspects based on the determination that the vehicle likely contained controlled substances.

On December 21, 2004, the DEA requested a warrant to search the seized vehicle for drugs, and the court issued the warrant based on the DEA's articulation of probable cause. On the same day, the search warrant was executed on the suspect's vehicle, which was still in the DEA's possession pursuant to the administrative seizure. During the search, agents located approximately two kilograms of suspected cocaine and three pounds of suspected methamphetamine. At the time, the service copy of the search warrant was ''served'' on the vehicle.

Due to the nature of the investigation, which included the orders authorizing the interception of wire and electronic communications to and from a number of cellular telephones, the DEA believed that both the continued administrative seizure of the vehicle and notice of the execution of the search warrant would greatly compromise the investigation. Therefore, the DEA requested an order allowing them to remove the served copy of the warrant from the vehicle, and delay notice to the owner for sixty days in order to avoid jeopardizing the ongoing criminal investigation. The court granted the order, concluding that immediate notification would compromise a major drug trafficking and money laundering investigation.

Approximately twenty-five individuals have been indicted as a result of this investigation (eight of whom are still fugitives), and trial is scheduled for this October.

In closing, the Department of Justice believes it is critical that law enforcement continue to have this vital tool for those limited circumstances, such as those discussed above, where a court finds good cause to permit the temporary delay of notification of a search.

We hope the information provided above is helpful. Should you require any further information, please do not hesitate to contact this office.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 28, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your request for more information regarding the use of section 213 of the USA PATRIOT Act (''the Act''), which relates to delayed-notice search warrants. The Department of Justice has provided the Senate Judiciary Committee two letters detailing the specific usage of delayed-notice search warrants. Those letters were sent to the Committee on April 4, 2005, and May 3, 2005, respectively. This letter is intended to supplement the previous information we have already provided the Committee.

As you know, the Department believes very strongly that section 213 is an invaluable tool in the war on terror and our efforts to combat serious criminal conduct. In passing the USA PATRIOT Act, Congress recognized that delayed-notice search warrants are a vital aspect of the Department's strategy of prevention: detecting and incapacitating terrorists, drug dealers and other criminals before they can harm our nation. Codified at 18 U.S.C. §3103a, section 213 of the Act created an explicit statutory authority for investigators and prosecutors to ask a court for permission to delay notice temporarily that a search warrant was executed.

Delayed-notice search warrants have been used by law enforcement officers for decades. Such warrants were not created by the USA PATRIOT Act. Rather, the Act simply codified a common-law practice recognized by courts across the country. Section 213 simply established a uniform nationwide standard for the issuance of those warrants, thus ensuring that delayed-notice search warrants are evaluated under the same criteria across the nation. Like any other search warrant, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that the property to be searched for or seized constitutes evidence of a criminal offense. A delayed-notice warrant differs from an ordinary search warrant only in that the judge specifically authorizes the law enforcement officers executing the warrant to wait for a limited period of time before notifying the subject of the search that a search was executed.

In addition, investigators and prosecutors seeking a judge's approval to delay notification must show that, if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following adverse results might occur: (1) notification would endanger the life or physical safety of an individual; (2) notification would cause flight from prosecution; (3) notification would result in destruction of, or tampering with, evidence; (4) notification would result in intimidation of potential witnesses;

or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial.

To be clear, it is only in these five tailored circumstances that the Department may request judicial approval to delay notification, and a federal judge must agree with the Department's evaluation before approving any delay.

Delayed-notice search warrants provide a crucial option to law enforcement. If immediate notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a ''Hobson's choice'': delaying the urgent need to conduct a search and/or seizure or conducting the search and prematurely notifying the target of the existence of law enforcement interest in his or her illegal conduct and undermine the equally pressing need to keep the ongoing investigation confidential.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notice search warrants allow the government to search an individual's ''houses, papers, and effects'' without notifying them of the search. In every case where the government executes a criminal search warrant, including those issued pursuant to section 213, the subject of the search is told of the search. With respect to delayed-notice search warrants, such notice is simply delayed for a reasonable period of time—a time period defined by a federal judge.

Delayed-notice search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in *Dalia* v. *United States* that the Fourth Amendment does not require law enforcement to give immediate notice of the execution of a search warrant. Since *Dalia*, three federal courts of appeals have considered the constitutionality of delayed-notice search warrants, and all three have upheld their constitutionality. To our knowledge, no court has ever held otherwise. In short, long before the enactment of the USA PATRIOT Act, it was clear that delayed notification was appropriate in certain circumstances; that remains true today. The USA PATRIOT Act simply resolved the mix of inconsistent rules, practices and court decisions varying from circuit to circuit. Therefore, section 213 had the beneficial impact of mandating uniform and equitable application of the authority across the nation.

The Department has provided the Committee with detailed information regarding how often section 213 has been used. Let us assure you again that the use of a delayed-notice search warrant is the exception, not the rule. Law enforcement agents and investigators provide immediate notice of a search warrant's execution in the vast majority of cases. According to Administrative Office of the U.S. Courts (AOUSC), during the 36-month period ending September 30, 2004, U.S. District Courts handled 95,925 search warrants. By contrast, in the 39-month period between the passage of the USA PATRIOT Act and January 31, 2005, the Department used the section 213 authority only 153 times according to a Department survey. Even when compared to the AOUSC data for a shorter period of time, the 153 uses of section 213 still only account for less than 0.2% of the total search warrants handled by the courts.

Specifically, you have inquired about examples of where the ''seriously jeopardizing an investigation'' prong was the sole ''adverse result'' used to request delayed notice. From April 1, 2003, to January 31, 2005, the ''seriously jeopardizing an investigation'' prong has been the sole ground for requesting delayed notice in thirty-two instances. Contrary to concerns expressed by some, this prong is not a ''catch-all'' that is used in run-of-the-mill cases. The Department estimates that fewer than one in 500 of the search warrants that have been obtained since the passage of the PATRIOT Act have been delayed-notice search warrants. In other words, in over 499 of 500 cases, immediate notice was provided. Moreover, fewer than one in three delayed-notice search warrants obtained by the Department in the last two years solely relied on the fact that immediate notification would seriously jeopardize an investigation. Thus, fewer than one in 1,500 search warrants relied solely on this prong, a fact hardly consistent with the concern that the Department will obtain a delayed-notice search warrant in the typical case.

Of those thirty-two instances, delayed-notice search warrants were used in a total of twenty-two investigations. The thirty-two instances do not equate to thirty-two investigations or cases because some of the cases that used delayed-notice search warrants utilizing the ''seriously jeopardize'' prong involved multiple search warrants. The Department of Justice has provided the Committee detailed descriptions of eight of the twenty-two investigations where the ''seriously jeopardizing an investigation'' prong was the sole ''adverse result'' used to request delayed notice. The descriptions already provided include Operation Candy Box, which was detailed in our April 4, 2005, letter to the Committee, and seven additional cases described in a May 3, 2005 letter to the Committee. This letter is intended to supplement the previous information we have provided by detailing the seven remaining investigations that have been unsealed, and identifying the seven remaining investigations that are currently sealed. Two of the seven investigations that remain under seal are terrorism-related.

As we are sure you will agree, the following examples of the use of delayed-notice search warrants illustrate not only the appropriateness of the Department's use of this vital tool, but also its importance to law enforcement investigations.

Example #9: Southern District of Illinois:

The United States Attorney's Office for the Southern District of Illinois used a delayed-notice search warrant pursuant to Title 18 U.S.C. §3103a in the investigation of an OCDETF (Organized Crime Drug Enforcement Task Force) case. Although the Southern District of Illinois handled the investigation, the search warrant application was filed by the United States Attorney's Office in the Eastern District of Missouri because the apartment to be searched was located there. The search warrant was sought because a Title III wiretap revealed that the house to be searched was being used as a safehouse for those trafficking in drugs, and it was believed that the notification of the search warrant would seriously jeopardize the ongoing investigation into the drug organization and its numerous members and frustrate the identification of additional sources of supply. The search warrant was issued by a Magistrate Judge in the Eastern District of Missouri on April 6, 2004, for a period of 7 days. No extensions were requested or authorized. The case was indicted on November 18, 2004. One defendant has pled guilty and thirteen defendants are awaiting trial.

Example #10: Northern District of Georgia:

The United States Attorney's Office for the Northern District of Georgia used section 213 in a drug investigation to delay notice of three search warrants in three locations. A Title III wiretap had revealed that a drug dealer had three stash locations, and the United States Attorney's Office wanted to search those locations without tipping off the drug dealers. A federal judge approved three delayed-notice search warrants that yielded several kilos of cocaine, pounds of ICE, a very pure form of methamphetamine, and firearms. The agents were also able to photograph documentary evidence such as ledgers. The use of the delayed-notice search warrant was successful in cementing the case against the defendant, who was indicted in April 2005.

Example #11: Northern District of Georgia:

The United States Attorney's Office for the Northern District of Georgia also used section 213 in another drug investigation. The DEA had obtained court approval to install and monitor wiretaps of several cellular phones used by high-level members of a Mexican cocaine and methamphetamine distribution cell operating in Atlanta. While monitoring the phones, the targets' conversations showed that they were delivering 100 kilograms of cocaine to a purchaser. Surveillance identified one of the stash houses from which the targets obtained 14 kilograms of the cocaine, and the conversations indicated that more of the cocaine was located in the stash house. At that time, however, the investigation and interceptions on the cell phones had not identified the highest-level members of the cell, so the agents were not in a position to make arrests and take down the organization. The agents therefore needed to seize the cocaine while trying to minimize the chances that the seizure would cause the targets to cease usage of their cellular phones. Investigators decided it was appropriate to seek a delayed-notice warrant that would allow them access to the stash house. A federal judge approved the warrant that resulted in the seizure of 36 kilograms of cocaine, some methamphetamines, and two weapons including a sawed-off shotgun, without having to leave a copy of the warrant and provide confirmation to the targets that they were being watched by law enforcement. Since the subsequent arrests of sixteen individuals for various drug-trafficking charges in this investigation, two have pled guilty, three have been sentenced, five are set for sentencing and six are currently awaiting trial.

Example #12: Western District of New York:

Operation Trifecta was a Title III wiretap investigation being conducted in the United States Attorney's Office for the Southern District of New York, the Western District of New York (WDNY OCDETF Operation Next of Kin) as well as in U.S. Attorney's Offices in California, Ohio, and Arizona and by law enforcement authorities in Mexico. As part of this multi-district and international investigation, Title III wiretap orders were obtained in each of the jurisdictions involved in the investigation. In May 2003, information was received as a result of a Title III interception order that the targets of the investigation were arranging the transportation of a vehicle (''load vehicle'') that was believed to conceal a substantial quantity of cocaine by transporting it on a car carrier. Once it was determined that the car carrier would transport the load vehicle through the Western District of New York, an application was made to search the load vehicle. The magistrate judge that issued the warrant also authorized delay in giving notice of the execution of the search warrant pursuant to section 213 of the USA PATRIOT Act.

Once the car carrier transporting the load vehicle arrived in the Western District of New York, a local Sheriff's Department deputy executed a traffic stop. It was discovered that the VIN plate on the dashboard of the load vehicle appeared to have been tampered with or replaced. As a result of the suspect VIN plate, the load vehicle was removed

from the car carrier, impounded and the car carrier was allowed to proceed on its way. Thereafter, a delayed-notice search warrant was executed on the load vehicle, resulting in 37 kilograms of cocaine being seized from it. After the seizure of the load vehicle, conversations regarding efforts to re-obtain the load vehicle were intercepted between the subjects of the investigation. These efforts continued until July 30, 2003, which was the takedown date for all aspects of the investigation. Extensions of the order delaying notice were obtained until the takedown date. Until they were arrested, the subjects of the investigation were completely unaware as to the actual reason why the load vehicle was seized, and that the cocaine secreted in the load vehicle had been located.

Obviously, had the subjects of the investigation received notice that a search warrant had been obtained for the load vehicle, this investigation would have been seriously compromised. Delayed notice allowed the investigating agencies to make a significant seizure of cocaine while at the same time allowing the investigation, which had national and international ramifications, to continue to its successful conclusion. Twenty defendants were charged in the Western District of New York, and all have pled guilty.

Example #13: Western District of New York:

As a result of investigations in the Western District of New York, the Eastern District of California, and Canada, including wiretaps in all three locations, information was obtained that several defendants were involved in smuggling large quantities of ephedrine, a listed chemical, from Canada into the United States. There were four delayed-notice search warrants issued in the case, which were all justified by the ''seriously jeopardizing an investigation'' prong only; two for premises that were believed to be ''stash houses'' for ephedrine and money; and two for packages sent through the U.S. and Canadian mail which were believed to also contain contraband. All delayed-notice search warrants were issued for 10 days on the grounds that providing notice would adversely affect the investigation of this multi-district case in that the Canadian wiretaps were still up, and a series of arrests were planned for the week following the search in a related drug case in the Eastern District of California. The prosecution in this case is currently pending.

Example #14: Western District of New York:

A delayed-notice search warrant was obtained for the District of Maryland to open and photograph the contents of a safe deposit box that the target, a Canadian citizen, was allegedly using to store his proceeds of drug trafficking. Following the sale of heroin by the target to undercover law enforcement in Maryland, the target was followed back to the U.S./Canada border and observed going to a bank in Niagara Falls, New York before entering Canada. A search warrant was obtained for the safe deposit box, and the money (identified through prerecorded serial numbers) from the purchase of the drugs was found in the box. The contents were photographed but not seized. The notification was delayed until arrests could be made in the case—a period of six months. This target is currently a fugitive while other subjects of the investigation were arrested in August 2003.

Example #15: Western District of Michigan:

The defendant in United States v. Eason was charged on numerous drug-trafficking counts in indictments returned in 1995 and 1996, and was a fugitive until his arrest in July 2004. While the defendant was incarcerated and his case was pending, information was discovered that the defendant was corresponding with associates and family members through the mail at the Kalamazoo County Jail in an attempt to intimidate witnesses, obstruct justice or even contract for the murder of a federal prosecutor. It was determined that the only way to effectively obtain information about these threats was to use a delayed-notice search warrant, which allowed agents to copy the defendant's ingoing and outgoing mail and envelopes, reseal the mail, and then forward the mail to the intended recipient. The judge determined that notifying the defendant of these actions would have seriously jeopardized the investigation. Additional information concerning the underlying threat investigation cannot be disclosed at this time. The defendant was convicted on January 18, 2005 on numerous drug-trafficking counts and faces a statutory range of 20 years to life. His advisory United States Sentencing Guideline range is life imprisonment.

Example #16: District of Maryland—Sealed.

Example #17: Northern District of Georgia—Sealed.

Example #18: Southern District of Iowa—Sealed. Two delayed-notice search warrants were issued in this investigation.

Example #19: Southern District of Ohio—Sealed.

Example #20: Southern District of Ohio—Sealed.

Example #21: Southern District of Texas—Sealed.

Example #22: Western District of New York—Sealed.

In sum, delayed-notice search warrants have been used for decades by law enforcement and, as demonstrated by the numbers and examples provided above, delayed-notice warrants are used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm individuals or compromise investigations, and even then only with a judge's express approval. The investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to make that choice. Section 213 enables us to better protect the public from terrorists and criminals while preserving Americans constitutional rights. The Department of Justice believes it is critical that law enforcement continue to have this vital tool for those limited circumstances, such as those discussed above, where a court finds good cause to permit the temporary delay of notification of a search.

We hope the information provided above is helpful. Should you require any further information, please do not hesitate to contact this office.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

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. 1389

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 ''USA PATRIOT Improvement and Reauthorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Patriot section 203; notice to court of disclosure of foreign intelligence information.
Sec. 3. Patriot section 206; additional requirements for multipoint electronic surveillance under FISA.
Sec. 4. Patriot section 207; duration of FISA surveillance of non-United States persons.
Sec. 5. Patriot section 212; enhanced oversight of good-faith emergency disclosures.
Sec. 6. Patriot section 213; limitations on delayed notice search warrants.
Sec. 7. Patriot section 214; factual basis for pen register and trap and trace authority under FISA.
Sec. 8. Patriot section 215; procedural protections for court orders to produce records and other items in intelligence investigations.
Sec. 9. Patriot section 505; procedural protections for national security letters.
Sec. 10. Sunset provisions.
Sec. 11. Enhancement of sunshine provisions.

SEC. 2. PATRIOT SECTION 203; NOTICE TO COURT OF DISCLOSURE OF FOREIGN INTELLIGENCE INFORMATION.

Section 2517 of title 18, United States Code, is amended by adding at the end the following:

''(9) Within a reasonable time after disclosure is made, pursuant to paragraph (6), (7), or (8), of the contents of any wire, oral, or electronic communication, an attorney for the Government must file, under seal, a notice with the judge that issued the order authorizing or approving the interception of such wire, oral, or electronic communication, stating that such contents or evidence was disclosed and the departments, agencies, or entities to which the disclosure was made.''.

SEC. 3. PATRIOT SECTION 206; ADDITIONAL REQUIREMENTS FOR MULTIPOINT ELECTRONIC SURVEILLANCE UNDER FISA.

(a) PARTICULARITY REQUIREMENT.—Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting before the semicolon at the end the following: '', and if the nature and location of each of the facilities or places at which the surveillance will be directed is not known, and if the identity of the target is not known, the order shall include sufficient information to describe a specific target with particularity''.

(b) ADDITIONAL DIRECTIONS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) by striking ''An order approving an electronic surveillance under this section shall—'';

(2) in paragraph (1), by inserting before ''specify'' the following: ''SPECIFICATIONS.—An order approving an electronic surveillance under this section shall'';

(3) in paragraph (1)(F), by striking ''; and'' and inserting a period;

(4) in paragraph (2), by inserting before ''direct'' the following: ''DIRECTIONS.—An order approving an electronic surveillance under this section shall''; and

(5) by adding at the end the following:

''(3) SPECIAL DIRECTIONS FOR CERTAIN ORDERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court

within 10 days after the date on which surveillance begins to be directed at any new facility or place of—

''(A) the nature and location of each facility or place at which the electronic surveillance is directed;

''(B) the facts and circumstances relied upon by the applicant to justify the applicant's belief that each facility or place at which the electronic surveillance is directed is being used, or is about to be used, by the target of the surveillance; and

''(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed.''.

(c) ENHANCED OVERSIGHT.—

(1) REPORT TO CONGRESS.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting '', and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,'' after ''Senate Select Committee on Intelligence''.

(2) MODIFICATION OF SEMIANNUAL REPORT REQUIREMENT ON ACTIVITIES UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

''(2) Each report under the first sentence of paragraph (1) shall include a description of—

''(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is not known; and

''(B) each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report.''.

SEC. 4. PATRIOT SECTION 207; DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS.

(a) ELECTRONIC SURVEILLANCE ORDERS.—Section 105(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking '', as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''; and

(2) in paragraph (2)(B), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''.

(b) PHYSICAL SEARCH ORDERS.—Section 304(d) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''; and

(2) in paragraph (2), striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''.

(c) PEN REGISTERS.—Section 402(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1842(e)) is amended by—

(1) inserting after ''90 days'' the first place it appears the following: '', except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order issued under this section may be for a period not to exceed 1 year''; and

(2) by inserting after ''90 days'' the second place it appears the following: '', except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an extension of an order issued under this section may be for a period not to exceed 1 year''.

SEC. 5. PATRIOT SECTION 212; ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES.

(a) ENHANCED OVERSIGHT.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

''(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

''(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

''(2) a summary of the basis for disclosure in those instances where—

''(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

(b) TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.—

(1) VOLUNTARY DISCLOSURES.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(8)—

(i) by striking ''Federal, State, or local''; and

(ii) by inserting ''immediate'' before ''danger''; and

(B) by striking subsection (c)(4) and inserting the following:

''(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.''.

(2) DEFINITIONS.—Section 2711 of title 18, United States Code, is amended—

(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) the term 'governmental entity' means a department or agency of the United States or any State or political subdivision thereof.''.

SEC. 6. PATRIOT SECTION 213; LIMITATIONS ON DELAYED NOTICE SEARCH WARRANTS.

(a) GROUNDS FOR DELAY.—Section 3103a(b)(1) of title 18, United States Code, is amended by striking ''may have an adverse result (as defined in section 2705);'' and inserting ''may—

''(A) endanger the life or physical safety of an individual;

''(B) result in flight from prosecution;

''(C) result in the destruction of or tampering with evidence;

''(D) result in intimidation of potential witnesses; or

''(E) otherwise seriously jeopardize an investigation;''.

(b) LIMITATION ON REASONABLE PERIOD FOR DELAY.—Section 3103a(b)(3) of title 18, United States Code, is amended by—

(1) inserting ''on a date certain that is'' before ''within a reasonable period of its execution''; and

(2) after ''good cause shown'' inserting '', subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay''.

(c) ENHANCED OVERSIGHT.—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

''(c) REPORTS.—

''(1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

''(A) the fact that a warrant was applied for;

''(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

''(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

''(D) the offense specified in the warrant or application.

''(2) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In April of each year, the Director of the Administrative Office of the United States Courts shall transmit to Congress a full and complete report—

''(A) concerning the number of applications for warrants and extensions of warrants authorizing delayed notice pursuant to this section, and the number of warrants and extensions granted or denied pursuant to this section during the preceding calendar year; and

''(B) that includes a summary and analysis of the data required to be filed with the Administrative Office by paragraph (1).

''(3) REGULATIONS.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).''.

SEC. 7. PATRIOT SECTION 214; FACTUAL BASIS FOR PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) FACTUAL BASIS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES UNDER FISA.—

(1) APPLICATION.—Section 402(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)(2)) is amended by striking ''a certification by the applicant that'' and inserting ''a statement of the facts relied upon by the applicant to justify the applicant's belief that''.

(2) ORDER.—Section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) is amended by striking ''if the judge finds that'' and all that follows and inserting ''if the judge finds that the application includes sufficient facts to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities and otherwise satisfies the requirements of this section.''.

(b) RECORDS.—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by adding ''and'' at the end; and

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(2) in subparagraph (B)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

''(i) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

''(I) the name of the customer or subscriber;

''(II) the address of the customer or subscriber;

''(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

''(IV) the length of the provision of service by such provider to the customer or subscriber and the types of services utilized by the customer or subscriber;

''(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

''(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

''(VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and

''(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications to or from the service covered by the order—

''(I) the name of such customer or subscriber;

''(II) the address of such customer or subscriber;

''(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; and

''(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.''.

(c) ENHANCED OVERSIGHT.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended—

(1) in subsection (a), by inserting '', and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,'' after ''of the Senate''; and

(2) in subsection (b), by striking ''On a semiannual basis'' through ''the preceding 6-month period'' and inserting, ''In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year''.

SEC. 8. PATRIOT SECTION 215; PROCEDURAL PROTECTIONS FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) FACTUAL BASIS FOR REQUESTED ORDER.—

(1) APPLICATION.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended by striking ''shall specify that the records concerned are sought for'' and inserting ''shall include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought are relevant to''.

(2) ORDER.—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended by striking ''if the judge finds that'' and all that follows and inserting ''if the judge finds that the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, and the application meets the other requirements of this section.''.

(b) ADDITIONAL PROTECTIONS.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2), by inserting after ''An order under this subsection'' the following: ''

''(A) shall describe the tangible things concerned with sufficient particularity to permit them to be fairly identified;

''(B) shall prescribe a return date which will provide a reasonable period of time within which the tangible things can be assembled and made available;

''(C) shall provide clear and conspicuous notice of the principles and procedures set forth in subsections (d) and (f); and

''(D)''.

(c) DIRECTOR APPROVAL FOR CERTAIN APPLICATIONS.—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking ''The Director'' and inserting ''Except as provided in paragraph (3), the Director''; and

(2) by adding at the end the following:

''(3) No application shall be made under this section for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, or medical records containing personally identifiable information without the prior written approval of the Director of the Federal Bureau of Investigation. The Director may delegate authority to approve such an application to the Deputy Director of the Federal Bureau of Investigation, but such authority may not be further delegated.''.

(d) PROHIBITION ON DISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

''(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section other than to—

''(A) those persons to whom such disclosure is necessary to comply with such order;

''(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

''(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(2)(A) Any person having received a disclosure under subparagraph (A), (B), or (C) of paragraph (1) shall be subject to the prohibitions on disclosure under that paragraph.

''(B) Any person making a further disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) shall notify the person to whom the disclosure is made of the prohibitions on disclosure under this subsection.

''(3) An order under this section shall notify, in writing, the person to whom the order is directed of the nondisclosure requirements under this subsection.''.

(e) JUDICIAL REVIEW.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

''(f)(1)(A) Any person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition in the court established under section 103(a).

''(B) That petition may be considered by any judge of the court.

''(C) The judge considering the petition may modify or set aside the order if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful.

''(D) Any petition for review of a decision to affirm, modify, or set aside an order under this paragraph by the United States or any person receiving such order shall be sent to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions.

''(E) The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

''(2)(A) Judicial proceedings under this subsection shall be concluded as expeditiously as possible.

''(B) The record of proceedings, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

''(3) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review any Government submission, which may include classified information, as well as the application of the Government and related materials, ex parte and in camera.''.

(f) ENHANCED OVERSIGHT.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by inserting '', and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,'' after ''of the Senate''; and

(2) in subsection (b)—

(A) by striking ''On a semiannual basis'' through ''the preceding 6-month period'' and inserting ''In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding calendar year'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following:

''(A) The production of tangible things from a library, as defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)).

''(B) The production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

''(C) The production of records related to the purchase of a firearm, as defined in section 921(a)(3) of title 18, United States Code.

''(D) The production of health information, as defined in section 1171(4) of the Social Security Act (42 U.S.C. 1320d(4)).

''(E) The production of taxpayer return information, return, or return information, as defined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)).

''(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

''(d) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

''(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

''(2) the total number of such orders either granted, modified, or denied.''.

SEC. 9. PATRIOT SECTION 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking ''A wire or electronic communication service provider'' and inserting the following:

''(1) IN GENERAL.—A wire or electronic communication service provider''; and

(2) by adding at the end the following:

''(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.''.

(b) NONDISCLOSURE.—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking ''No wire or electronic communication service provider'' and inserting the following:

''(1) IN GENERAL.—No wire or electronic communication service provider''; and

(2) by adding at the end the following:

''(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

''(3) STANDARD OF REVIEW.—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.''.

(c) ENFORCEMENT OF NATIONAL SECURITY LETTERS.—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

''(3) ENFORCEMENT OF REQUESTS.—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.''.

(d) DISCLOSURE OF INFORMATION.—

(1) SECURE PROCEEDINGS.—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

(A) in subsection (a), by adding at the end the following:

''(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App).''; and

(B) in subsection (c), by adding at the end the following:

''(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App).''.

(2) DISCLOSURE TO NECESSARY PERSONS.—Section 2709(c)(1) of title 18, United States Code, as amended by subsection (b), is amended—

(A) by inserting after ''any person'' the following: '', except for disclosure to an attorney to obtain legal advice regarding the request or to persons to whom disclosure is necessary in order to comply with the request,''; and

(B) by adding at the end the following: ''Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.''.

SEC. 10. SUNSET PROVISIONS.

(a) MODIFICATION OF PATRIOT ACT SUNSET PROVISION.—Section 224(a) of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

''(a) IN GENERAL.—Except as provided in subsection (b), sections 206 and 215, and the amendments made by those sections, shall cease to have effect on December 31, 2009, and any provision of law amended or modified by such sections shall take effect on January 1, 2010, as in effect on the day before the effective date of this Act.''.

(b) EXTENSION OF SUNSET ON ''LONE WOLF'' PROVISION.—Subsection (b) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

''(b) SUNSET.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

''(2) SPECIAL RULE.—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.''.

(c) REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.—Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3762) is amended by striking subsection (g).

(d) TECHNICAL AMENDMENT.—Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 is amended to read as follows:

''(a) SHORT TITLE.—This Act may be cited as the 'Uniting and Strengthening America by Providing Appropriate tools Required to Intercept and Obstruct Terrorism Act of 2001' or the 'USA PATRIOT Act'.''.

SEC. 11. ENHANCEMENT OF SUNSHINE PROVISIONS.

(a) RULES AND PROCEDURES FOR FISA COURTS.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

''(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

''(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

''(A) All of the judges on the court established pursuant to subsection (a).

''(B) All of the judges on the court of review established pursuant to subsection (b).

''(C) The Chief Justice of the United States.

''(D) The Committee on the Judiciary of the Senate.

''(E) The Select Committee on Intelligence of the Senate.

''(F) The Committee on the Judiciary of the House of Representatives.

''(G) The Permanent Select Committee on Intelligence of the House of Representatives.

''(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.''.

(b) ENHANCED CONGRESSIONAL OVERSIGHT OF FISA EMERGENCY AUTHORITIES.—

(1) EMERGENCY ELECTRONIC SURVEILLANCE.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807), is amended—

(A) in paragraph (a), by striking ''and'' at the end;

(B) in paragraph (b), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(c) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.''.

(2) EMERGENCY PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(A) in the first sentence, by inserting '', and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,'' after ''the Senate'';

(B) in the second sentence, by striking ''and the Committees on the Judiciary of the House of Representatives and the Senate'';

(C) in paragraph (2), by striking ''and'' at the end;

(D) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) (50 U.S.C. 1824(e)), and the total number of subsequent orders approving or denying such physical searches.''.

(3) EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(b)), as amended by section 7, is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.''.

By Mr. INOUYE (for himself and Mr. SUNUNU):

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Coral Reef Conservation Amendments Act of 2005, legislation to reauthorize and update the Coral Reef Conservation Act of 2000. I am pleased to be joined in this endeavor by Senator JOHN SUNUNU, the new Chairman of the Commerce Committee's National Ocean Policy Study, who is also greatly concerned about the fate of coral reefs and the future well-being of our coastal regions and resources.

Coral reefs, often called the ''rainforests of the sea,'' are among the oldest and most diverse ecosystems on

the planet. Covering less than one percent of the Earth's surface, these fragile resources provide services worth billions of dollars each year to the United States economy and economies worldwide. Coral reef resources provide economic and environmental benefits in the form of food, jobs, natural products, pharmaceuticals, and shoreline protection. In Hawaii, reef-related activities generate $360 million each year for the State's economy, and the overall worth of our reefs has been estimated at close to $10 billion.

However, these reefs are also under pressure from some 1.2 million residents and the seven million tourists visiting each year. Threats range from land-based sources of pollution, overfishing, recreational overuse, alien species introduction, marine debris, coral bleaching and the increased acidity of our oceans. Despite these impacts, there are still remote coral reefs that are largely intact, such as those in the Northwestern Hawaiian Islands. The continued conservation and study of these isolated reefs is necessary for understanding healthy coral reef ecosystems and restoring impacted ecosystems.

The reefs of the Northwestern Hawaiian Islands are an important nesting and breeding site for many endangered and threatened species. A Federal public designation process is underway to manage these areas as a National Marine Sanctuary, under a science-based management scheme that will accommodate multiple uses while achieving the necessary conservation goals. Increased funding and expanded Federal, State and local partnerships in this area have resulted in monitoring, mapping, and research programs have improved our understanding of the spatial and temporal dynamics of Hawaiian reefs which can be used to guide conservation and management decisions.

Through this reauthorization, we can build upon lessons learned in Hawaii and other areas and apply them throughout the United States. A mere five years ago, Congress took its first step toward addressing coral reef declines by authorizing legislation that provided targeted funding to advance our understanding and capacity to address threats to coral reefs. Since then, strong support for these programs around the country, as well as focused funding, have given us much information that will help us strengthen and refocus the legislation. The report of the U.S. Ocean Commission has further underscored the urgent need to improve management and conservation of coral reefs from a variety of threats. Our hearing on coral threats last month provided additional recommendations for changes to move from monitoring to action to improve coral conservation.

The Coral Reef Amendments Act of 2005 responds to these recommendations by increasing annual authorizations under the Coral Reef Conservation Act, starting at $30 million in fiscal year 2006, and increasing to $35 million in fiscal year 2009 to 2012. This roughly doubles the authorization levels in the existing act. It also gives priority attention to local action strategies and territorial needs, as well as on prevention of physical damage from vessel impacts. A new $8 million Community-Based Planning Grants program is included to encourage and enhance on-the-ground efforts to develop and implement coral management and protection plans, working through appropriate Federal and State management agencies. I am particularly pleased that this grant program will encourage adoption of traditional and island-based management approaches, many of which have a long history in the Pacific region.

The bill also fills a gap in authority needed for NOAA to respond to vessel groundings on coral reefs, damage that compounds over time if left unaddressed. Grounded vessels have remained on reefs, and have been a particular problem, when there is no viable owner or when the grounding occurs under circumstances that do not allow for response under authorities such as the National Marine Sanctuaries Act or the Oil Pollution Act. The July 2, 2005, grounding of the survey vessel CASITAS in the remote Northwestern Hawaiian Islands, and the damage caused in American Samoa several years ago when a typhoon drove 9 abandoned fishing vessels onto reefs in Pago Pago harbor, highlight the vulnerability of coral reefs to groundings, and limitations of existing law and funding.

The bill responds to these needs by giving NOAA statutory authority to respond on an emergency basis to prevent or mitigate coral reef destruction from vessel or other physical impacts, including damage caused by natural disasters. The bill also authorizes NOAA to use Coral Reef Conservation Funds for these purposes, and encourages leveraging resources and assistance from other Federal agencies, as well as private sources. To assist in preventing future groundings, the bill authorizes NOAA to establish a vessel grounding inventory, identify reefs outside National Marine Sanctuaries that are at risk, and recommend measures that may be used to prevent future groundings, such as navigational aids or beacons to warn mariners.

Finally, the bill specifically directs NOAA to coordinate on the federal, state, and local levels to implement the U.S. National Coral Action Strategy.

I hope that my colleagues will join me in supporting this bill. 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. 1390

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 ''Coral Reef Conservation Amendments Act of 2005.''.

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended—

(2) by striking ''GEOGRAPHIC AND BIOLOGICAL'' in the heading and inserting ''PROJECT'';

(2) by striking ''40 percent'' in paragraph (2) and inserting ''30 percent''; and

(3) by striking paragraph (3) and inserting the following:

''(3) Remaining funds shall be awarded for—

''(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

''(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.''.

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (9);

(2) by redesignating paragraph (10) as paragraph (12); and

(3) by inserting after paragraph (9) the following:

''(10) activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those activities described in section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs;

''(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems; or''.

SEC. 3. EMERGENCY RESPONSE.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended to read as follows:

''SEC. 206. EMERGENCY RESPONSE ACTIONS.

''(a) IN GENERAL.—The Administrator may undertake or authorize action necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts or other physical damage to coral reefs, including damage from unforeseen or disaster-related circumstances.

''(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel and any impacted coral reef.

''(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

''(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and the Department of the Interior; and

''(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws, such as the Oil Pollution Act of 1990, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Federal Water Pollution Control Act.''.

SEC. 4. NATIONAL PROGRAM.

Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking ''partners.'' in paragraph (4) and inserting ''partners; and''; and

(3) by adding at the end the following:

''(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those activities described identified in section 210(b).''.

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

''SEC. 208. REPORT TO CONGRESS.

''Not later than March 1, 2007, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

''(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

''(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

''(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;''

''(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

''(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking the item relating to section 208 and inserting the following:

''208. Report to Congress.''.

SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) IN GENERAL.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by striking ''organization solely'' and all that follows in section 205(a) (16 U.S.C. 6404(a)) and inserting ''organization—

''(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203: and

''(2) to address emergency response actions under section 206.'';

(2) by adding at the end of section 205(b) 16 U.S.C. 6404(b)) ''The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including activities described in section 210(b)(2).'';

(3) by striking ''the grant program'' in section 205(c) (16 U.S.C. 6404(c)) and inserting ''any grant program or emergency response action'';

(4) by redesignating sections 209 and 210 as sections 212 and 213, respectively; and

(5) by inserting after section 208 the following:

''SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

''(a) IN GENERAL.—The Administrator may make grants to entities who have received grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and the best scientific information available as high priorities for focused attention. The plans shall—

''(1) support attainment of 1 or more of the criteria described in section 204(g);

''(2) be developed at the community level;

''(3) utilize watershed-based approaches;

''(4) provide for coordination with Federal and State experts and managers; and

''(5) build upon local approaches or models, including traditional or island-based resource management concepts.

''(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '25 percent' shall be substituted for '50 percent'.

''SEC. 210. VESSEL GROUNDING INVENTORY.

''(a) IN GENERAL.—The Administrator may maintain an inventory of all vessel grounding incidents involving coral reef resources, including a description of—

''(1) the impacts to such resources;

''(2) vessel and ownership information, if available;

''(3) the estimated cost of removal, mitigation, or restoration;

''(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

''(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

''(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

''(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

''(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef areas outside designated National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage; and

''(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.

''SEC. 211. REGIONAL COORDINATION.

''The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating the items relating to sections 208 through 211 as relating to sections 211 through 214; and

(b) by inserting the following after the item relating to section 207:

''209. Community-based planning grants.
''210. Vessel grounding inventory.
''211. Regional coordination.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 6, is amended—

(1) by striking ''$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004,'' in subsection (a) and inserting ''$30,000,000 for fiscal year 2006, $32,000,000 for fiscal year 2007, $34,000,000 for fiscal year 2008, and $35,000,000 for each of fiscal years 2009 through 2012, of which no less than 30 percent per year (for each of fiscal years 2006 through 2012) shall be used for the grant program under section 204 and up to 10 percent per year shall be used for the Fund established under section 205,'';

(2) by striking ''$1,000,000'' in subsection (b) and inserting ''$2,000,000''; and

(3) by striking subsection (c) and inserting the following:

''(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2007 through 2012, such sum to remain available until expended.''; and

(4) by striking subsection (d).

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY)

S. 1391. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Child, Worker and Consumer Safe Chemicals Act of 2005. Senators JEFFORDS, BOXER, KERRY, CORZINE, CLINTON and KENNEDY are cosponsors of this legislation.

Every day, Americans use household products that contain hundreds of chemicals. Most people assume that those chemicals have been proven safe for their families and children. Unfortunately, that assumption is wrong. Many chemicals that have been in use for decades have never been tested for their health effects.

Over 40 years ago Rachel Carson, in her book Silent Spring, warned about the danger of using chemicals that had not been fully tested. Today, nearly all of those same chemicals are still being used—yet to this day most of them have never been tested for their health effects.

Many of these chemicals perform amazing services and make our lives easier. But in recent years study after study has raised concerns about some of the chemicals that are used in thousands of products.

For instance, take the common baby bottle. Many baby bottles contain the chemical ''Bisphenol A'' which at very low doses has been shown to affect reproduction, the immune system, brain chemistry, behavior and more. How great is the risk of using Bisphenol A in baby bottles, water bottles and other everyday products? The answer is ''we don't know.''

Mothers have every right to expect their babies to be safe from exposure to toxic chemicals—before and after birth. We have laws to make sure that pesticides and medicines are safe—and even toys. But we fail to require similar assessments for the chemicals used in baby bottles, water bottles, food packages and thousands of other products. This is inexcusable.

But the current law, known as ''Toxic Substances Control Act'' (TSCA) actually sets up roadblocks to EPA getting the vital information it needs to determine whether these chemicals are safe. So last year, I asked the Government Accountability Office (GAO) to assess TSCA to determine how effective it has been in doing the job of protecting public health and the environment.

In the GAO report released today, Chemical Regulation: Options Exist to Improve EPA's Ability to Assess Health Risks and Manage its Chemical Review Program, we learn that TSCA is such an ineffective and burdensome law that it often fails to protect our children, workers and the general population from exposure to carcinogens such as asbestos—for which there is no safe level of exposure.

According to the GAO, only five chemicals that existed 29 years ago when Congress passed TSCA have ever been restricted by EPA. In 29 years, the agency has formally requested health and environmental effects information on just 200 chemicals—out of about 80,000.

The GAO reports, ''EPA does not routinely assess existing chemicals and has limited information on their health and environmental risks.'' It adds, ''EPA lacks sufficient data to ensure that potential health and environmental risks of new chemicals are identified.''

Children are the most sensitive population to chemical pollutants and we must protect that sacred bond between a mother and her child. Again, it is inexcusable that our laws require extensive data to approve pesticides and pharmaceuticals as safe—but fail to require similar analysis for the chemicals used in baby bottles, water bottles, food packages and thousands of other products.

That is why today I am introducing The Child-Safe Chemicals Act. My bill will establish a safety standard that each chemical on the market must meet. It shifts the burden for proving that chemicals are safe from EPA to the chemical manufacturers. Under my bill, the manufacturers must provide the EPA with whatever data it needs to determine if a chemical use meets the safety standard. And the bill strengthens EPA's authority to restrict the use of chemicals which fail to meet that standard.

I have ten grandchildren . . . and I believe we have a sacred duty to protect the health of infants and children. I agree with Daniel Maguire, a professor of religious ethics at Marquette University who stated, ''As a principle of ethics, whatever is good for kids is good; whatever is bad for kids is ungodly.''

My bill has been endorsed by the American Public Health Association and many of the nation's leading pediatricians. The American people have a right to assume that the products they use are safe. This bill will help guarantee that right.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Kid Safe Chemicals Act with Senators LAUTENBERG, BOXER, KERRY, CORZINE, CLINTON and KENNEDY. The purpose of the bill is simple—improve children's health by reducing exposure to harmful toxic chemicals in everyday consumer products.

Synthetic chemicals play an integral role in the US economy and in enhancing our quality of life. Yet—like most Americans—I assumed basic safeguards were in place to ensure that chemicals widely used in household products were first determined to be safe. Sadly, this assumption is false.

A new report, issued today by the Government Accountability Office, shows that most chemicals used in consumer products today have never undergone any Federal safety review. Further, the report demonstrates that EPA lacks the necessary legal tools to protect our children from harmful chemicals. The report, which I requested along with Senators LAUTENBERG and LEAHY, is titled ''Chemical Regulation: Options Exist to Improve EPA's Ability to Assess Health Risks and Manage its Chemical Review Program.''

To all people who care about our children's health, GAO's conclusions should be a call to action. Three findings merit particular attention.

First, GAO found that ''EPA does not routinely assess the human health and environmental risks of existing chemicals and faces challenges obtaining the information necessary to do so.'' For example, the Agency has required testing for fewer than 200 of the 62,000 chemicals used in commerce since EPA began reviewing chemicals in 1979.

Additionally, GAO found that ''EPA's reviews of new chemicals provide limited assurance that health and environmental risks are identified before the chemicals enter commerce.'' According to the report, chemical companies generally do not test new chemicals for toxicity or gauge human exposure levels before they are submitted for EPA review, forcing the Agency to rely on predictive modeling that ''does not ensure that the chemicals' risks are fully assessed before they enter commerce.''

Finally, even when EPA has toxicity and exposure information on chemicals showing significant health risks, GAO found that the Agency has difficulty overcoming the legal hurdles needed to take action. As a result, in almost three decades, EPA has issued regulations to ban or limit the production or restrict the use of only five chemicals.

Our toxic ignorance would be less alarming if it wasn't coupled with overwhelming evidence of widespread human exposure. Study after study—including those by the Centers for Disease Control—have found a cocktail of synthetic chemicals in the blood and tissue of most people tested. For example, bio-monitoring studies have found Bisphenyl A, a chemical used in plastic baby pacifiers, water bottles, and food and beverage containers, in 95 percent of people tested. Similarly, chemicals such as P-FOA, which is used in nonstick Teflon pans, and polybrominated diphenyl ethers, used as flame retardants, are regularly found in breast milk and fetal liver tissue.

To be clear, the health effects of these chemicals are unknown. Unknown because no one is required to look. We do know, however, that most of us are carrying in our bodies dozens—if not hundreds—of synthetic chemicals to which our grandparents were never exposed. We also know that the incidence of certain cancers and neurological and developmental disorders linked to chemical exposure are on the rise.

The Kid Safe Chemical Act would fundamentally overhaul the nation's chemical management framework. First, it would protect kids by requiring chemical manufacturers to perform basic testing of their products. Second, it would reduce our toxic ignorance by providing much needed hazard and exposure information to EPA and the public. Third, using a science based, worst-first priority system, EPA would be required to determine the safety of 300 chemicals within the next five years. By 2020, all chemicals distributed in commerce would need to meet the safety standard.

To avoid imposing an undue burden on industry, the Kid Safe Chemicals Act relies on essentially the same safety standard as the Food Quality Protection Act, which passed the Gingrich-Lott Congress unanimously and which chemical manufacturers themselves have complied with for the past decade. In short, chemical manufacturers would need to establish to EPA that there was ''a reasonable certainty of no harm'' before distributing their chemicals in commerce. A ten-fold safety factor would be built in to account for the unique sensitivity of children.

Finally, the Kid Safe Chemicals Act encourages innovation of less toxic chemicals by removing existing disincentives and initiating a safer alternatives and green chemistry program.

As a result, the bill has been endorsed by a wide array of public health groups, such as the Breast Cancer Fund, the Center for Children's Environmental Health, and the American Public Health Association.

I believe that the Kid Safe Chemicals Act represents a rational, common sense approach to reducing children's exposure to toxic chemicals.

By Mr. SMITH (for himself and Mr. DORGAN):

S. 1392. A bill to reauthorize the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator DORGAN to introduce the FTC Reauthorization Act of 2005.

As the chairman of the Subcommittee on Trade, Tourism, and

Economic Development, I am pleased to have Senator DORGAN, the ranking member of the subcommittee join me to introduce this important bill. Our subcommittee has jurisdiction over the Federal Trade Commission and its missions and this legislation would reauthorize the FTC from fiscal year 2006 through 2010.

The FTC reauthorization bill is important for the FTC to carry out its critical mission of preventing unfair competition and protecting consumers from unfair or deceptive acts or practices in the marketplace.

The responsibility to protect consumers is quite broad and includes a wide array of deception and unfair business practices, including price fixing, telemarketing fraud, Internet scams, and consumer identity theft.

As a product of its responsibilities, the FTC plays a vital role in maintaining integrity in the marketplace and strengthening our economy.

This legislation authorizes appropriations to fund the FTC's operations including moneys for efforts to secure data privacy and to combat spyware and identity theft. These are areas that have posed an increased threat to consumers recently, affecting millions of consumers with a pricetag to society in the billions of dollars.

The services and protections the FTC performs for consumers are invaluable and we need to pass an authorization bill, which it has operated without since 1998.

I urge my colleagues to support this legislation and its expeditious passage through the Congress.

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. 1392

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''FTC Reauthorization Act of 2005.''

SEC. 2. REAUTHORIZATION.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

''There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $213,000,000 for fiscal year 2006, $241,000,000 for fiscal year 2007, $253,000,000 for fiscal year 2008, $264,000,000 for fiscal year 2009, and $276,000,000 for fiscal year 2010.''.

By Mr. VITTER:

S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Homeland Security and Governmental Affairs.

Mr. VITTER. Mr. President, I rise to introduce the Hospital Emergency Reimbursement Act of 2005. This bill will help ensure the safety of many patients, elderly residents, and those who require critical care during the event of a hurricane or other disaster.

Each year, natural disasters place millions of Americans in harm's way. Hurricanes, floods, and other hazards pose a particular danger to people with special needs. Many patients depend on technology to keep them alive. For them, electricity is a necessity that makes lengthy evacuations a life-threatening race against the clock. These patients must be sheltered in medical facilities with reliable power generators that will perform during a severe storm and during the immediate recovery period after the storm.

Providing for their safety is precisely why I am introducing the Hospital Emergency Reimbursement Act. This bill will enable the Federal Emergency Management Agency, under certain circumstances, to reimburse private for-profit hospitals that shelter special needs patients during federally declared disasters.

Currently, FEMA only has the authority to reimburse a hospital for sheltering if it is a public or nonprofit institution. However, the number of these facilities is shrinking in many communities. The guidelines for providing assistance must acknowledge this reality. Last year in Louisiana, two people with critical needs died in transit from New Orleans to a temporary public facility in Baton Rouge in the evacuation for Hurricane Ivan. With every storm or evacuation order, tens of thousands of families with relatives in critical condition scramble to make arrangements to protect their loved ones.

By allowing reimbursement to additional private facilities, the Hospital Emergency Reimbursement Act of 2005 would promote the safety of Americans around the Nation by allowing greater flexibility during an emergency. The amount of reimbursement provided by FEMA under this bill would be limited to the same amount available to public and nonprofit facilities. Furthermore, funds would be available to for-profit hospitals when public and nonprofit facilities within a 30-mile radius have met or exceeded their capacity. Under this measure, public and non-profits still are used first for emergency needs, with private for-profit hospitals available as backup to ensure that everyone in a medically critical condition is covered.

I urge my colleagues to support the Hospital Emergency Assistance Act of 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 197—TO COMMEMORATE THE 60TH ANNIVERSARY OF THE TRINITY TEST, THE CULMINATION OF THE MANHATTAN PROJECT, AND TO HONOR THE PEOPLE WHO MADE IT POSSIBLE

Mr. DOMENICI (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 197

Whereas the Trinity Test of July 16, 1945, in Alamogordo, New Mexico, the detonation of the first atomic device, demonstrated scientific and engineering capabilities applied to understanding the atom and for the first time the practical application of nuclear fission, changing mankind's understanding of the universe;

Whereas the Manhattan Project, the project for the development of that device, involved the labors of 130,000 men and women over 28 months at a cost of more than $2,200,000,000, and was one of the largest single scientific and engineering endeavors in history;

Whereas the fruits of the Manhattan Project brought an early end to World War II and saved the lives of countless military and civilian personnel on all sides in that conflict;

Whereas the scientific accomplishments demonstrated by the Manhattan Project provided a new era of technological development resulting in clean energy sources, new medical technologies, supercomputers, and a host of new materials and processes;

Whereas the Manhattan Project was a model for collaboration between the Government, the private sector, and United States institutions of higher education, as well as scientists and engineers of all nationalities, who worked to preserve freedom;

Whereas the success of the Manhattan Project played a central role in the development of the modern research enterprise in the United States, including the establishment of the National Science Foundation and the National Institutes of Health; and

Whereas, with the passage of time, it becomes more important to preserve the historic facilities used during the Manhattan Project, and to honor those remaining men and women who took part in it:

Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the significance of the 60th anniversary of the Trinity Test of July 16, 1945, in Alamogordo, New Mexico, the detonation of the first atomic device, as marking one of the one of the seminal events in human history and one that epitomizes the American spirit;

(2) acknowledges the brilliance and dedication of the men and women of all nationalities who strove so valiantly to make it happen; and

(3) recognizes the critical role of science and technology in keeping our Nation free and prosperous.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1218. Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, Mr. SARBANES, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, Mr. CORZINE, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, and Mr. ROCKEFELLER)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1219. Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to amendment SA 1124 proposed by Mr. ENSIGN to the bill H.R. 2360, supra.

SA 1220. Mr. GREGG proposed an amendment to amendment SA 1205 proposed by Mr. SHELBY (for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER,

Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY) to the bill H.R. 2360, supra.

SA 1221. Mr. GREGG (for Mr. HATCH) proposed an amendment to amendment SA 1171 proposed by Mr. MCCAIN TO THE BILL H.R. 2360, SUPRA.

TEXT OF AMENDMENTS

SA 1218. Mr. REID (for Mr. BYRD, (for himself, Mr. INOUYE, Mr. SARBANES, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, Mr. CORZINE, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, and Mr. ROCKEFELLER)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending september 30, 2006, and for other purposes; as follows:

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$4,025,300,000''.

On page 78, line 13, strike ''$365,000,000'' and insert ''$1,696,000,000''.

On page 79, strike lines 1 through 4 and insert the following:

(D) $265,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail and $1,166,000,000 for transit security grants; and

SA 1219. Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to amendment SA 1124 proposed by Mr. ENSIGN to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following: page 77, line 20, insert ''of which $367,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and'' after ''local grants,''.

SA 1220. Mr. GREGG proposed an amendment to amendment SA 1205 proposed by Mr. SHELBY (for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY) to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,299,000, which shall be allocated as follows:

(1) $1,417,999,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $195,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $15,000,000 shall be for intercity bus security grants;

(D) $200,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.''.

SA 1221. Mr. GREGG (for Mr. HATCH) proposed an amendment SA 1171 proposed by Mr. MCCAIN to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

(A) On line 3, page 2, strike ''.'' and insert '';''.

(B) Add at the end, ''Provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).''

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled Climate Change Science and Economics, will be held on Thursday, July 21 at 10 a.m. in Room SH–216.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Steve Waskiewicz at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 13, 2005, at 9:30 a.m., to receive testimony on the investigation into FBI allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. 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 July 13, 2005, at 10 a.m., to conduct a hearing on ''Money Laundering and Terror Financing issues in the Middle East.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 13, 2005, at 9:30 a.m. for a hearing titled, ''Chemical Facility Security: What Is the Appropriate Federal Role?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Habeas Corpus Proceedings and Issues of Actual Innocence'' on Wednesday, July 13, 2005, at 9:30 a.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Wednesday, July 13, 2005, at 10 a.m., on the Financial Stability of the Airlines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on July 13, 2005, at 9:30 a.m., to hold a hearing to discuss the Endangered Species Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMY PFC MEGAN ADELMAN-TENNY

Mr. DEWINE. Mr. President, next week, on Saturday, July 23, people of all ages will gather for a special 5K race in Alliance, OH. This race will benefit the Megan Adelman-Tenny Foundation, which was set up in memory of Army PFC Megan Adelman-Tenny, who was killed in an airborne training accident on January 25, 2005, when her parachute failed to open. She was 19 years old.

This foundation will award an annual scholarship to a high school student who has participated in cross-country, has lettered in the sport, and who possesses the same attributes that made Megan such a special person. I rise today to pay tribute to Megan and to celebrate those attributes—her zest for life, her zeal for organization, and her unmatched competitiveness.

According to her mother Melissa, Megan grew up as a ''tomboyish'' girl. She was always outside, riding her bike or rollerblading. She never backed down from her older siblings and twin-brother, Matt. She was always speaking her mind and asserting her will. Her sister, Tina, describes her as ''energetic and full of life. She was a kick-butt girl. She took no prisoners. She didn't let anything hold her back.''

Indeed, Megan was someone who lived her life to the fullest. At Alliance High School, Megan played the violin, sang in the choir, and ran on the cross-country team. Starting her sophomore year, Megan also worked part-time at McDonald's. Her involvement in all these activities left her just enough time to spend with her junior high and high school sweetheart—the love of her life—Joshua Tenny.

As a testament to Megan's penchant for living in the moment, she and Joshua eloped on December 22, 2004. Her older brother, Marcus, remembers the surprising elopement:

> I picked Megan and Joshua up, and we were driving to the Best Buy store in Canton, and Megan told me they needed to make a stop first because they wanted to get married. So, we went to the municipal building in Canton. They filled out all the paperwork for their marriage license and were getting excited. . . . It was spur-of-the-moment, but they wanted to get married and be together.

While Megan lived her life as it came to her, she was also the type of person who made plans, set goals, and did her best to fulfill them.

As a member of the cross-country team, Megan took responsibility for packing the medical bag, organizing meets, and taking care of her twin-brother. According to their mom, Megan acted as another mother to Matt. She cooked for him, cleaned his room, and packed his cross-country bag before meets.

In addition to being exceptionally organized, Megan was also a fierce competitor. In junior high school, she faced the choice between two sports: basketball and cross-country. Megan decided to join the cross-country team, an individual sport in which the athletes must compete with other runners, as well as their own bodies.

Megan excelled. She was a fantastic runner, qualifying for the State meet three times. She was a leader on her team and inspired others to do their best. Her track coach, Al Eibel, remembers Megan as a hard worker who never complained. During the 2002 season, Megan was clipped by a car mirror while on a practice road-run. Though she didn't break it, her arm was badly bruised and swollen. Even though she could barely move her arm, Megan competed a few days later. Coach Eibel recalls Megan's perseverance:

> I know she was in pain, but she didn't say a word. She ran, and by districts, she was fine. Everyone knew we'd always be able to count on Megan.

Upon graduating from high school, Megan knew that it wasn't the right time for her to go to college. She didn't feel particularly drawn to it and, with two siblings already attending Ohio University, Megan knew it would be a financial hardship for her family. Instead of college, Megan made a plan to serve 4 years in the Army, with her husband Joshua, and then start a family. She reserved a place for college at a later time, if she felt inclined to go.

Her mother remembers Megan's decision to join the Army:

> She thought about it and came to the conclusion she was going to do it. And, she went in and did it with gusto.

Megan completed advanced individual specialty training in human resources and was part of the 82nd Airborne at Fort Bragg, NC. Megan's organizational skills and attention to detail allowed her to breeze through basic training. At one point, she even mentioned to her mother that she might want to become a drill sergeant. Her mother said:

> Well, you're bossy and you're organized—I don't see what would keep you from doing it.

It didn't surprise anyone when Megan was the strongest woman and fastest person in her basic training unit. She earned the nickname ''Speedy Gonzales'' from others in her unit because of her running ability. Megan was not someone who held back when it came to competition and she never backed down from anyone or anything.

Her brother, Marcus remembers Megan crying during boot-camp, not because it was difficult, but because she felt others were not taking it as seriously as she was. That's just the type of person Megan was. She was passionate about the things and the people she cared about.

Marcus talked to his sister after she had completed her first training jump with the 82nd Airborne. Megan, who was always something of a daredevil, had ''loved the jump.'' She told her brothers and sister that they would have to try sky diving with her. Megan was also extremely excited about her next jump and her career in the Army. Frankly, Megan was just excited about life.

Any person who devotes a large part of their time and effort to competitive running has probably seen the movie ''Chariots of Fire.'' In the film, one of the characters asks the question: ''[W]here does the power come from to see the race to its end?'' The answer to this question is, ''From within.''

Megan Adelman-Tenny had that power, that passion, that drive from within, which allowed her to accomplish anything she set her mind to. She was someone who, like any good runner, took things step by step, while also keeping the finish line in sight.

On July 23, many people will run and walk 5 kilometers in memory of Megan. And, with each step taken, they honor her life.

As I think about Megan's short, but full life, I am reminded of a very familiar passage from the Bible, a passage from St. Paul's second letter to Timothy, in which St. Paul said:

> [T]he time of my departure has come. I have fought the good fight. I have finished the course. I have kept the faith.

There is no question, Megan Adelman-Tenny fought the good fight. She finished the course. She kept the faith. Megan was truly a wonderful young woman, whom we will never forget.

My wife, Fran, and I continue to keep Megan's husband, Joshua, her parents, Mark and Melissa, her sister Tina, and brothers Marcus and Matt in our thoughts and in our prayers.

MARINE CORPORAL RICHARD GILBERT, JR.

Mr. DEWINE. Mr. President, I rise today to pay tribute to Marine Cpl Richard Gilbert, Jr., from Dayton, OH, who gave his life in the defense of freedom on January 26, 2005. Richard lost his life in a helicopter accident near the town of Rutba, Iraq. Thirty-one service members lost their lives in this tragic accident.

Having just completed major operations in Fallujah, Richard and his unit were on their way to help secure Iraq for the upcoming elections. They sacrificed their lives standing up for freedom and standing against terror and tyranny. Like his comrades who perished with him, Richard Gilbert gave his body, will, and soul to his country and for his country. For that I wish to honor him this evening.

Richard Gilbert was born on May 12, 1978. He was a caring boy, who loved animals and being outdoors. He hated when people cried. His mother, Helen, recalls that if Richard saw anyone around him crying, he would go over to them, throw one of his small arms

around their shoulders, and tell them it was ''ok.''

As Richard grew up, he made friends, played Little League, and followed his favorite sports teams. He was an avid fan of the University of Dayton Flyers basketball team and The Ohio State University football team. His support of the Buckeye's football team, however, caused a bit of tension in the Gilbert home every year in the late fall. It seems Richard's brother was a Michigan Wolverines fan and according to their mother, when the Wolverines and the Buckeye's squared off, ''You didn't even want to be near the house when those boys watched the game!''

When Richard wasn't discussing football with his brother, he was often found discussing something with somebody. He was an incredibly articulate and intelligent young man, able to spout facts about anything from sports to religion to politics. His friends would often call Richard over if they were having a dispute and needed someone with the knowledge to settle it.

Richard also loved music. He was a self-taught guitarist, who composed his own music. According to friends, he loved heavy metal and he was always at peace when composing or playing his guitar.

Of all his interests, however, Richard's greatest love was of politics. After discovering that President Harry Truman was one of his distant cousins, Richard made it his goal to ascend one day to that same office. His passion for politics earned him the nickname ''The Governor'' from his friends, and his mother jokingly recalls that, ''[h]e was a natural-born politician. When you asked him a question, he'd talk for a half-hour and never give you an answer!''

Richard had hopes of running either for Mayor of Dayton or the Dayton City Commission after he returned from Iraq. I remember being at calling hours and talking with people who told me about his aspirations, and how they thought he would be a great politician, a great public servant. He would have been great in either position.

Richard was, like many of our service men and women, deeply affected by the terrorist attacks of September 11, 2001. Prior to the attacks, he was working on the assembly line at Behr Dayton Thermal Products. He had just purchased a house, not far from his mother. Richard was also studying political science at Sinclair Community College. He had thought about joining the military, but had held back because he didn't want to cut his long hair.

After September 11, however, Richard saw a clear duty to his country and to protecting all of us from future threats. In December 2001, he joined the Marines, where he was assigned to the 1st Battalion, 3rd Marine Regiment, of the 31st Marine Expeditionary Unit based in Hawaii. His lifelong friend, Marine SSgt Lonnie McMurchy, remembers the phone call he got from Richard. Lonnie tried to talk him out of the Marine infantry, telling Richard that his intelligence would be more valuable in another area that might also be less dangerous, but, according to Lonnie, ''He wanted it. He wanted the infantry. He wanted to go fight [and] defend our country.''

In joining the Marines, Richard stood up for freedom, leaving behind a good paying job, a new house, and his beloved friends and family. He put his life on hold so that we could safely go on with our own.

Richard served our Nation with a dedication and fervor that was noteworthy even to one of his fellow Marines. According to JJ Holmes, who wrote in an email message on an Internet tribute to Richard:

> I served with Gilbert, and we became very good friends, which is saying a lot, because I didn't make many good friends while I was in the Marines. I guess it's because I'm picky about the company I keep. And it doesn't get much better than Gilbert to have as a friend. We had very different religious and political views, yet it never hindered our relationship, because we had a mutual respect for each other.
>
> I know this though, out of all the Marines in our Company, Gilbert never complained once about his duty to his country. I could see every day I spent with him how proud he was to serve. Not to diminish the belief of all the other Marines in their duty, Gilbert shined a little more. His dedication was unwavering. [He was] an example to all Marines. I know without a doubt through our conversations we had sitting on the backs of our packs waiting to move out, that if Gilbert had to go, he wanted to leave us the way he did—fighting for the country he believed in more than anything.

As a child, Richard wrote an essay about his father, Richard Gilbert, Sr., who was a Vietnam veteran. In the essay, Richard described his dad as a hero. Today, Mr. Gilbert says this of his son: ''[H]e was my hero, and he was the bravest person I ever met.''

This sentiment was echoed by his friend, Lonnie McMurchy: ''He was a warrior. He was a son, a brother, an uncle, a friend, and a U.S. Marine. He wanted nothing more and nothing less.''

Richard Gilbert wanted our country to be safe from the dangers of terrorism, and he wanted the Iraqi people to be safe and free. He gave everything he had for those things, as they were the things in which he so firmly believed. Richard stood so that freedom could flourish. We will never forget his service and his sacrifice.

My wife, Fran, and I continue to keep his family and friends in our thoughts and in our prayers.

ARMY SERGEANT CHARLES ''CHUCK'' WEBB

Mr. DEWINE. Mr. President, this evening I honor the life of Army SGT Charles ''Chuck'' Webb, from Hamilton, OH. Chuck was a member of Company A, 82nd Engineering Battalion, 1st Infantry, Division, based out of Bamberg, Germany. On November 3, 2004, Sergeant Webb was killed near Salman Pak, Iraq, when a roadside bomb detonated. He was 9 days shy of his 23rd birthday.

Days before his death, Chuck had told his squad that he didn't want them in harm's way if he could help it and that he would be taking the lead whenever possible. That was the kind of person Chuck was—always looking out for others, always giving them strength, always keeping them safe.

Chuck was born in San Antonio, TX, on November 12, 1981. He moved with his family to Hamilton when he was in sixth grade. Chuck was an easy going, likable kid. He had a passion for history, especially World War II history. He and his father, Conley, could talk at length on the subject, and Chuck was known for his ability to recall facts and figures from specific battles.

Conley, a veteran of Vietnam and Desert Storm, was also the source of Chuck's interest in the military. Chuck's sister, Teresa, remembers when Chuck was 5 years old, and the family dressed him up in his father's BDU's and gave him a plastic machine gun. They took pictures of Chuck dressed up in his father's uniform in front of a large American flag. Teresa says he looked like a ''miniature G.I. Joe.''

Chuck was proud of his military heritage, and his family and friends were proud of the person Chuck became. His junior high school principal, Tom Alf, remembers Chuck as ''a fine young man—quiet and polite. I remember his smile . . . he always had a smile.''

Chuck also always had an eye out for others. His sister, Teresa, remembers a phone call she got from her brother in the dead of winter a few years ago. ''Teresa,'' Chuck said, ''I need a huge favor.'' Apparently, Chuck had been approached by a homeless man asking for money. The man had no coat and instead of money, Chuck gave him the coat off his back. He then struck up a conversation with the man and found out that he was trying to get to the other side of the city to meet his wife and kids. That's when Chuck called his sister to come and pick up his new friend and give him a ride.

''That's just the kind of guy Chucky was,'' Teresa recalled, ''He'd give you the coat off his back if you needed it.''

In 2000, Chuck graduated from Hamilton High School. He still had a passion for history and had determined he wanted to become a teacher. Chuck decided to take advantage of the G.I. Bill, while also following in his father's footsteps. Just weeks after graduation, the boy who had once posed as a ''miniature G.I. Joe,'' became the real thing when he enlisted in the Army.

During basic training, Chuck broke his foot. He was also, at this time, set to marry his high school sweetheart, Stephanie. Chuck wanted everything to be perfect on that day and had his tuxedo specially altered so that the cast on his foot would be unobtrusive.

Friends remember Chuck being incredibly happy on his wedding day, shedding tears as he said his vows. Chuck was a very sensitive person, who wore his emotions on his sleeve.

The same qualities that made Chuck an exceptional human being made him an exceptional soldier. He was beloved by his fellow service men and women. In a deployment to Kosovo, Chuck earned the nickname ''Cabbage Patch,'' because of, what his sister Teresa describes as, ''his chunky face, deep blue eyes, and blonde hair.'' His buddies made a gift of a modified cabbage patch kid to Chucky by giving the doll a ''high and tight'' hair cut, adding some tattoos, and dressing it in tiny BDU's. Chuck's mother still has that doll. It sits in a room dedicated to her son in Alexandria, AL.

In Iraq, Chuck led a squad of 10 men. They specialized in mine clearing, bridge building, and in assisting the Iraqi patrols. Their mission was one of rebuilding and security. In carrying out this mission, Chuck was known for protecting his men, putting their safety before his own. He often led patrols, ''on point,'' meaning he was out front in combat formations, leaving himself the most exposed to danger. This leadership style led to a Purple Heart, when Chuck was wounded by shrapnel from a previous roadside explosive, and earned him the admiration of his fellow soldiers.

SSG Scott Swanson speaks for many of those who knew Chuck when he said this:

> [He] was a great NCO—one who soldiers looked up to for knowledge, strength, and most of all, courage. I'm honored to be able to call [Chuck] my brother in arms.

In an email posted on an Internet tribute to Chuck, fellow serviceman Sergeant Shane Uras, wrote the following:

> Chuck—it's been two months now, and I'm still having trouble getting it through my head that you're gone. I love you bro, and there's not a day that goes by that your memory doesn't make me a stronger person. You were my best friend and godfather to my son Luca. . . . We are having a huge party when we get back in your memory and were going to send the video of it and other videos to your parents so they understand how big a part you played in our lives while you were away from them. I love you man, and I'm proud to have known you. Your country is grateful for your sacrifice—I know my family and I are. God bless you Chuck!

It is hard to lose someone like Chuck Webb. He was the anchor of his unit. His comrades looked to him for strength and depended on him to keep them safe. Such a role was not new for Chuck. His life was one of service to others. He was a caring, sensitive, devoted person who, quite literally, would—and did—give the ''coat off his back.''

The following lines, from Emily Dickinson, seem, in a way, to have guided Chuck's life. She wrote:

> ''If I can stop one heart from breaking,
> I shall not live in vain.
> If I can ease one life the aching,
> Or cool one pain,
> Or help one fainting robin unto his nest again,
> I shall not live in vain.''

Chuck Webb was a good person, who cared so much—so deeply—about others. We owe it to him to celebrate his life—a life devoted to easing the aches and cooling the pains of so many others. It is in these good deeds that his memory lives on.

My wife, Fran, and I continue to keep Chuck's family and in our thoughts and in our prayers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, I will make some remarks on an amendment I have offered—S.A. 1140—along with Senators HATCH and GRASSLEY that is dealing with the appropriation of $5 million, with that amount equally divided between two purposes. One, facilitating the Department of Homeland Security entering into memorandums of understanding with States and localities under section 287(G) of the Immigration and Naturalization Act. That is, the ability to enter into memorandums or agreements with States and localities in order that they may participate in a positive way in helping enforce the immigration laws of the United States. And, two, reimbursing States and localities for the costs they incur in training their law enforcement officers under these memorandums of understanding. Reimbursement would be permitted for expenses such as those related to travel and transportation to the training location, subsistence payments or per diem allowance and costs for securing temporary replacements for law enforcement personnel who are participating in the Federal training.

I am pleased Senators HATCH and GRASSLEY have cosponsored the amendment. I hope each of my colleagues will carefully consider it and vote for its passage.

The amendment is needed to confront two issues currently prohibiting the nationwide advancement of agreements under INA section 287(G). This is a provision in the Immigration Code that provides for cooperative agreements to be entered into—it is a section that is not being adequately utilized.

First, there is a lack of Department of Homeland Security personnel tasked with negotiating and overseeing the entry into 287(G) training agreements with the States. There is also a shortage of DHS resources and trainers to conduct State and local training courses in a timely manner, including annual refresher courses for States such as Alabama that have already entered into 287(G) MOU.

Second, States that enter into MOUs must currently absorb the cost related to pulling their law enforcement officers off duty and sending them to an intensive 5- to 6-week training course. They are extensively trained under these agreements. If a State does not have the money to pay for these extended leaves of absence or to hire replacements for the law enforcement officers wanting to receive immigration enforcement training, then costs related to the training under the MOU can prohibit States from being able to participate.

If costs are prohibitive, many States will simply choose to go forward in the realm of immigration law enforcement either without training, or generally not participate in any meaningful way.

Immigration training for State and local officers is important to many of my colleagues. I hope they will recognize that this amendment is the way to show their support for such training.

In the realm of immigration law enforcement, the State of Alabama struggled for years to achieve effective cooperation between Federal enforcement entities and our State and local law enforcement officers. All too often I heard the same story from our Alabama sheriffs and police chiefs: We call Immigration and Naturalization Service when we arrest an illegal alien, and they say they do not have the time to pick them up. They tell us to let them go. They have told me, on occasion, that INS told local officers unless they had 15 or 18 individuals at one time, don't bother to call them.

As a result, Alabama requested that additional Federal immigration agents be assigned to the State, Alabama advocated that extra immigration detention bedspace be established in the state, and Alabama requested the Immigration and Naturalization Service be responsive to requests that illegal aliens be taken into Federal custody. Though some progress was made, most of the requests were only partially met, at best.

To address the problems, I arranged for an Immigration and Customs enforcement officer to travel to the State of Alabama for 2 weeks to train all of our State troopers on cooperation with the Federal Government in the enforcement of Federal immigration laws. State troopers reviewed fake documents, were taught about different categories of aliens, legal and illegal, and were shown how to use a computer database at the Law Enforcement Support Center (LESC), a database that had been used only three times in the State of Alabama the year before the training because the officers simply did not know how to use it.

In September of 2003, Alabama followed in the footsteps of the State of Florida and became the second State in the Nation to enter into an INA 287(G) agreement with the Federal Government. This law has been on the books

for over a decade, but was not used until after 9–11. It is a tragedy we fail to take now advantage of the opportunity this law provides. That agreement allowed for a select group of 21 Alabama State troopers to receive extensive immigration enforcement training and gave them the authority to perform immigration and enforcement functions which resulted in their active communication with the Federal immigration agents stationed in the State—these agreements ought to be done routinely in every State in America.

After the MOU was negotiated and signed, the Department of Homeland Security sent personnel to Alabama to train the first class for a 5-week period. I thought 2 weeks was more than sufficient to my way of thinking. A deputy sheriff or city police officer can arrest a Senator for committing crimes in his community, but I suppose we have to have a 5-week training before they can arrest somebody who is not a citizen for violation of our immigration laws.

They were trained in how to identify fraudulent immigration documents, and in how to work together with federal agents to enforce immigration laws. I strongly believe that the MOU has been the most important step in Alabama in the realm of immigration enforcement. As a result of the MOU, Alabama State troopers have performed close to 200 criminal and illegal alien apprehensions, largely of aliens involved with document fraud, drug trafficking, and human smuggling, and have seized close to $750,000 in drug, document and human trafficking related cash.

Because of the MOU, new Federal immigration agents have been assigned to the State of Alabama, dramatically increasing the Federal immigration enforcement presence in the State. This February, DHS announced the Alabama MOU would not only be continued but would be expanded, a second class of 25 State troopers is scheduled to be trained by DHS this October. The MOU Alabama entered into has added to the knowledge and resources available to Alabama's Department of Public Safety and has changed the level of cooperation we receive from the Federal immigration enforcement entities on a daily basis.

I am certain the State of Alabama will seek to continue the agreement for many years to come. I am hopeful other States will follow the lead of Alabama so that they, too, can benefit from the cooperative partnerships fostered by 287(G) MOUs.

Why is this important? It is important for one reason. We have just over 2,000 federal agents nationwide who are not on the borders of our country and charged with the responsibility of apprehending and enforcing immigration laws throughout the heartland of America.

There is no way those 2,000 officers can ever adequately patrol our streets for immigration violators and do a good job of handling these problems. But we have 750,000 State and local law enforcement officers who are on our streets and in our communities every single day, apprehending people for DUIs, apprehending people during fights, apprehending people for other activities that bring them to the notice of law enforcement. In the course of that, they often discover these people are here illegally. They, as a result, should be subject to the enforcement of immigration laws by the State and local officers that discover them. If we have any respect for law in this country at all that is what should happen, but that is not occurring.

So how do we get to that point? They tell us they have to have all this training to be qualified. OK, let's give them training. I do not know that we need a full 5 weeks for every officer out there, but I think it is quite helpful that some of these officers have a good and sincere training to be more effective. If we train them and clarify their authority, we will have thousands of new officers patrolling our streets all over America at no cost to the Federal Government, watching out on our streets and in our communities for those who violate our laws. That is what we ought to be doing if we are serious at all about enforcing the laws of this country. I think the American people are. I think those of us in Congress need to get serious about it.

I think MOUs under 287(G) of the INA are a good place to start and need to be expanded. Under these MOUs, officers receive good training. The program creates good cooperation between local law enforcement and Federal agents. They learn how each others' systems work, and they develop memoranda as to what will happen if somebody is apprehended, whom they should call, how they should be detained, how long they should be detained, where they should be taken, and who is going to be compensated for that effort.

In conclusion, I think this amendment will make it financially attractive for more States to participate in these agreements. After all, they are helping enforce Federal immigration law. Why shouldn't we assist them in paying for the training we want them to receive? State and local police forces can make a difference in these efforts. I am excited we will perhaps be moving forward with this amendment. It will make a big difference.

I understand the managers are not here tonight and will not call up the amendment or attempt to do so, but I have talked with the manager and, hopefully, we can make some progress on that.

Mr. President, I will share briefly that also tomorrow I expect to call up the S. 629, the mass transportation bill I have offered and believe strongly in. We had a hearing on it in the Judiciary Committee. I will seek unanimous consent to call up and to adopt S. 629. I understand there may be an objection. There is not an objection on the Republican side. There may be an objection on the Democratic side, although it did come out of our Judiciary Committee with bipartisan support. I am hopeful we can move this important bill forward.

We have seen now in Spain and in London that there are people who desire to attack our mass transit transportation systems. What the Department of Justice tells us is that we have gaps and loopholes in our current laws that deal with those that would attack our mass transit systems, and that those laws need to be tightened up. If we do so, it will help the investigators and prosecutors be more effective in prosecuting those who may seek to do us harm.

I think it is time to move on that legislation. After all, we have been working on it for over a year. I think everybody has had good opportunity to review it. I think it is in every way professional and fair and ought to be passed. I look forward to moving it. If there is some objection from Members, and they would like to share that with me, perhaps we can solve those difficulties and reach an accord and move this important piece of legislation forward. We absolutely do not need to have an attack on our mass transportation system in America and not have the tools for our prosecutors and investigators to prosecute it adequately. That bill, as I noted, the mass transportation bill, is S. 629. It is not an amendment to the appropriations bill on the floor tomorrow, but a piece of legislation that I expect to be offering.

Finally, Mr. President, I will also be offering tomorrow and would be calling up an amendment to this appropriations bill that deals with making sure our Federal officials enter into the National Crime Information Center the names and identifying factors of people who have absconded after having been arrested for illegal immigration. That amendment is S.A. 1139.

We have hundreds of thousands of absconders, people who have been apprehended in our country for being here illegally. Amazingly, this is what happens: They are apprehended, they are given a date for a deportation hearing, and they are released on bail prior to that hearing. Or sometimes they have the hearing and are to be deported on a given date, and they are released on bail at that time, with the order to show up for deportation.

For those who have been ordered deported and released on bail, to show up for deportation, we now have learned that over 87 percent of them do not show up to be deported and in some counties over 90 percent never show up for their initial hearings, these percentages really make a mockery of the law. It has to be discouraging to the agents who have gone out and worked these cases, just to see them released on bail, and nobody even enters their names in the National Crime Information Center database.

What is the National Crime Information Center database? This is the database that every police officer in America accesses when they apprehend someone to see if the person is wanted anywhere in the country. If you had a DUI in Washington State, and you did not show up for your trial, and they catch you in Mobile, AL, and you are entered in the NCIC because of your DUI in Washington State, the officers in Mobile will hold you, and send you back to Washington State for your trial. But if you jump bail and do not show up for your immigration hearing or for your deportation proceeding, you are not treated the same way, your information is not currently being entered into the NCIC.

So I have been raising this and talking about it for quite some time now, and I have raised it with top officials in the Department of Homeland Security, and they say they are working on it and trying to enter the names faster. I know they as of December of last year they only had about 15,000 names entered into the Immigration Violators File of the NCIC which is really pathetically small. We ought to have them all of the absconder immigration violator files entered in there. This amendment would provide $1 million to make sure those names are entered into the system.

Tomorrow we will proceed, hopefully, to call that amendment up and I will seek to have it made a part of the appropriations bill that is moving forward.

Mr. President, I thank the Chair for your time tonight.

ORDER OF BUSINESS

Mr. SESSIONS. Mr. President, I believe we have, on behalf of the majority leader, Senator FRIST, some closing remarks and matters.

MEASURE PLACED ON THE CALENDAR—S. 1382

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

Mr. SESSIONS. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1394

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1394) to reform the United Nations, and for other purposes.

Mr. SESSIONS. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. SMITH. Mr. President, I rise today to discuss the issue of United Nations reform. This year marks the 60th anniversary of the founding of the United Nations. As you know, the U.N. emerged from the ashes of the Second World War with a mandate to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of human beings.

These basic principles embodied in the U.N. charter are still significant in today's changed strategic environment. Yet, the scandals and mismanagement that has engulfed the organization threaten both its reputation and its relevance.

These scandals have resulted in a consensus that the U.N. must be reformed. Three major reports have been released in the past 7 months, including one by Secretary-General Kofi Annan, that outline the need for specific reforms to make the U.N. more efficient, more accountable, more transparent, and more effective in responding to the challenges we face today. I am pleased to see that there is agreement on this need. Yet, I remind my colleagues that when the current Secretary-General took office in January 1997, he vowed to make the hard decisions necessary to reform the institution.

But 8½ years have gone by, and he has been unwilling or unable to do so. In fact, reprehensible dealings and scandalous behavior at the U.N. has continued unabated.

Furthermore, the U.N. budget has grown by leaps and bounds. Over the past 4 years, the U.N. regular budget has increased by more than $1.1 billion over a 2-year period—from $2.5 billion to $3.6 billion.

The U.S. is handed a bill from the U.N. for 22 percent of the cost, and whether or not we agree with the way the U.N. spends its money, we are expected to pay. And this does not take into account the costs of peacekeeping operations, which are expected to be over $5 billion this year alone.

The Constitution gives to Congress the power of the purse and as such, it is our duty to monitor how the American taxpayers' money is spent. In the case of the massive waste, fraud, and abuse at the U.N., we must take action to rectify an untenable situation.

As the recent report issued by the USIP Task Force on the United Nations said, ''Americans are vested in a United Nations that embodies values of honesty, decency, and fair play.''

Yet, the U.N. is hardly a model for these basic values.

The appalling kickbacks, bribes, and financial mismanagement of the Oil-for-Food program are the most obvious illustration of an insufficient oversight system within the U.N. The design of the program and the failure of the U.N. to properly monitor it allowed Saddam Hussein to pocket billions of dollars in money that was meant for the Iraqi people suffering under his brutal regime.

Sexual exploitation and abuse by U.N. peacekeepers serving in missions around the world is an intolerable abuse of trust by those who are supposed to be contributing to a peaceful resolution to conflict situations.

Embezzlement and extravagant personal spending have been documented at U.N. programs such as UNICEF, the United Nations Development Programme, and the United Nations Conference on Trade and Development.

Countries such as Zimbabwe, Cuba, and Sudan—known violators of the basic human rights of their citizens—have been included as members of the U.N. Commission on Human Rights and have used their position to manipulate its agenda to prevent resolutions that condemn their human rights records.

If the U.N. does not act boldly, and act now, it will have little credibility to serve as an organization that promotes the values in its Charter. As a European diplomat told me recently, however, the U.N. is incapable of reforming itself. It is quite good at issuing reports, having meetings, appearing contrite, and then resolutely promising to change when news reports publicize the details of the problems within the organization. But history has shown that U.S. leadership is critical to ensuring that meaningful reform is implemented at the U.N.

Last month, the House of Representatives passed comprehensive legislation that provides a framework for implementing U.N. reform. This effort was led by the Chairman of the House International Relations Committee, Mr. HYDE, who worked diligently to produce a responsible bill that addresses the need for serious, meaningful, and practical reform.

Today I am introducing this legislation in the Senate. I recognize that the method used in this bill to compel the U.N. to make these reforms may not be popular with some of my colleagues. But I feel that there is no other way to proceed.

This legislation requires that 50 percent of the U.S. contribution to the United Nations regular budget be withheld if specific reforms are not implemented. Before dismissing this approach, I urge my colleagues to examine the reforms mandated and the flexibility inherent in the legislation.

First, the reforms. Title I requires management and budgetary reforms to create a more streamlined, efficient,

and effective organization. It shifts funding mechanisms for 18 programs of the U.N. from the regular assessed budget to voluntarily funded programs in an effort to make these programs more accountable to those who fund them. It calls for budgetary practices that would allow us to measure the effectiveness and relevance of programs. And it creates an Independent Oversight Board, an Office of Ethics, and a Chief Operating Officer to increase the accountability of the U.N.

This Title also addresses the shameful anti-Semitism inherent in U.N. structures by calling for Israel to have a permanent seat in one of the regional groups, with all the accompanying rights and privileges. And it requires the State Department to review U.N. agencies that focus exclusively on the Palestinian agenda.

Title II deals with the human rights mandate of the U.N. It establishes basic criteria that member states must meet to be eligible to serve on U.N. human rights bodies and requires the U.N. entity that selects members on these bodies to abide by these criteria.

Title III mandates reforms of the International Atomic Energy Agency so that it can better focus on the key issues of nuclear safety and security, and nuclear verification activities.

Title IV calls for a review of U.N. peacekeeping operations and requires that the U.S. deny support for new or expanded missions until procedures are in place to prevent further sexual exploitation by U.N. peacekeepers.

These measures, including adopting a Code of Conduct for all personnel participating in these operations, and establishing a data base so that past abusers are not able to participate in future operations, have been specifically endorsed by the Secretary General's special advisor on sexual exploitation and abuse and should be in place by this summer. Yet it is incumbent upon us to ensure that they are not stalled by member states that don't see this tragic situation as a serious problem.

Title V puts forward ways to improve budget practices by requiring more details about the U.N. budget, including proposed increases, to be presented to Congress.

And finally Title VI provides the leverage.

If I could come up with a better way, I would pursue it wholeheartedly. But even the strongest supporters of the U.S.-U.N. relationship acknowledge that the only way the U.N. pays attention to calls for reform is when its budget is threatened. Experience has shown that the U.N. will institute needed improvements only when Congress threatens to withhold U.S. funding.

This is not meant to be draconian. These reforms, if implemented, will increase the credibility, the legitimacy, and the effectiveness of the U.N.

In fact, I want to underscore the importance I place on a United Nations that can fulfill its core objective—to serve as an institution that supports the preservation of international peace and security. I feel this objective is at risk.

Finally, it is important to highlight the flexibility that is built into this legislation. It allows the administration 2 years to work with the U.N. to make these necessary reforms before the withholding provision is triggered. Even after 2 years, it does not insist that every one of the reforms be implemented, but allows an additional year for the U.N. to complete the job. If the U.N. adopts measures that achieve the same purpose as those outlined in this bill, it allows the full U.S. contribution to be expended. And if the U.N. chooses not to implement these needed reforms, the legislation authorizes the contributions that are withheld from expenditure to remain available until the U.N. acts.

In 1949, Dean Acheson said that the United States must work actively to make the United Nations an effective instrument of international cooperation. There is, and always will be, a role for America in ensuring that the U.N. lives up to the ideals of its charter. By pushing for these critical reforms, I believe that we can forge the U.N. into the effective instrument of international cooperation that we all hope it can be.

It is my belief that this legislation is the instrument to get the job done—to make the U.N. the organization that its founders envisioned 60 years ago.

I yield the floor.

CONTROLLED SUBSTANCES EXPORT REFORM ACT of 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1395 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1395) to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1395) was read the third time and passed, as follows:

S. 1395

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

SECTION 1. REEXPORTATION OF CONTROLLED SUBSTANCES.

(a) SHORT TITLE.—This Act may be cited as the ''Controlled Substances Export Reform Act of 2005''.

(b) IN GENERAL.—Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended by adding at the end the following:

''(f) Notwithstanding subsections (a)(4) and (c)(3), the Attorney General may authorize any controlled substance that is in schedule I or II, or is a narcotic drug in schedule III or IV, to be exported from the United States to a country for subsequent export from that country to another country, if each of the following conditions is met:

''(1) Both the country to which the controlled substance is exported from the United States (referred to in this subsection as the 'first country') and the country to which the controlled substance is exported from the first country (referred to in this subsection as the 'second country') are parties to the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971.

''(2) The first country and the second country have each instituted and maintain, in conformity with such Conventions, a system of controls of imports of controlled substances which the Attorney General deems adequate.

''(3) With respect to the first country, the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance has been issued by the country.

''(4) With respect to the second country, substantial evidence is furnished to the Attorney General by the person who will export the controlled substance from the United States that—

''(A) the controlled substance is to be consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance is to be issued by the country; and

''(B) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country.

''(5) The controlled substance will not be exported from the second country.

''(6) Within 30 days after the controlled substance is exported from the first country to the second country, the person who exported the controlled substance from the United States delivers to the Attorney General documentation certifying that such export from the first country has occurred.

''(7) A permit to export the controlled substance from the United States has been issued by the Attorney General.''.

GOOD FRIDAY AGREEMENT OF 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 173 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 173) expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I urge my colleagues to support S. Res. 173, which Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY and I introduced to express support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us are hopeful that a constructive way forward will be found, and the best way to do so is by continuing to implement the Good Friday Agreement.

The 1998 Agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland. The parties to the Agreement made a clear commitment to ''partnership, equality, and mutual respect'' as the basis for moving forward to end the longstanding conflict and achieve lasting peace for all the people of Northern Ireland. The parties affirmed their ''total and absolute commitment to exclusively democratic and peaceful means'' to achieve the goal of peace.

Our resolution reiterates our support for the Good Friday Agreement as the way forward in Northern Ireland. It rejects the statement of Democratic Unionist leader Ian Paisley, who said in May that the Agreement ''should be given a reasonable burial.'' Inclusive power sharing based on the defining qualities of the Agreement is essential to the viability and success of the peace process.

The resolution calls on the Irish Republican Army to immediately complete the process of decommissioning, cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other parties, according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the Agreement, including the Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the police service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently restore the democratic institutions of Northern Ireland, complete the process of demilitarization in Northern Ireland, and advance equality and human rights in Northern Ireland.

The United States Government continues to strongly support the peace process in Northern Ireland. The Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 173) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland;

Whereas the parties to the Good Friday Agreement made a clear commitment to ''partnership, equality, and mutual respect'' as the basis for moving forward in pursuit of lasting peace in Northern Ireland;

Whereas the parties to the Good Friday Agreement also affirmed their ''total and absolute commitment to exclusively democratic and peaceful means'' in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland;

Whereas paramilitary and criminal activity in a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland;

Whereas the United States Government continues to strongly support the peace process in Northern Ireland; and

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process, and have committed themselves to its implementation: Now, therefore, be it

Resolved, That—

(1) the Senate reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the Irish Republican Army must immediately—

(i) complete the process of decommissioning;

(ii) cease to exist as a paramilitary organization; and

(iii) end its involvement in any way in paramilitary and criminal activity;

(B) the Democratic Unionist Party in Northern Ireland must—

(i) share power with all parties according to the democratic mandate of the Good Friday Agreement; and

(ii) commit to work in good faith with all the institutions of the Good Friday Agreement, which established an inclusive Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland;

(C) Sinn Fein must work in good faith with the Police Service of Northern Ireland;

(D) the leadership of Sinn Fein must insist that those responsible for the murder of Robert McCartney and those who were witnesses to the murder—

(i) cooperate directly with the Police Service of Northern Ireland; and

(ii) be protected fully from any retaliation by the Irish Republican Army; and

(E) the Government of the United Kingdom must—

(i) permanently restore the democratic institutions of Northern Ireland;

(ii) complete the process of demilitarization in Northern Ireland; and

(iii) advance equality and human rights agendas in Northern Ireland.

PERMITTING THE EXECUTIVE DIRECTORS, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF THE OFFICE OF COMPLIANCE TO SERVE ONE ADDITIONAL TERM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3071, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3071) to permit individuals currently serving as Executive Directors, Deputy Executive Director, and General Counsel of the Office of Compliance to serve one additional term.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3071) was read the third time and passed.

ADDITIONAL COSPONSOR—S. 629

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to S. 629, the Railroad Carriers and Mass Transportation Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 14, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, July 14. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the Homeland Security appropriations bill; provided that the time until 10 a.m. be equally divided between the two leaders or their designees, and that at 10 a.m., the Senate proceed to the series of stacked votes, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow, the Senate will resume consideration of the Homeland Security bill. Under a previous order, at 10 a.m., the Senate will proceed to a series of votes on five pending amendments to the bill.

Following those votes, we will continue working through the remaining amendments. There are currently a dozen pending amendments, and more are expected to be offered tomorrow.

We will complete action on the bill this week. Therefore, Senators should expect a very busy day with votes throughout.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:44 p.m., adjourned until Thursday, July 14, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF TESS MANALO-VENTRESCA

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. LANTOS. Mr. Speaker, I rise today in sadness to honor the extraordinary life and service of Tess Manalo-Ventresca. Ms. Manalo-Ventresca died on Tuesday, July 12th, 2005 of complications from heart surgery. I wish to offer my sincere condolences to her husband Joel Ventresca, her family and friends.

Tess Manalo-Ventresca's passing is a loss for the people of the 12th Congressional district. Tess was an extraordinary human being, one we all can look up to in hopes of serving our community as selflessly as she did. For the past 30 years Tess played a vital role in the Bay Area community, volunteering in the Haight Ashbury, the Tenderloin and the Sunset districts of San Francisco. She donated her time to numerous causes, from helping local youths to assisting underserved communities, to promoting small, local businesses and neighborhood safety. Most recently she was a volunteer with Experience Corps at the Sunset Beacon Center. For the past five years she participated in this program, which places older adult volunteers in public schools to provide tutoring for children in need.

Ms. Manalo-Ventresca never looked for accolades, no matter how richly deserved; nevertheless they were showered upon her. Earlier this year, she was named California Woman of the Year by the California State Assembly and was chosen to be an Asian Pacific American 2005 Local Hero by KQED. In April she was selected for a MetLife Foundation Older Volunteers Enrich America Award.

Just last April my wife Annette and I met with Tess. I could not then, and can not now, express adequately the appreciation I have for the incredible work she did throughout her lifetime. The Sunset, the Bay Area and the country need more people like Tess. To the very end Tess was working on projects to help children live up to their potential and to improve the neighborhoods in which we live.

Tess helped give children a brighter future, a gift that will live on with us forever. The joy she brought to life will never be forgotten.

TO HONOR THE RECEIPT OF THE ARMY ACHIEVEMENT MEDAL OF PRIVATE FIRST CLASS JON BRUMBAUGH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary service and achievement of Private First Class Jon Brumbaugh, a former resident of the Chautauqua County City of Jamestown, upon receiving the Army Achievement Medal.

Brumbaugh, a graduate of Jamestown High School was awarded this honor for meritorious achievement while serving as a Heavy Armor Specialist during JRTC Rotation 05–05. His leadership and ability to accomplish missions made PFC Brumbaugh a vital part of his infantry division.

PFC Brumbaugh began his time in the Army in October of 2003. Due to several outstanding characteristics, he became known as a team leader and gained multiple comments from officers, thus allowing him to move up the chain of command. In February of 2004 Jon went to Airborne School, where he received his Wings upon graduation.

Currently, Jon is assigned to the 4th Infantry Division, known as the 4th ID, B Company 2–8 INS. Part of Jon's duties involve being assigned to a Bradley Fighting Vehicle where he is second in command of his section. Jon is stationed at Fort Hood where he resides with his wife and their two sons.

HONORING THE FLIGHT FOR LIFE TEAM OF COLORADO

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor the tremendously dedicated and talented group of professionals who make up the St. Anthony Hospitals Flight for Life team of Colorado.

Specifically, I want to thank and honor the flight crew that allowed me to join them on Saturday, June 18th: Flight Nurse Hollie Seeley, Medic Vance Silvia, and Pilot Jeff Warner. Having the opportunity to spend a mere four hours with these remarkable individuals was certainly enough to realize that, on any given day, there are angels in the skies over Colorado.

Responding to everything from car accidents to farm accidents, Flight for Life has not only saved countless lives of the people of Colorado and the surrounding states, they've enabled those citizens who live far from a metro area to enjoy the small town quality of Colorado and the West while not totally losing access to world class medical care.

Established in October 1972, Flight for Life was the first hospital-based civilian emergency air ambulance program in the Nation. During its 30-year history, Flight for Life has logged more than 75,000 missions and has become the model for the nearly 200 air ambulance programs worldwide, and is still considered a leader in its field.

Serving every community in the great state of Colorado and the surrounding seven states, Flight for Life is the biggest and busiest critical care air transport program in Colorado, transporting patients to any appropriate medical facility.

Flight for Life's reputation is second only to its dedicated crew. Located across the state in Denver, Frisco, Colorado Springs and Pueblo, the crew consists of 31 flight registered nurses, 27 flight paramedics, 14 helicopter pilots, 6 fixed-wing pilots, 6 helicopter mechanics, 10 emergency medical technicians (EMT), and 10 communications specialists.

Mr. Speaker, the people of Flight for Life in Colorado are not only talented professionals, but they are indeed public servants who deserve our admiration. I join the large number of Coloradans and others across the country who have been positively affected by these people in saying a well-deserved "thank you" for all that they do to serve and protect our citizens.

TRIBUTE TO REV. J.J. ROBERSON

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, on Sunday, July 10, 2005, in the great city of Houston, TX, my friend and distinguished religious leader Dr. J.J. Roberson will commemorate more than four decades in the ministry with the observance of Mt. Hebron Missionary Baptist Church's Annual Father, Son's and Grandson's Day.

Born in New Gulf, TX, in 1918, Dr. Roberson graduated from Wharton County Training School and attended Tyler Barber College where he was certified as a Master Barber. He also attended Southern Business College, Southwestern Seminary, Texas Southern University and Mount Hope Bible College where he earned his Doctor of Divinity degree. Dr. Roberson has been married to his darling wife Elouise Jackson Roberson for 63 years and is privileged to count among those who will be honoring him on this special occasion his sons in the ministry and his extended family.

Founded on January 8, 1958, Mt. Hebron, under Dr. Roberson's leadership, has been the mecca of community activism. His church is known throughout the city of Houston as a spiritual soldier who leads by example. Over the years, he has presided over the establishment of a number of sanctuaries, an apartment complex and a state-of-the-art Pipe Organ installed in 1998 with the expansion of the pulpit and the purchase of 75 acres of land in Brazoria County. To date, the membership has grown to more than 1,900 members and 1,058 families.

A decorated World War II Veteran of the U.S. Army, Dr. Roberson is presently Commander of VFW Eugene Warren Post No. 471. He is also the President of the Baptist Ministers Association of Houston and Vicinity, 1st Vice Moderator of the Independent Missionary Baptist General Association of Texas, Secretary-Treasurer of the Missionary Baptist General Convention of Texas BTU Board, and

1st Vice President of the South Texas Regional Convention.

Mr. Speaker, in 2001, Dr. Roberson was inducted into the Religious Hall of Fame in Dallas, TX. That same year, he received the L.A. Simpson Pastor of the Year Award. Over the years, he has received an NAACP Membership Citation, War Against Drugs Commendation and honors from the Sam Houston Area Council and the Boy Scouts of America. In 1986, he received an ''Official Memorandum from the State of Texas'' in honor of Martin Luther King Day. In 1982, the Mayor of Houston issued a proclamation declaring the month of June, 1982 as Building Project Days for Mt. Hebron Baptist Church, Inc.

Finally, Mr. Speaker, I am honored to have the opportunity to pay tribute to such a strong and dedicated leader who has, over the years, been a great friend and mentor. Dr. Roberson has, through his ministry, touched the lives of so many people and we are all the better for having him in our lives.

CELEBRATING THE LIFE OF GARY CLARK

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, Congresswoman LUCILLE ROYBAL-ALLARD and I rise today to celebrate the life of Gary Clark, who died on June 22, 2005 at age 47. Gary was a longtime resident of Signal Hill, CA in the 37th Congressional District.

Over the past two decades, Gary served with great distinction in the world of public transportation. He was the head of the Government Relations Department at the Los Angeles County Metropolitan Transportation Authority, one of the largest public transit agencies in the country.

He began his transit career with the Orange County Transportation Authority and in 1988 joined the Southern California Rapid Transit District, which eventually became LACMTA.

In his capacity as Deputy Executive Officer of Government and Board Relations, Gary played a leadership role in coordinating LACMTA's legislative advocacy in Washington and Sacramento. He spent a significant amount of time on Capitol Hill over the years and, as a result, we came to know him and his work well.

Gary possessed great integrity and intelligence. His friends, coworkers and family remember him as a person of dignity, strength and compassion despite the pressures of a demanding job. He was the quintessential public servant who dedicated himself to the needs of the community and firmly believed in the mission and purpose of public transportation.

In addition, Gary was a man of great faith. He served as Director of Music for 13 years at Grace United Methodist Church in Long Beach, CA. He also actively served Grace Methodist as a Trustee and member of its Worship Committee. Additionally, he was selected to be a lay delegate to the California Pacific Annual Conference of the United Methodist Church.

Although we know him primarily through his role in transportation policy, Gary displayed a real zest for life and was passionate about many things—the church, politics, democracy, equality and sports. He was an ardent Los Angeles Dodgers fan and also closely followed the football team at UCLA, his alma mater.

Mr. Speaker, it is with sadness that we say farewell to a remarkable human being who personified the best in public service and served the public transportation community with honor and distinction. Gary will be truly missed. We extend our condolences to his partner, Peter Cobo, his mother, Berniece Clark, sisters Diane Kildun and Kathleen Larson, and nephews and nieces.

HONORING GARLAND, TX, TEACHER, SHERRY MULLINS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Ms. Sherry Mullins, an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award in the field of history. This annual award is presented to a teacher who develops and uses creative teaching methods to enhance students' interest in history. In her tenure as a teacher at North Garland High School, Ms. Mullins has consistently helped her students achieve at the highest levels in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. In preparing her students for the program, Ms. Mullins rose above the call of duty and equipped her students for success.

Mr. Speaker, I find it encouraging that there are extraordinary educators in this country like Ms. Mullins who work faithfully shaping the minds of our students. I hope you and our colleagues will join me in recognizing Ms. Mullins for her commitment to educating the potential leaders of tomorrow.

GAMBLING EXPLOSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. Tribal casinos have been propagating at an alarming rate.

I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. The number of tribes now actively ''reservation shopping'' is extremely troubling. The cover story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed.

Mr. Speaker, I would like to enter into the RECORD a copy of the letter I recently sent to President Bush urging his action on this matter, a May 9 memorandum prepared by the Congressional Research Service (CRS) of the Library of Congress at my request detailing options the Bush Administration could take to address this issue, and the CQ Weekly sidebar article detailing the explosive growth of tribal casinos. If the administration believes it does not have authority to issue a moratorium to halt new tribal gambling operations, it should send Congress legislation so that we can take action.

HOUSE OF REPRESENTATIVES,
May 19, 2005.

Hon. GEORGE W. BUSH,
The President, The White House,
Washington DC.

DEAR MR. PRESIDENT: Many in America, myself included, are deeply concerned by the explosive growth of tribal casinos. There are now more than 400 tribal casinos in 30 states. Tribes also are now aggressively seeking off-reservation land—commonly referred to as ''reservation shopping''—to build even more facilities. This rapid expansion of casino gambling is spiraling out of control, with devastating consequences for our country.

This is not a Republican or a Democrat issue; nor is it a conservative or a liberal issue. It is a matter that calls for action in the best interest of every American. Casino gambling, once limited to places like Las Vegas and Atlantic City, is now coming to cities—and even small towns—across America and bringing with it all its social ills, like higher crime and suicide rates, increased personal bankruptcies and the break-up of families.

I write today asking that you issue an executive order placing an immediate two-year moratorium on the opening of any more tribal casinos until Congress can thoroughly review the Indian Gaming Regulatory Act (IGRA) of 1988. Congress, with the help of your administration, must examine the unintended consequences of this legislation and address the gaping loopholes in the law.

The moratorium also should apply to the federal recognition process of tribes, which is completely broken. As you know, I have long been calling for reforms of the tribal recognition process. I repeatedly asked former President Clinton and his administration to take action and have written your administration on several occasions asking for a top-to-bottom review of the process. To date, no steps have been taken to address the issue.

Something also needs to be done to address the issue of senior level staff leaving the Bureau of Indian Affairs and then immediately going out and representing tribes seeking federal recognition. Tougher restrictions must be put in place.

Native Americans have become mere pawns in what is now a billion dollar battleground as outside interests—and investors, some from outside the country—have worked behind the scenes to spur the growth of tribal casinos. In September 2001, the then General Accounting Office issued a scathing report saying the process was fraught with problems and needed improvement. The report concluded by saying because of weaknesses in the process, ''the end result could be that the resolution of tribal recognition cases will have less to do with the attributes and qualities of a group as an independent political entity deserving of a government-to-government relationship with the United States and more to do with the resources that petitioners and third parties can marshal to develop a successful and political strategy.''

The number of tribes now actively ''reservation shopping'' is extremely troubling. The cover story of the May 9, 2005 issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon,

Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed. The sidebar article detailing the battles being waged in these states over this issue is enclosed.

Also enclosed is a May 9, 2005, Congressional Research Service memorandum, which I requested, detailing options your administration can take to address this issue, including ''(1) withdrawing authority to recognize new tribes; (2) directing that regulations be issued for land acquisition for gaming purposes and that regulations be rescinded for issuing procedures for class III gaming in the absence of a tribal-state compact; and (3) directing the Attorney General to take certain steps to enforce laws against illegal Indian gaming operations.''

The unintended consequences of IGRA have not been positive, either for the overwhelming majority of Native Americans who still live in poverty or for the hundreds of communities across America that are now home to tribal casinos. As long as reliance on gambling continues, the welfare of most Native Americans will be in jeopardy. At the same time, the victims of the gambling industry will continue to mount in community after community after community and the economic and socials costs to those communities will only increase.

I implore you to involve your administration in this issue before it brings even more harm to the American people. Congress has begun to take steps to address some of these issues—legislation has been introduced in the House to prevent ''reservation shopping''—but an executive order will have an immediate impact and is the right thing to do until the myriad of problems that have come with this explosive growth are addressed.

Sincerely,

FRANK R. WOLF,
Member of Congress.

MAY 9, 2005.

MEMORANDUM

Subject Presidential Authority with Respect to Indian Gaming.

To Hon. Frank R. Wolf, Attention: Courtney Schlieter.

From M. Maureen Murphy, Legislative Attorney, American Law Division.

This responds to your request that our office provide you with a brief list of possible tools that the President might employ to curb ''reservation shopping,'' that is, locating Indian gaming on off-reservation, possibly distant, sites that are more conducive to gaming than traditional reservation lands. Specifically, you are interested in preventing recognition of new Indian tribes under the administrative acknowledgment process under 25 C.F.R. Part 83; limiting trust acquisition of land to be used for gaming; and curtailing the extension of casino gaming. We will address each in turn and indicate any Presidential authority or agency discretionary authority that may be used to pursue these goals.

Options to achieve the above results include: (1) withdrawing authority to recognize new tribes; (2) directing that regulations be issued for land acquisition for gaming purposes and that regulations be rescinded for issuing procedures for class III gaming in the absence of a tribal-state compact; and (3) directing the Attorney General to take certain steps to enforce laws against illegal Indian gaming operations.

Recognition of New Tribes. The Department of the Interior (DOI) has a regulation, 25 C.F.R., Part 83, detailing an administrative process by which an American Indian group may establish that it exists as an Indian tribe. Rather than being the result of a special delegation from Congress to the Secretary of the Interior (SOI) to make determinations as to whether or not groups satisfy specified criteria requiring recognition as Indian tribes, 25 C.F.R., Part 83, is based on various statutes delegating authority to the DOI. It, thus, might be possible for the President to issue a directive withdrawing from DOI the power to recognize groups as Indian tribes. Were that to occur, however, groups seeking to establish themselves as Indian tribes and eligible for benefits and services provided to federal Indian tribes would likely turn to the federal courts or Congress to obtain federal recognition.

Limiting Trust Acquisition of Land for gaming. Unlike the tribal acknowledgment process, the trust land acquisition process rests on authority specifically delegated to DOI by statute. There are general Indian land acquisition regulations. There is, however, no specific DOI regulation detailing a procedure that must be satisfied before land may be taken into trust for gaming purposes. Although DOI issued a proposal to this effect on September 14, 2000, and reopened the comment period on December 27, 2001, no final regulations have been issued. Should DOI decide to revisit the issue of amending its Indian land acquisition regulations and issue proposed regulations for land acquisition for gaming, it is possible that provisions could be included in such regulations that would have the effect of modifying the land acquisition process to such an extent that the overall effect would be to limit acquisitions for gaming purposes, including off-reservation acquisitions. Although it would seem that even if the President has no direct authority to modify or promulgate such regulations, he would be able to provide DOI with policy guidance to move in that direction.

Curtailing the Extension of Casino Gaming. Although SOI, rather than the President, has been delegated authority under the Indian Gaming Regulatory Act (IGRA), that authority is limited. For class III gaming to occur, there must be a tribal-state compact and SOI has authority to approve such compacts. Approval may be withheld only for three specified reasons, and the compact is deemed approved if SOI does not act within 45 days.

One way that might be available to SOI to curtail further casino gaming is to rescind regulations that the SOI has issued authorizing the promulgation of procedures for class III gaming when a State raises an Eleventh Amendment sovereign immunity defense to a suit brought by a tribe to compel negotiation of a tribal-state compact. These regulations, 25 C.F.R. Part 291, have not yet been used. Without the regulations, there would be no possibility of class III gaming in the absence of a tribal-state compact.

Other options that might be available to the President include instructing the Department of Justice to review all casino gaming on Indian lands and, to the extent permitted under applicable statutes, bring federal prosecutions or seek judicial injunctions against any gaming being operated in violation of IGRA or state law.

We hope this information is helpful to you and that you will call upon our office should you need further assistance.

M. MAUREEN MURPHY,
Legislative Attorney.

[From the CQ Weekly, May 9, 2005]

RESERVATIONS NOT REQUIRED

The best casino sites on Indian reservations have been taken, and some tribes are looking elsewhere for new markets. States around the country are debating proposals for off-reservation gambling, in addition to the expansion of existing casinos. Here are some of the proposals:

OREGON

Gov. Theodore R. Kulongoski has signed a deal with the Confederated Tribes of the Warm Springs Reservation to build a casino in the Columbia River Gorge, with the state getting a share of the revenue. The tribe would close a smaller casino in central Oregon. The federal government now must approve the site. The local congressman, Greg Walden, supports the plan. Meanwhile, across the river in Washington, just north of Portland, the Cowlitz Tribe wants to build a casino with the backing of the Mohegans of Connecticut.

KANSAS

Gov. Kathleen Sebelius has an agreement with two tribes—the Kickapoo and the Sac and Fox—to build a casino in the Kansas City area. Legislators also have been looking at other proposals for expanding gambling in the state, and there are reports of other plans for Indian casinos in the works. A court ruling on the state's education funding, expected soon, could leave Kansans scrambling to find more money for schools—and gambling could be the most attractive option.

MINNESOTA

Gov. Tim Pawlenty has proposed a casino in Minneapolis-St. Paul and is talking with the White Earth Band of the Chippewa Indians and a non-tribal operator about running it jointly. Gambling is already big business in Minnesota. But Pawlenty is having trouble selling his new casino idea to the legislature. Competing tribes also object to the deal. For now, anyway, his prospects are uncertain.

FLORIDA

In March, voters in Broward County, north of Miami, voted to allow slot machines at places with parimutuel betting, such as racetracks. The vote also could be an opening for two tribes—the Seminole and the Miccosukee—to get into Las Vegas-style slots, since the Supreme Court has said tribes are entitled to any kind of gambling allowed in a state. The tribes are pressing for talks with Gov. Jeb Bush. Meanwhile, the state legislature has been fighting over how to regulate and tax machines in Broward.

CALIFORNIA

A deal for one tribe to build a huge casino in the Bay Area might fall flat, but Gov. Arnold Schwarzenegger has struck revenue-sharing agreements with 10 tribes since he took office, allowing them to start or expand casinos. He is in talks now with a number of others.

ILLINOIS

The Ho-Chunk Nation of Wisconsin wants to open a casino in the Village of Lynwood, on Chicago's south side. The tribe has the backing of the town board as well as officials from some neighboring communities. Local Rep. Jesse L. Jackson Jr. is lobbying for it and says local and state governments could expect a share of the revenue. A congressman from an adjoining district, Jerry Weller, is fighting it.

NEW YORK

In 2001, to boost revenue and tourism, the legislature approved six new casinos. One tribe has opened two in western New York and is building a third. Gov. George E. Pataki now wants to let five tribes put casinos in the Catskills. The deal would title tribal land claims. A Supreme Court ruling in a separate New York case has forced him to rework four of the deals, which would have let the tribes buy thousands of acres of land. The court rejected the Oneida Nation's effort to unilaterally declare sovereign authority on newly purchased land and all

local taxes and regulations, knowing the tribe has to go through the Bureau of Indian Affairs.

OHIO

A number of mayors state lawmakers and others been discussing ways to bring gambling to Ohio. Some have been negotiating with the Eastern Shawnee of Oklahoma, which claims historic ties to the state. The mayor of one town testified before Congress recently, saying that a tribal casino complex would bring new jobs and money to an area hard hit with the loss of manufacturing jobs. However, Gov. Bob Taft has said he opposes gambling.

THE INTRODUCTION OF THE NASA AUTHORIZATION ACT OF 2005

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. GORDON. Mr. Speaker, I am today introducing the ''National Aeronautics and Space Administration Authorization Act of 2005''. I am joined as cosponsors by all of my Democratic colleagues on the Science Committee, and I hope that other Members on both sides of the aisle will join us once they have had a chance to review the legislation.

Mr. Speaker, the legislation being introduced today provides an authorization for NASA that is credible, practical, and conferenceable. It recognizes that NASA has been, is, and should continue to be a multi-mission agency with significant R&D activities in science, aeronautics, and human space flight. This bill makes it clear that we support the President's goal of making exploration beyond low Earth orbit the long-term objective of NASA's human space flight program, and that we believe it is important to move forward aggressively to develop the Crew Exploration Vehicle and its associated launch vehicle. At the same time, it should be clear that we also believe that NASA's aeronautics R&D program needs to be revitalized because of its benefits to the nation's economy, national security, and quality of life. Similarly, NASA's science programs should also be supported because they offer the potential of dramatically increasing our knowledge of the Earth, the solar system, and the rest of the universe, as well as providing the opportunity for applications that can benefit life back here on Earth.

As a result, the legislation recognizes the need to ensure that the productive balance that has existed between NASA's major program areas is protected. To enforce that balance, the bill provides clear funding guidance, a restructuring of NASA's accounts into human-space-flight and nonhuman-space-flight accounts, flexible ''firewalls'' between NASA's major accounts, and consultation requirements in the event changes to the existing balance are contemplated.

Let me mention a few of the other main features of the bill. It provides a three-year authorization and funding guidance for NASA's major programs. Funding guidance contained in the bill includes:

Funding for a Hubble Space Telescope servicing mission.

Additional funding for the James Webb Space Telescope to compensate for the impact of the delay in selecting a launch vehicle for the mission, as well as for other programmatic challenges, so that this high priority mission can remain on track.

Funding for university research restored to FY 2005 levels.

Funding for the Earth Science program's Glory mission restored.

Additional funding for the high priority Earth Science program's Global Precipitation Mission (GPM).

Additional funding to allow ongoing, scientifically productive spacecraft missions such as Voyager and Ulysses to continue.

Funding preserved for fundamental, applied, and commercial life sciences and other microgravity research not tied to the human exploration program.

Aeronautics funding restored to the FY 2004 level and the decline contained in the President's five-year budget for aeronautics reversed.

Increased funding for education, including for the National Space Grant program.

Full funding for the Space Shuttle program.

Full funding for the International Space Station program.

Human Exploration funding to allow accelerated development of the Crew Exploration Vehicle (CEV) and its associated launch vehicle as well as for further implementation planning for NASA's human exploration program.

Funding provided for promoting technology transfer initiatives at NASA.

Some of the policy provisions contained in the bill include:

Ensuring that if the overall NASA budget is cut, the authorized levels for each of NASA's major programs would be cut proportionately, so no one area would suffer disproportionate cuts.

Having NASA prioritize its science programs and periodically assess their performance.

Having NASA develop a plan to ensure the continued health of the critically important Deep Space Network.

Directing NASA to schedule a Hubble servicing mission once NASA has successfully returned the Shuttle to flight.

Establishing a national policy for aeronautics R&D and initiating technology programs to advance the aeronautical state-of-the-art in key areas.

Directing NASA to honor its international obligations to the International Space Station program.

Strongly encouraging NASA to have a goal of retiring the Space Shuttle in 2010 and initiating Crew Exploration Vehicle (CEV) operations, but directing NASA not to retire all of the Shuttles until the CEV is operational unless the Administrator determines continued Shuttle operations would not be safe.

Establishing priorities for NASA's Human Exploration program for the next three years—namely, development of the CEV and its associated launch vehicle, and definition of the overall exploration architecture and prioritized implementation plan.

Directing NASA to work to improve access to its educational programs by minorities and economically disadvantaged students.

Directing NASA to seek an independent review of its educational programs and the extent to which they are effective in achieving STEM goals.

Establishing a prize program at NASA to encourage needed technology developments.

Encouraging NASA to aid in the development of the commercial space sector.

Directing NASA to develop a workforce strategy for its civil service workforce, seek input from the affected employees, and not undertake RIFs until Congress has had a chance to review NASA's plans.

Directing NASA to develop a financing policy for its test facilities that protects key national assets.

Providing NASA with enhanced use lease authority at its Centers.

Limiting off-shoring of contracts for the procurement of goods and services.

Having the Aerospace Safety Advisory Panel (ASAP) take on additional responsibilities, namely monitoring NASA's long-term compliance with the Columbia Accident Investigation Board's (CAIB) safety recommendations.

Establishing an independent commission to evaluate the safety of the International Space Station.

Providing a framework for establishing an independent commission in the event of a future human space flight accident.

Mr. Speaker, as you can see, the bill that we are introducing today is intended to provide clear Congressional direction to NASA with respect to priorities and balance. At the same time, it is intended to be flexible enough to accommodate changing circumstances and emergencies. Not everyone will agree with every provision in this bill—but that's been the case with every significant piece of legislation that I can remember being considered by this body. That is what the legislative process is all about. At the same time, I believe that the NASA Authorization Act of 2005 does provide a credible, practical, and conferenceable vehicle for providing needed guidance to NASA for the next three years.

NASA is an agency that has been committed to excellence in all of its areas of endeavor. It truly is a workforce of ''rocket scientists''. The legislation I am introducing today provides the policy and funding guidance that will position NASA for a productive and exciting future, and I hope that we can move it towards speedy enactment.

Finally, Mr. Speaker, I would like to close by stating a sentiment that I know is shared by all Members. Namely, our thoughts and prayers are with all of the members of the NASA family as they prepare to return the Space Shuttle to flight, and in particular we wish the crew of the Space Shuttle *Discovery* well on their upcoming journey.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. EVERETT. Mr. Speaker, on June 30th, I met with Governor Bob Riley and attended the Base Realignment and Closure Commission Regional hearing in Atlanta, Georgia in support of Alabama's military installations. As a result, I was unable to vote on rollcall votes 345–362. Had I been present, I would have voted as follows:

Rollcall Vote 345: ''no.'' An amendment by Jim Davis to prohibit use of funds in the bill to enforce regulations preventing family travel to Cuba. Amendment failed.

Rollcall Vote 346: ''no.'' An amendment by Barbara Lee to prohibit use of funds in the bill

to enforce regulations preventing travel to Cuba by academic institutions. Amendment failed.

Rollcall Vote 347: ''no.'' An amendment by Bernie Sanders to prohibit use of funds in the bill to provide for the competitive sourcing of flight service stations. Amendment passed.

Rollcall Vote 348: ''no.'' An amendment by Charlie Rangel to prohibit the use of funds from being made available to implement, administer, or enforce the economic embargo of Cuba, except that the foregoing limitation does not apply to the administration of a tax or tariff. Amendment failed.

Rollcall Vote 349: ''yes.'' An amendment by Mark Souder to prohibit the use of funds to enforce the DC gun ban. Amendment passed.

Rollcall Vote 350: ''yes.'' An amendment by Scott Garrett to prohibit the use of funds to enforce the Supreme Court ruling about eminent domain. Amendment passed.

Rollcall Vote 351: ''no.'' An amendment by Rosa DeLauro to prohibit use of funds in the bill to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama. Amendment failed.

Rollcall Vote 352: ''yes.'' An amendment by Joel Hefley to reduce the overall level of spending by one percent. Amendment failed.

Rollcall Vote 353: ''yes.'' An amendment by Carolyn Kilpatrick to prohibit the use of funds from being made available to recommend approval of the sale of Unocal Corporation to CNOOC Ltd. of China. Amendment passed.

Rollcall Vote 354: ''no.'' An amendment by David Obey requiring testimony before Congressional committees and communication with Members of Congress, witnesses will give frank and complete answers to all questions. Amendment failed.

Rollcall Vote 355: ''no.'' An amendment by Sherrod Brown to prohibit the use of funds from being used by the Council of Economic Advisers to produce an Economic Report of the President regarding the average cost of developing and introducing a new prescription drug to the market at $800 million or more. Amendment failed.

Rollcall Vote 356: ''no.'' An amendment by Nydia Velasquez to prohibit funds made available in the Act from being used by the General Services Administration to carry out the eTravel Service program. Amendment passed.

Rollcall Vote 357: ''no'' An amendment by Chris Van Hollen to prohibit funds made available in the Act from being used to implement the revision of Office of Management and Budget Circular A–76 made on May 29, 2003. Amendment passed.

Rollcall Vote 358: ''yes.'' Final passage of the Transportation-Treasury Appropriations bill.

Procedural and Suspension Votes

Rollcall Vote 359: ''yes.'' Previous question vote

Rollcall Vote 360: ''yes.'' Suspension vote expressing the sense of the House that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take action that would threaten to impair the national security of the United States.

Rollcall Vote 361: ''yes.'' Suspension vote expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.

Rollcall Vote 362: ''yes.'' Suspension vote providing supplemental funding for VA health care.

TO HONOR JEFFREY C. KROON ON HIS 20 YEARS OF OUTSTANDING SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the dedicated public service of Jeffrey Kroon, resident of Chautauqua County city of Jamestown, upon receiving the Boys and Girls Clubs of America National Service to Youth Award.

Kroon was presented with the award at the Boys and Girls Club awards night, for his 20 years of devoted service to the organization. He began working with the Jamestown club in 1985 as an employment coordinator for teens. Within 5 years he became the Boys and Girls Club of Jamestown assistant director, a position that he still holds.

In addition to the work he does with the Boys and Girls Club, Kroon has also been a volunteer with the Jamestown Area Youth Soccer League for the past 22 years. For 15 of the past 22 years Kroon has served as president.

Along with receiving the National Service to Youth Award, Kroon was also given the National Professional Service Award for extreme devoted service to boys and girls.

Kroon is a very dedicated man whose commitment and service is highly appreciated at the Jamestown Boys and Girls Club. I am proud, Mr. Speaker, to have the opportunity to honor him here today.

HONORING AND THANKING ALAN LEMONS AND CHADO JACOBS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor and thank two men from Hudson, Colorado, Alan Lemons and Chado Jacobs, for their selflessness and heroic acts that helped save the lives of two other fellow Coloradans, Shalyn and Zach Roach on Saturday, June 18, 2005.

Mr. Speaker, on that same day I was witness to an event of true heroism and of God's great intervention. That Saturday, I had the honor of joining some of the tremendously dedicated and talented group of professionals who make up the St. Anthony Hospital's Flight for Life team of Colorado.

It just so happened that on this Saturday morning, the Flight for Life air ambulance was called to the accident site in Hudson, Colorado where Shalyn and Zach Roach had been in a car accident that led to their car being trapped upside down, underwater, in an irrigation canal.

As the car lay upside down, partially submerged in water, the situation was obviously very dire for the Roaches. However, thanks to Alan Lemons and Chado Jacobs, Shalyn and Zach Roach are still with us today.

After witnessing the accident, Mr. Lemons and Mr. Jacobs immediately rushed into the canal and, putting their own personal safety aside, went underwater in order to pull the Roaches from their submerged vehicle and perform CPR on Shalyn.

Mr. Speaker, the term ''hero'' means different things to different people. To some, people who have fought in wars for our country are heroes, and I think that's a very appropriate description. For others, a hero may be a former teacher or coach, or maybe even a professional athlete. I submit, Mr. Speaker, that the actions of these two men from Hudson, Colorado are nothing short of heroic. Before the Flight for Life crew arrived on the scene of the accident, these men acted without concern for themselves and helped save two lives of people they had never met before.

And so, Mr. Speaker, it's with great appreciation and honor that I speak from the floor of this great chamber to honor Alan Lemons and Chado Jacobs for their selflessness and heroism. We're proud to call them Coloradans, and the State is a better place because of them.

TRIBUTE TO JUDGE ARMANDO V. RODRIGUEZ

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I would like to pay a special tribute to my friend Judge Armando V. Rodriguez, who recently celebrated more than thirty-two years as a Judge in the Harris County Justice Court.

Judge Armando V. Rodriguez is a native Houstonian who received his Bachelors of Business Administration, Bachelor of Law, and Doctor of Jurisprudence degrees from the University of Houston. He has been an active community leader in Harris County for over 40 years and has been an active member of a number of civic clubs and boards. He is truly one of the most dedicated public servants in our great city of Houston.

In 1972, Judge Rodriguez received the distinction of being appointed as one of the first Hispanics to preside over the City of Houston's Municipal Court system.

In 1973, he was the first Hispanic to be appointed Justice of the Peace by the Commissioners Court of Harris County, and by election has continuously held that office and is currently serving as the Presiding Judge. From 1992 to 1993, he was Vice Chairman of the Justice of the Peace Section of the State Bar of Texas.

Mr. Speaker, at the invitation of then President Jimmy Carter, Judge Rodriguez addressed the Conference on Hispanic Heritage in Washington, DC on the future of the Hispanic Community.

In the early 1980's Judge Rodriguez and I Co-Founded Houston's Black-Brown Coalition. This organization was designed to bring African-Americans and Hispanics together to work on issues of common interests. In addition,

Mr. Speaker, in 1969, Judge Rodriguez founded Fiestas Patrias, a non-profit organization dedicated to promote an awareness of their culture and heritage among young Hispanics.

Judge Rodriguez has been the recipient of the Alex Award from the Houston NAACP Legal Program and the Benito Juarez Medallion from then President Luis of Mexico, the highest honor given a non-resident of Mexico for creating better goodwill and understanding between Mexico and the United States.

Finally, Mr. Speaker, I congratulate my friend, Judge Armando V. Rodriguez for thirty-two years of outstanding service to our community.

IN HONOR OF RETIRING MAJOR GENERAL JANET E.A. HICKS

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. NORWOOD. Mr. Speaker, today I rise to recognize the lifelong dedication to our Nation's service of one of my constituents, Major General Janet E.A. Hicks of Augusta, Georgia.

This week, Major General Hicks retires after 30 years of service in the U.S. Army Signal Corps. She ends her Army career as Commander of the Army Signal Center and Fort Gordon, in which position she has served since 2002.

General Hicks graduated from Simpson College in Iowa, and received her Masters Degree from Georgia Southern University in Statesboro. She was granted a direct commission in the Army in March 1975, and attended the Women Officers' Orientation Course at Fort McClellan, Alabama.

Her first assignment was to the 41st Signal Battalion in Korea. She was subsequently assigned to the 25th Infantry Division at Schofield Barracks, Hawaii, where she taught the Signal Officer Basic and Advanced Courses. She next served at Fort Richardson, Alaska as logistics officer, followed by an assignment with Central Command MacDill Air Force Base, Florida.

She was promoted to command the 125th Signal Battalion, 25th Infantry Division in 1992. After attending the Army War College, she assumed command of the 516th Signal Brigade with concurrent duties as deputy chief of staff for information management of the U.S. Army, Pacific at Fort Shafter, Hawaii.

She assumed command of Fort Gordon in 2002.

Major General Hicks has been awarded the Legion of Merit, Defense Meritorious Service Medal, Joint Service Commendation Medal, Meritorious Service Medal with three oak leaf clusters, Army Commendation Medal with two oak leaf clusters, and the Humanitarian Service award.

Mr. Speaker, after 30 years of distinguished service to her Nation, Janet Hicks would be perfectly justified in taking some time off to serve herself for a change.

But I am pleased to note that her service to others will instead continue uninterrupted, as she assumes new duties as Headmaster of Augusta Preparatory School.

Mr. Speaker, as representative of the people of Georgia's 9th Congressional District, I thank Major General Janet Hicks for her decades of service to her Nation in uniform, and for her future service to our community and its young people.

CORPORAL LYLE J. CAMBRIDGE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the life of Corporal Lyle Cambridge.

Lyle lived a life rich in the traditions of his family and Navajo Culture. Unfortunately his life was cut short last Tuesday, July 5th, when he was killed while on patrol in Baghdad at the age of 25. This was his second tour of duty in Iraq.

Lyle, a graduate of Aztec High School, joined the United States Army in May 2002. He followed on the same military path as his brother Vernon, who has been in the Army for 12 years, and his father Joe, a veteran of Desert Storm.

Surviving Lyle are his parents, Virginia and Joe Cambridge Sr., his wife Evonne, his two sons, 3-year-old Wyatt and 1-year-old Nick, and many siblings.

After learning of Lyle's fate, they and other members of the Navajo community gathered to remember him and pray. Through their heartache, they recalled Lyle's generous spirit and fun-loving personality.

Today and always, we also recognize the spirit, strength and sacrifice of Corporal Lyle Cambridge.

Our heartfelt condolences and prayers are with Lyle's family and friends during this time of great loss. We salute him for his courage and bravery.

TRIBUTE TO LIEUTENANT COLONEL RICHARD ''MOOSE'' HAAS

HON. DENNIS. R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. REHBERG. Mr. Speaker, I rise today to salute one of the many brave men and women who serve all of us in our great military. I would especially like to pay tribute today and offer my personal thanks to Lieutenant Colonel Richard ''Moose'' Haas, of the United States Air Force, for a job well done.

As a fellow Montanan, I'd like to take this time to highlight Colonel Haas' service to our country. Today, he serves in the Pentagon, working at the leading edge of future National Defense writing concepts outlining how the Department of Defense will maintain the peace and security of this great Nation for years to come.

Moose is a highly decorated combat veteran winning two Distinguished Flying Crosses with Valor during missions in Operation Desert Storm. He has also served in Operations Desert Shield, Deny Flight, Provide Comfort, and more recently in Enduring Freedom where he helped plan the Air Campaign against Taliban and Al Qaeda forces. He has logged over 2500 hours in the F–111 and F–15E fighter aircraft, with over 300 of those in combat.

I know many of my colleagues will join me in thanking Colonel Haas for the many years of service he has given our country and in congratulating him on retirement. I wish him all the best in his future endeavors.

HONORING GAYLORD NELSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the life and legacy of Gaylord Nelson of Wisconsin. Since his death a little more than a week ago, at age 89, much has been written about this extraordinary statesman, environmentalist, husband, father, and friend.

Gaylord Nelson was a giant in Wisconsin history. In a life dedicated to public service, Gaylord Nelson embodied the ethics of his state: hard work, perseverance, honesty, integrity, compassion, and good humor.

Gaylord Nelson was a patriot who, as a young soldier, courageously served 46 months in a just war, and then, as a U.S. Senator, courageously took a stand against a war he believed was unjust.

As a State Senator and Governor of Wisconsin, Gaylord Nelson was an effective leader and natural-born politician who practiced the fine art of governing by always striving for the common good, seeking common ground, and practicing common decency. His political battles were never personal, and his personal friendships knew no political boundaries.

As a U.S. Senator, Gaylord Nelson brought his energy and activism to the national stage. His concern for the environment was visionary and relentless. Gaylord Nelson's efforts led to the Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. In 1995, President Bill Clinton honored him with the Nation's highest civilian award: the Presidential Medal of Freedom.

Gaylord Nelson was an advocate for consumers, small business owners, farmers, and all who shared his belief in the promise of America.

Above all, he was, as one report noted, ''A voice crying out for the wilderness.'' As the father of Earth Day, he leaves a legacy of environmental awareness and action that has changed lives and livelihoods for the better in communities throughout the world.

Gaylord Nelson of Wisconsin was a citizen of the world, a leader of the highest ethical standards, and a model public servant whose life's work will continue to inspire Americans for many generations. I join with all of Wisconsin in saluting him today.

SIKH FLAG RAISED IN CALIFORNIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. TOWNS. Mr. Speaker, on July 3 in Turlock, California, the Sikh flag was raised at an event there. There were speeches from

many distinguished Sikhs, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, and many others. The event was organized by Dal Khalsa America, the American branch of a Sikh political party that is strongly in support of independence for Khalistan, the Sikh homeland. Leaders of Dal Khalsa have been arrested in India, along with other leaders, for raising the Khalistani flag there.

In all, dozens were charged last month on the 21st anniversary of India's military attack on the Golden Temple for daring to raise the flag of Khalistan and making speeches, even though these are not crimes in India. They are not crimes in any democratic country. Yet these charges follow the arrests of 35 Sikhs in January for hoisting the Sikh flag and making speeches on India's Republic Day.

These are just the latest acts in a pattern of repression that includes the killings of over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland, over 89,000 Muslims in Kashmir, tens of thousands more Christians and Muslims around the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. It seems that the more support for the freedom movement rises, the more brutal India's repression of it gets.

Self-determination is the essence of democracy. But instead of settling the issue of freedom democratically in a free and fair vote, India chooses to suppress the freedom movements with excessive and brutal force.

I am glad that we do not live in that kind of democracy, Mr. Speaker. Instead, we live in a country where you can say what you want, believe what you want, and raise a flag if you want. We must do what we can to help bring India to that kind of democracy, especially with Prime Minister Manmohan Singh coming for a visit soon.

Mr. Speaker, the time has come to stop our aid and trade with India and to put the Congress on record in support of self-determination for the people of Punjab, Khalistan, of Kashmir (as India promised in 1948), of predominantly-Christian Nagaland, and of the other states and nations seeking their freedom. It should start with the dropping of all charges against those arrested or charged for raising a flag and with the release of all political prisoners, and I urge President Bush to bring up these two issues when Prime Minister Singh is here. Only when these goals are achieved can India be welcomed into the family of democratic nations. Only then can these minorities live in freedom, peace, security, stability, dignity, and prosperity.

Mr. Speaker, I would like to place the Council of Khalistan's press release on the flag raising in California and its open letter on the charges against the Sikh activists who raised the flag into the RECORD at this time.

KHALISTAN FLAG HOISTED IN CALIFORNIA, USA

WASHINGTON, D.C., July 12, 2005.—At an event on July 3 in Turlock, California, Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America, invited Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, to hoist the flag of Khalistan. The Council of Khalistan is the government pro tempore of Khalistan. It is leading the struggle for Khalistan's independence. Dal Khalsa has led several marches and other events in Punjab to promote independence for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. The event was shown throughout India on an Indian television channel called Aaj Tak on July 6. Dr. Aulakh was interviewed by a California representative of Voice of America.

As soon as Dr. Aulakh raised the flag, slogans of ''Khalistan Zindabad'' (''Long live Khalistan'') were raised. Speakers at the event spoke out strongly for a free and independent Khalistan. Speakers included Dr. Awatar Singh Sekhon from Canada, Dr. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Philadelphia, Dr. Paramjit Singh Ajrawat, Sardar Dharam Singh Bains of Philadelphia, and others.

''If anyone speaks out for freedom, the Indian government labels them terrorists,'' Dr. Aulakh said. ''This is not going to work. Everyone knows the modus operandi of the Indian government.'' The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Bodos, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! ''These prisoners never committed any crime but peacefully speaking out for Sikh freedom,'' said Dr. Aulakh. ''How can there be political prisoners in a democracy?'' he asked. ''We demand the release of all political prisoners,'' he said.

''As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh','' Dr. Aulakh noted. He added that the event in Turlock was in line with the strong sentiment for freedom in Punjab, Khalistan. ''We must work hand-in-hand, the Sikh diaspora and our Sikh brothers and sisters in Punjab, Khalistan, until the glow of freedom shines on a free and sovereign Khalistan,'' he said. ''I thank Sardar Sekhon for organizing this event.''

''The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it,'' Dr. Aulakh said. ''Last year, Punjab Chief Minister Amarinder Singh signed a bill canceling the agreements that allowed the diversion of Punjabi water to non-riparian states. The bill asserted the sovereignty of Punjab. Sardar Atinder Pal Singh, another former Member of Parliament, held a seminar on Khalistan in Punjab. It was well attended and featured outstanding presentations, including one by Professor Gurtej Singh, IAS, Professor of Sikhism,'' he said. ''Dal Khalsa has held marches through Punjab demanding the establishment of an independent Khalistan.''

On the Anniversary of the Indian government's military attack on the Golden Temple, the center and seat of Sikhism, last month, Dal Khalsa, the Khaisa Panchayat, the Shiromani Akali Dal (Amritsar), Damdami Taksal, the Sikh Student Federation (Bittu), and the Akal Federation marched through the streets of Amritsar demanding freedom for Khalistan. They carried posters of the demolished Golden Temple and distributed pamphlets on the life of Sant Jarnail Singh Bhindranwale, a Sikh leader who was murdered in the Golden Temple attack along with General Shabeg Singh, Bhai Amrik Singh, and others. Bhindranwale was a strong advocate of Sikh freedom. Dal Khalsa also raised the flag of Khalistan on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail. Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. Those charged include Dal Khalsa leaders such as Kanwarpal Singh Bittu, Sarabjit Singh Ghuman, Dr. Manjinder Singh Jandi, and others, as well as former Member of Parliament Simranjit Singh Mann.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multinational, multiethnic, multireligious, multicultural, multilinguistic state that is doomed to disintegrate like the Austro-Hungarian Empire.

''We must continue to pray for and work for our God-given birthright of freedom,'' Dr. Aulakh said. ''Without political power, religions cannot flourish and nations perish.''

COUNCIL OF KHALISTAN,
Washington, DC, July 12, 2005.

DEAR KHALSA JI: Last month on the anniversary of India's brutal military attack on the Golden Temple and 125 other Gurdwaras throughout Punjab, dozens of Sikhs were charged by the Indian government. Warrants for their arrest were issued. Their crime was raising the flag of Khalistan in the presence of over 30,000 Sikhs. We salute them for this action and for their courage. Apparently, peacefully demonstrating in support of self-determination and freedom can get you arrested in India. Unfortunately, this is part of a pattern.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. On Republic Day, Sikh leaders raised the Sikh flag in Amritsar and made speeches in support of Khalistan. 35 Sikhs were arrested for raising the Sikh flag. Eleven of them continue to be held and they have been denied bail. I was invited to raise the flag on July 3 in Turlock, California, at an event organized by Dal Khalsa America. I would like to thank Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America, who invited me to hoist the flag of Khalistan. Speakers included Dr. Awatar Singh Sekhon from Canada, Dr. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Philadelphia, Dr. Paramjit Singh Ajrawat, Sardar Dharam Singh Bains of Philadelphia, and others. The event was shown throughout India on an Indian television channel called Aaj Tak on July 6. I was interviewed by a California representative of Voice of America. When I raised the flag, slogans of ''Khalistan Zindabad'' were raised.

In 1699, Guru Gobind Singh gave sovereignty to the Sikh Nation, giving the blessing ''In grieb Sikhin ko deon Patshahi'' (''I give sovereignty to the humble Sikhs.'') Just two years after his departure from this earthly plane in 1708, the Sikhs established our own independent state in Punjab. Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. There was no such thing as India then.

Today we struggle to regain the sovereignty that Guru Gobind Singh bestowed upon us over 300 years ago. Yet the Jathedar of the Akal Takht, Joginder Singh Vedanti, was quoted as saying that ''We don't want a separate territory.'' Does Jathedar Vedanti,

like every other Sikh, pray ''the Khalsa shall rule'' every morning and evening? Has he forgotten our heritage of freedom? How can the spiritual leader of the Sikh religion deny the Sikh Nation's legitimate aspiration for freedom and sovereignty? Is he not stung by the words of one of his predecessors, former Akal Takht Jathedar Professor Darshan Singh, who said, ''If a Sikh is not a Khalistani, he is not a Sikh''? Is Akal Takht occupied by a person who does not believe in Sikh values and Sikh aspirations?

Punjab's Chief Minister, Captain Amarinder Singh, was declared a hero of the Sikh Nation for asserting Punjab's sovereignty and preserving Punjab's natural resource, its river water, for the use of Punjab farmers by cancelling Punjab's water agreements. In so doing, Amarinder Singh and the Legislative Assembly explicitly declared the sovereignty of the state of Punjab. In December former Member of Parliament Simranjit Singh Mann again reverted to public support of Khalistan. He pledged that his party will lead a peaceful movement to liberate Khalistan. Obviously, Mr. Mann is aware of the rising support of our cause. Mann joins Sardar Atinder Pal Singh, Sardar D.S. Gill of the International Human Rights Organization, and other Sikh leaders in Punjab in supporting freedom for Khalistan openly. Jagjit Singh, President of Dal Khalsa, was quoted in the Deccan Herald as saying that ''the Indian government can never suppress the movement. Sikh aspirations can only be met when they have a separate state.'' There is no other choice for the Sikh nation but a sovereign, independent Khalistan. Every Sikh leader must come out openly for Khalistan. We salute those Sikh leaders in Punjab who have done so.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. Leaders like Dr. Jagjit Singh Chohan, Harchand Singh Longowal, Didar Bains, Ganga Singh Dhillon, the Akali Dal leadership, and others who were complicit in the attack on the Golden Temple cannot be trusted by the Sikh Nation. The evidence against them is clear in Chakravyuh: Web of Indian Secularism. The Sikh Nation cannot believe that these leaders will not betray the cause of Khalistan, just as they betrayed the Sikh Nation in 1984. We must be careful If we are to continue to move the cause of freedom for Khalistan forward in 2005 as we did in 2004.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikh during June 1984 in Punjab. Even the Pope spoke out strongly against this invasion and desecration of our most sacred shrine. How can these so-called Sikh leaders connive with the people who carried It out? If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparallelled corruption. If Jathedar Vedanti opposes freedom and sovereignty for the Sikh Nation, then he is not fit to sit in Akal Takht, in the seat of the Khalsa Panth. The Sikh Nation should have a Jathedar who is committed to restoring sovereignty that is our birthright and that Guru Gobind Singh granted.

Is this the freedom that Guru Gobind Singh bestowed upon us? Is this the ''glow of freedom'' that Nehru promised us when Master Tara Singh and the Sikh leaders of the time chose to take our share with India?

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 19 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

The Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered more than a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. Otherwise they would behave like a real Jathedar, Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre of Sikhs and others at Jallianwala Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as ''unidentified bodies.'' Their remains were never even given to their families! Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Over 250,000 have been murdered at the hands of the Indian regime. Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from Delhi. The leaders in Delhi are only interested in imposing Hindu sovereignty over all the minorities to advance their own careers and their own power. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo labelling Sikhs ''a criminal tribe.'' What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us dedicate ourselves to living up to the blessing of Guru Gobind Singh. It is time to launch a Shantmai Morcha to liberate Khalistan. We must demand self-determination in a free and fair vote, the democratic way. It is time to shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
President.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. ABERCROMBIE. Mr. Speaker, yesterday, July 12, 2005, I was unavoidably absent from the business of the House. Had I been present, I would have voted as follows on recorded votes:

Rollcall vote No. 365, ordering the previous question on H. Res. 351, ''no''; No. 366, passage of H. Res. 351, ''no''; No. 367, suspend the Rules and pass H. Res. 352, ''no''; No. 368, suspend the Rules and pass H. Res. 343, ''yes''; No. 369, passage of H.R. 739, ''no''; No. 370, passage of H.R. 740, ''no''; No. 371, passage of H.R. 741, ''no''; No. 372, passage of H.R. 742, ''no.''

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS ADMINISTRATION ON JULY 21, 1930

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BUYER. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, today I am introducing H. Res. 361 recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930. I am joined by the Committee's Ranking Member, Mr. EVANS, in introducing this resolution.

More than 48 million men and women have served America well and faithfully in military uniform. More than 1 million made the ultimate sacrifice for our freedom. Twenty-five million veterans are living among us today. These men and women selflessly set aside their civilian lives to put on the uniform and serve us. Many return from that service bearing wounds to body and spirit. Many return hungry to take advantage of the fruits of the democracy they defended, and seek education and employment opportunity.

The nation's obligation to her defenders is as old as that defense itself. In his second inaugural address in 1865, President Abraham Lincoln clearly expressed the obligation: ''. . . to care for him who shall have borne the battle, and for his widow, and his orphan.''

On July 21, 1930, pursuant to a Congressional authorization, President Hoover issued an executive order to ''consolidate and coordinate Government activities affecting war veterans,'' creating the Veterans Administration. The new VA was charged with ensuring that America's veterans received the benefits and services they had earned through their military service.

Today the 230,000 public servants of the Department of Veterans Affairs, formed from the VA in 1989, continue the noble tradition of their predecessors in service to veterans and their families.

The men and women of today's VA are dedicated to caring for today's veterans and stand ready to provide for our servicemembers who now defend our freedoms and our way of life.

IN SUPPORT OF H.J. RES. 54; GIVING POSTHUMOUS U.S. CITIZENSHIP TO GENERAL CASIMIR PULASKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today in support of H.J. Res. 54, honoring the heroism and sacrifice of General Casimir Pulaski (1748–1779), who fought valiantly with the Continental Army during the American Revolutionary war and died for freedom and American independence.

General Pulaski was born in Poland in 1748. As a young man of fifteen, Pulaski joined the Polish army, along with his father, to fight Russian and Prussian interference in Polish political affairs. After being outlawed by Russia for his actions in favor of liberty, Pulaski moved to Paris where he soon met Benjamin Franklin. In his quest to find mercenary soldiers, Franklin convinced Casimir Pulaski to join the colonies' cause against Great Britain.

In 1777, Casimir Pulaski came to Philadelphia to meet General George Washington. Upon meeting Washington Pulaski wrote in a letter that: ''I came here, where freedom is being defended, to serve it, and to live or die for it.''

On September 11, 1777, Pulaski fought bravely in the battle at Brandywine, helping to avert a disastrous American defeat and courageously saving the life of George Washington. General Washington was so impressed with Pulaski's valor and abilities at Brandywine Creek that he recommended that Continental Congress appoint Pulaski as general of the American cavalry.

General Pulaski continued serving the Continental Army for two years until a major offensive in October 1779 took his life. On an assault against British forces in Savannah, Georgia, Casimir Pulaski was mortally wounded. Once taken aboard the American ship the USS *Wasp,* Pulaski died at sea on October 11, 1779.

Directly after his heroic death in 1779, the Continental Congress resolved that a monument be erected in General Pulaski's honor. Today, almost every city has a street, memorial or a school named in Pulaski's memory.

We in Western New York have the great privilege of having a strong and vibrant Polish American community. The Polish influence in Western New York can be traced back to Pieter Stadnitski, one of the partners of the Holland Land Office Company; the Dutch company which purchased and brought settlers to the area in the early 19th century. Since that time the community in Cheektowaga has thrived both culturally and politically. It is therefore fitting that the Pulaski Parade honoring General Pulaski is to take place in Cheektowaga, NY on July 17, 2005. This parade will honor Polish artists, politicians, dignitaries and heroes like Pulaski. I very much look forward to attending this parade, supporting the great courage of General Casimir Pulaski and saluting our great Polish American friends in Western New York.

TRIBUTE TO ELIZABETH ''BETSY'' HOFFMAN

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to Elizabeth ''Betsy'' Hoffman for her devoted services as President of the University of Colorado System. President Hoffman has provided unwavering leadership to the University of Colorado bringing about several major achievements to each campus in the CU system. President Hoffman created and implemented CU Vision 2010, a bold system wide effort to enhance the University of Colorado in teaching, research, and service, by establishing a commitment to a culture of excellence.

I would like to recognize President Hoffman for her tireless efforts in working with Congress, federal agencies, local governments, and businesses that have furthered the development of a world-class health sciences center located at the Fitzsimons campus. Most recently, President Hoffman guided the University of Colorado through a consolidation of the Denver and Health Sciences Center campuses creating the number one research institution in the Rocky Mountain West at $330 million a year.

Under her direction, the Boulder campus has consistently ranked among the top tier of public universities in federal research funding and first among public universities in NASA funding, which has bolstered and created new partnerships with private industry in the community.

President Hoffman has worked to uniquely position the Colorado Springs campus as the fastest growing campus within the University of Colorado System. She has cultivated partnerships with U.S. Space Command and NORAD to provide education, training, and research in areas of homeland defense and homeland security and directly supporting government efforts to promote the development of a professional space cadre.

President Hoffman has facilitated a record level of private support including $250 million to establish the Coleman Institute to assist those with cognitive disabilities, providing the distinct honor of receiving the largest private gift to a public university at that time.

As an appointed member of the National Science Board and serving as Chair to the Board's Committee on Education and Human Resources, President Hoffman has championed policies for the University of Colorado and its peers to advance their basic research and applied science programs.

Mr. Speaker, it is a pleasure to offer my thanks to President Hoffman for her commitment and record of achievement as President of the University of Colorado System. I have enjoyed our working partnership and wish her and her husband, Brian, the best in her future endeavors.

INTRODUCTION OF A RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF ROSA PARKS' REFUSAL TO GIVE UP HER SEAT ON THE BUS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a resolution commemorating Rosa Parks and her decision to stand up to injustice 50 years ago. On December 1, 1955, Ms. Parks refused to obey a bus driver's order that she give up her bus seat in the black section to a white man because the white section was full. It is the courage, dignity, and determination that Ms. Parks exemplified on this day that allows most historians to credit her with beginning the modern day civil rights movement. Ms. Parks's actions on December 1, 1955 led to the desegregation of American society and enabled all of this nation's citizens to realize freedom and equality.

The arrest of Ms. Parks led African Americans and sympathizers of other races to boycott the Montgomery city bus line until the buses in Montgomery were desegregated. The 381 day Montgomery Bus Boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all. The fearless acts of civil disobedience displayed by Rosa Parks and others resulted in the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws. This decision would lead to other landmark Supreme Court decisions in which the Court would rule in the interest of justice and equality.

In the years following the Montgomery Bus Boycott, Ms. Parks moved to Detroit, Michigan in 1957 and continued her civil rights work by working in my District Office. Ms. Parks was with the office from 1965 until 1988. In the more than twenty years that Ms. Parks was in the office, she worked with a tireless spirit for the people of Detroit and other Americans. In 1987, she started the Rosa and Raymond Parks Institute for Self Development in Detroit, a nonprofit organization which motivates youth to reach their highest potential. So it is with great pleasure and honor that I stand today to recognize not only a civil rights pioneer, but a member of my staff, a constituent, and a friend.

It is in this recognition of the 50th Anniversary of Ms. Parks's refusal to give up her seat on the bus, that I ask the Congress and the great people of this nation to work with the same courage, dignity, and determination exemplified by her to address modern day inequalities and injustice. The American dream is out of reach for millions. The United States is one of the richest nations in the world so I ask: Why aren't our schools thriving? Why are so many African Americans unemployed? Why are health care, housing, and college education so difficult to afford?

Civil rights pioneer Rosa Parks displayed a defiant act of courage 50 years ago so that these questions would not be raised today. I know that this Congress and the people of this nation can work to further the ideals of Ms. Parks and the Civil Rights Movement.

SUPPORTING TITLE II OF H.R. 458, THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in support of Title II of H.R. 458, the Military Personnel Financial Services Protection Act. This bill helps protect our troops and other military personnel from predatory lending. We must make sure that our fighting men and women have access to credit while ensuring that reasonable protections are put in place to combat abusive lending practices.

0ver the last few years, there has been an alarming increase in predatory financial scams located outside or near many of our nation's military bases. These unscrupulous businesses target members of our military and their families through the sale of sub-standard insurance and investment products. Many even resort to misleading representations that attempt to convince customers that the military endorses these businesses, which is simply not true.

Mr. Speaker, Congress must take action to prevent such unfair lending practices, without punishing legitimate business in similar industries. H.R. 458 accomplishes this goal by identifying predatory businesses that abuse consumers and safeguarding the financial futures of our soldiers and their families who rely on their legitimate counterparts. I applaud my friend from Kentucky, Mr. Davis, for sponsoring this legislation and urge my colleagues, on both sides of the Capitol, to support it.

A TRIBUTE TO SENATOR GAYLORD NELSON

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to a leader whose lifetime of public service reflected the very best of Wisconsin values. Senator Gaylord Nelson, the man credited with sparking the modern environmental movement, died July 3, at the age of 89.

Growing up in the small town of Clear Lake, Wisconsin, Senator Nelson developed a passion for the natural world, the protection of which became his highest political priority. He learned the true value of public service from the examples set by his parents, a small-town doctor and nurse who were known for treating neighbors in need regardless of their ability to pay. Though his political career would take him to Madison, WI, and then on to our Nation's Capital, Washington, DC., he never lost the friendly and unpretentious character that marked his early years in Clear Lake.

Among elected officials, Senator Nelson's leadership is undeniable. He served three terms in Wisconsin's State Senate before being elected Governor in 1959. Four years later, he ascended to the U.S. Senate, where he served for 18 years.

His accomplishments are too numerous to list. He is most widely known as the founder of Earth Day, an annual celebration that mobilized public support for environmental stewardship and brought new political attention to the importance of protecting and preserving the natural world.

Building on the grassroots organizing that made Earth Day a success, Senator Nelson authored landmark conservation legislation at both the State and Federal levels. His legacy includes a huge array of public lands and park spaces, including the St. Croix Wild and Scenic Riverway, the Apostle Islands National Lakeshore, and Governor Nelson State Park. He sponsored legislation to protect rivers and waterways. He co-sponsored laws protecting the Appalachian Trail, and banning the use of toxic chemicals like DDT and Agent Orange.

Most widely known for his commitment to conservation, Senator Nelson also made his mark in other areas, including consumer protection, ethics and opposition to the Vietnam War.

As remarkable as his legislative accomplishments was the appealing and unpretentious style for which he was known. A friend to all, Senator Nelson once remarked that he could never dislike anyone whom he took the time to know. He avoided partisan rancor, and developed lifelong friendships with many whose views he opposed on the Senate floor. While he clearly understood that maintaining relationships enabled his political accomplishments, his sincere regard for his contemporaries was never in question.

When his career as an elected official ended in 1980, Senator Nelson continued his environmental advocacy as chairman of the Wilderness Society. As recently as April of this year, Senator Nelson wrote to students at MacDowell Montessori in Milwaukee—the same school my own granddaughters attended—to hail their Earth Day celebration and urge them to adopt a lifelong commitment to the environment.

Mr. Speaker, millions of Americans owe a debt of gratitude to Senator Nelson for his efforts to protect the natural world around us. He understood that access to clean air, water, and wilderness is crucial not only for our physical survival, but also for our spiritual nourishment. I am thankful to him for his passionate pursuit of these public goods, and for the example of public service that I take as inspiration in my own career.

HONORING RICHARD JOHNSON, SENIOR FARMER OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Richard Johnson for being selected as the 2005 Madera Chamber of Commerce Senior Farmer of the Year. Mr. Richard Johnson will be recognized at the Madera County Farm Bureau's 84th Annual Meeting and Senior Farmer Presentation on July 14th in Madera, California.

Mr. Johnson is a model of excellence in his community. For over 51 years, Richard has been a part of the agricultural community. As a child, Richard grew up working on a 300 acre farm, and upon entering Madera High School, he continued to strengthen his appreciation for Agriculture through his active membership in Future Farmers of America.

After graduating from Madera High School, Richard went on to attend Fresno State where he majored in Agriculture. Upon returning from military service with the United States Air Force (1951–1955), Mr. Johnson returned to farming in Madera County, where today he continues to farm a diverse bounty of crops and livestock on 1,940 acres.

Mr. Johnson has been a member of the Madera County Farm Bureau for over 30 years, over 11 of which he has served as a member of the organization's Board of Directors. In addition, Richard Johnson has tirelessly devoted his time to numerous community organizations and projects, including Coats for Kids, Chowchilla 20–30 Club, and the Madera County Republican Central Committee. During the Christmas season, Mr. Johnson can be seen visiting local elementary schools dressed as Santa Claus.

Richard Johnson, together with his wife Lila Nelson-Johnson, have 3 sons.

Mr. Speaker, I rise today to congratulate Richard Johnson upon being named Senior Farmer of the Year by the Madera Chamber of Commerce. His contributions to America's agricultural communities and to his country have been invaluable. I invite my colleagues to join me in commending Mr. Johnson for this achievement.

IN HONOR OF JOSEPH H. EVANS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. CASTLE. Mr. Speaker, I rise to pay tribute to a heroic Delaware firefighter, Joseph Evans, who tragically died in the line of duty at the age of 61. While responding to a house fire in the early hours of July 10th, 2005, Joe, an engineer with the Bridgeville Volunteer Fire Company, suffered a heart attack. Despite the best efforts of medical personnel, Joseph Evans passed away shortly after his arrival at the Nanticoke Hospital.

For 41 years, Joseph Evans was a member of the Bridgeville Volunteer Fire Company. During his dedicated career with Station #72, Joe served in many capacities, including Director of Supplies, Assistant Chief Engineer, and Chief Engineer. In 1968, his work earned him recognition as Bridgeville's "Fireman of the Year." Joe's efforts were not confined to Bridgeville; he also served with the Sussex County Firemen's Association, the Sussex County Fire Chiefs Association, the Delaware State Fire Chiefs Association and the Del-Mar-Va Volunteer Firemen's Association.

In addition to his work with the fire department, Joe was successful in other pursuits. As a young man, he distinguished himself athletically as a member of the 1962 Blue-Gold All Star Football team. A lifetime farmer, Joe also worked as a telephone lineman for Diamond State and later Bell Atlantic, where he received the company's Spirit of Excellence Award.

Mr. Speaker, in closing, Joseph Evans heroically gave his life in the service of others. This dedication, which is typical of firemen throughout the United States, is a testament to his courage and selflessness. I join my colleagues in remembering Joe's contributions

and offer my sincerest sympathy to both his family and his colleagues at the Bridgeville Volunteer Fire Company.

IN HONOR OF PAUL WINCHELL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. NADLER. Mr. Speaker, I rise today to recognize the life and accomplishments of Paul Winchell, who passed away on Friday, June 24th.

Paul was born in Manhattan's Lower East Side on December 21, 1922. He studied ventriloquism from an early age, overcoming speech impediments and a difficult family life. He would go on to become one of the great pioneers of early television, bringing a smile to every household with his ventriloquism act on the Paul Winchell-Jerry Maloney show in the 1950's.

To younger generations, Paul was best known as the voice of Tigger, the loveable tiger from Walt Disney's adaptation of "Winnie the Pooh." He also played numerous roles on children's programs such as the Jetsons, the Smurfs, the Brady Bunch, and the Beverly Hillbillies. But Paul was much more than an entertainer—he was also an innovative thinker and inventor with thirty patents.

At the age of 35, Paul decided to return to school at Columbia University, where he studied premed and went on to work on projects for the American Red Cross and the Leukemia Society. In 1963 he joined forces with Doctor Henry Heimlich, and together they developed and patented the first early artificial heart. Rather than sit on his accomplishment, however, he donated the heart to the University of Utah, where it served as the prototype for Dr. Robert Jarvik's first successful heart implant in 1982.

Paul Winchell lived a life of unparalleled diversity. Whether making children smile or improving lives through innovation, he dedicated his talents to the betterment of his surroundings, and I request that we honor him for a life well lived.

SECURE TRAINS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. NORTON. Mr. Speaker, today, I am reintroducing the Secure TRAINS, Secure Transit and Railroads Across America and Investment in National Security, Act of 2005 for the second time in 2 years, and pleading the urgency of passage before Congress goes on its August break. I am pleased to have as cosponsors, Democratic Leader NANCY PELOSI, Minority Whip STENY HOYER, Committee on Transportation and Infrastructure Ranking Member JIM OBERSTAR, Homeland Security Committee Ranking Member BENNIE THOMPSON, and Senior Transportation Committee Member and Chair of the Democratic Caucus BOB MENENDEZ. London should be too close for congressional comfort while the country's subways, buses, rail, light rail and ferries go unprotected. London's tally thus far of 52 dead and 700 injured and the Madrid totals of more than 190 killed and 1,800 injured could be far worse here, considering the abysmal state of passenger and freight preparedness across the United States today.

Instead of direct passage, I tried to get the Homeland Security Committee, on which I serve, to include Secure TRAINS in the Department of Homeland Security, DHS, authorization bill, passed by the House in May, but my bill was defeated on a party line vote. I managed to get two amendments requiring DHS to develop passenger security best practices for mass transportation operators, and to develop a national plan for public outreach and awareness for employees and I passengers. However, the key provisions of the bill and of another I cosponsored for freight hazmat security protection were defeated because the President's budget did not fund them.

President Bush's 2006 budget eliminated dedicated funding for mass transportation altogether, instead forcing mass transit into the Targeted Infrastructure Protection Program, TIPP, to compete with other transportation sectors, such as ports, which already receive at least some dedicated funding. Last year, Congress provided only $150 million for mass transportation security grants, but this year the Senate Appropriations Committee already has reduced these grants by $100 million.

I can only ask, rhetorically, whether the administration and Congress know what the people ride each day. Approximately 16 times as many passengers use public transportation as use airlines—9 billion passenger trips annually on public transportation—but 90 percent of transportation security funding has gone to air travel, after the fact, after the catastrophe. We are breaking our post-9/11 promise not to be caught flat footed again because we have let the record stand at $21 billion for air travel security and $550 million for public transportation security all told. Secure TRAINS at a little over $3.8 billion modestly increases investment in public transportation and freight security.

Unlike much of the wasteful, open-ended funding for homeland security in the period following 9/11, most of the funding in Secure TRAINS would be available through grants. Thus, the Homeland Security Committee's formula based on threat, vulnerability and consequences would be applied with far greater financial efficiency and efficacy. The bill provides for first-line commonsense security, including cameras, communication systems, explosive detection, and security upgrades on tracks and in tunnels. The bill also includes whistleblower provisions I have been unable to get in prior bills. If stockbrokers and accountants can be protected by Sarbanes-Oxley, it's time we gave the same whistleblower protection to employees charged with keeping trains and buses secure.

We must not go on August vacation leaving subways, busses and rail as they were last week when London was attacked for the first time since World War II. This is the third time I have tried to get this bill passed. We must let it become three strikes and you're out.

H.R. 458—THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. McHENRY. Mr. Speaker, I rise today to strongly support H.R. 458, the Military Personnel Financial Services Protection Act, and specifically to highlight Title II of this very important legislation. Title II is designed to protect our brave soldiers as they fight to defend our freedoms, by regulating all lenders that qualify as military lenders—including payday advance businesses, small loan companies, finance companies, or other types of creditors.

I would like to thank Congressman WESTMORELAND, the sponsor of this bill, as well as Chairman OXLEY and Chairman BACHUS. We would not be able to eliminate unscrupulous lenders from offering these products without the leadership demonstrated by the House Financial Services Committee.

As a representative from North Carolina, I am particularly concerned with protecting our military. North Carolina is the most military friendly State in the Nation. With bases such as Fort Bragg and Camp Lejeune, I am familiar with financial lenders that prey on our servicemen and women. These companies hurt our military by charging unjustifiable rates, using products with hidden fees, and refinancing loans to the detriment of military consumers. It often takes honest soldiers years to escape the financial hardships caused by these dishonest practices.

Our soldiers, like all American citizens, have a variety of financial service needs and value having a wide array of choices and alternatives to fulfill those needs. I applaud many of these alternative financial services outlets, including payday lenders, for striving to protect military personnel by conforming to the best practices recommended by the Community Financial Services Association, a panel of distinguished retired military members.

Rather than unnecessarily prohibiting lenders and limiting the options for our military, H.R. 458 cracks down on abusive practices while preserving access to credit. Title II mandates these necessary protections, such as disclosures and marketing and collection reforms, on a broad range of military lenders. Under Title II, all military lenders will be required to provide detailed disclosures on a variety of subjects. These mandatory disclosures include:

Not requiring service members to complete agreements merely because they signed an application or received a notice;

Advising military personnel, who are seeking short-term credit due to a family or other emergency, to consider applying through one of the Armed Forces' Relief Societies, the United Service Organizations or another base or military organization;

Acknowledging that any credit extension is not sponsored or endorsed by the Armed Forces, the Department of Defense, or any Federal entity;

That the lender may not contact the borrower's commanding officer or chain of command to collect the debt; and

That the service member and his/her dependents may have additional protections

which cannot be waived, even if suggested or required by the lender.

Again, my sincere thanks to the financial institutions that pushed for these reforms and to Congressman WESTMORELAND for his leadership. I look forward to working with my colleagues and our partners in the private sector to eliminate abusive practices and protect the financial health and access of our military.

PUTTING ALLEGATIONS IN THE PROPER CONTEXT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. SOUDER. Mr. Speaker, in the press for the past few days, I have reportedly heard all sorts of allegations and innuendoes against Karl Rove. Most of these seem to be political, rather than factual. I believe this Wall Street Journal article puts the debate about what was said by whom into a proper context. Former Ambassador Wilson has been largely discredited. Karl Rove, though it has been implied that he broke the law, does not appear to in fact have done so.

It is Wilson whose politically motivated comments who should be under scrutiny, not Rove.

[From the Wall Street Journal, July, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove's head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we'd say the White House political guru deserves a prize—perhaps the next iteration of the ''Truth-Telling'' award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real ''whistleblower'' in this whole sorry pseudoscandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband's selection for a 2002 mission to investigate reports that Iraq was seeking uranium ore in Niger. To be prosecuted under the 1982 Intelligence Identities Protection Act, Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard about her work at Langley from other journalists.

On the ''no underlying crime'' point, moreover, no less than the New York Times and Washington Post now agree. So do the 36 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times's Judith Miller out of jail.

''While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place,'' the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can't be said for Mr. Wilson, who first ''outed'' himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous ''16 words'' on the subject in that year's State of the Union address.

Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC's ''Meet the Press'' and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her husband for the Niger mission. ''Interviews and documents provided to the Committee indicate that his wife, a CPD [Counterproliferation Division] employee, suggested his name for the trip,'' said the report.

The same bipartisan report also pointed out that the forged documents Mr. Wilson claimed to have discredited hadn't even entered intelligence channels until eight months after his trip. And it said the CIA interpreted the information he provided in his debrief as mildly supportive of the suspicion that Iraq had been seeking uranium in Niger.

About the same time, another inquiry headed by Britain's Lord Butler delivered its own verdict on the 16 words: ''We conclude also that the statement in President Bush's State of the Union Address of 28 January 2003 that 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa' was well-founded.

In short, Joe Wilson hadn't told the truth about what he'd discovered in Africa, how he'd discovered it, what he'd told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know.

If there's any scandal at all here, it is that this entire episode has been allowed to waste so much government time and media attention, not to mention inspire a ''special counsel'' probe. The Bush Administration is also guilty on this count, since it went along with the appointment of prosecutor Patrick Fitzgerald in an election year in order to punt the issue down the road. But now Mr. Fitzgerald has become an unguided missile, holding reporters in contempt for not disclosing their sources even as it becomes clearer all the time that no underlying crime was at issue.

As for the press corps, rather than calling for Mr. Rove to be fired, they ought to be grateful to him for telling the truth.

TOLERANCE AND ACCEPTANCE FOR PEOPLE OF OTHER CULTURES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HOLT. Mr. Speaker, I rise today to condemn in the strongest terms possible an ugly and xenophobic comment that recently came to my attention. Yesterday, a staff member who works for another Member of Congress responded to an e-mail inquiry regarding the upcoming visit of Indian Prime Minister Manmohan Singh with what can only be described as an insulting and bigoted attempt at humor. His comments were deeply offensive to Indians, Indian Americans, and countless others like me who do not tolerate such bigotry.

On one of my visits to India a few years ago I was able to meet with government officials, including Prime Minister Singh, then a member of the Rajya Sabha, India's Upper House of Parliament. I was deeply impressed by his intellect, thoughtfulness, and the success of his economic program, and I am proud to welcome him as he addresses a Joint Session of Congress this week. It is my hope that all Americans will listen to his words. We have much to learn from him regarding tolerance and acceptance of people of other cultures.

THE TUSKEGEE AIRMEN—A HERO'S WELCOME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. RANGEL. Mr. Speaker, I would like to welcome to Capitol Hill today a contingent of veterans representing one of the most distinguished military units in American history. The individuals whom I speak of are known as the Tuskegee Airmen, and they are visiting the Capitol today as part of a 'Tuskegee Airmen Legislative Day'. Many people may see these gentlemen strolling the halls of the Capitol and not know that they are living components of American history who changed this country and its military forever.

The Tuskegee Airmen overcame segregation and prejudice to win the opportunity to fight for their nation and became one of the most highly respected fighter groups of World War II. In so doing, they destroyed the racist conceptions of their time, and inspired a generation of Americans to chase their dreams all the way to sky.

Before 1940, African Americans were barred from flying for the U.S. military, just as they were excluded from other aspects of American public and civic life. However, in that year African American airmen won the opportunity to fight for their country as American patriots, though in segregated units. The airmen were trained and stationed in Tuskegee, Alabama, the city which would come to define them and their heroism.

Young men from across the country answered the call to serve, and brought with them not only their own aspirations, but the hopes and dreams of an entire people. Many believed that African Americans did not possess the faculties to be military airmen, and

predicted that the Tuskegee program would fail. However, failure was not an option for these men, and they delivered in amazing fashion.

The Airmen completed 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. They would also have the WWII distinction of never losing an American bomber under their escort, despite flying in some of the enemies' most heavily defended areas. During their World War II service, the Airmen would earn 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

There is currently an effort underway to bestow the Congressional Gold Medal on the Tuskegee Airmen. I have introduced H.R. 1259 here in the House, and Senator Levin has introduced similar legislation in the Senate. The Gold Medal was created and first awarded 200 years ago to Americans whose courage and determination in battle exemplified the spirit of our nation. In keeping with that tradition, I can think of no better recipients than the Tuskegee Airmen.

They not only displayed courage and bravery, they changed our military forever. Today, many minority groups, especially African Americans, are overrepresented in the military compared to their numbers in the general population. They are the central core of the volunteer military and serve our nation with heroic distinction in Iraq and through out the world. With the significant role that minorities continue to play in the Armed Forces, our country is indebted to the Tuskegee Airmen for helping to lay that foundation.

Today, the young men who roamed the skies of Tuskegee, Alabama, and World War II Europe, are seasoned veterans of war and life. Many of them are no longer with us, but the hope and pride that they inspired in all of us are reborn in the hearts and minds of every subsequent generation of Americans. I can attest to the hope they gave to a young kid from Harlem, as he set out to fight in Korea. Their example served me well in that war, and in life.

At a time in our country when we hear a lot of rhetoric about patriotism, we can learn from the example of the Tuskegee Airmen. They fought for their country at a time when the rights they risked their lives to protect did not extend to them. They fought not just for America, but the promise of America—the promise of liberty, equality, and freedom for all people. As long as we aspire to fulfill this promise, so too will the spirit of the Tuskegee Airmen live. Again, I thank the Tuskegee Airmen for all they have done for our country, and I extend this welcome—a hero's welcome—to them.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 14, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 15

9:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold an oversight hearing to examine the United States' relationship with the World Trade Organization, focusing on the role of the World Trade Organization and its impact on national sovereignty and economic security.
SD–562

JULY 18

9:30 a.m.
Foreign Relations
To hold hearings to examine improving security in Iraq.
SH–216

2 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Brian David Miller, of Virginia, to be Inspector General, General Services Administration, and Richard L. Skinner, of Virginia, to be Inspector General, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.
SD–562

JULY 19

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.
SD–366

Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
Business meeting to consider H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006.
SD–116

10:30 a.m.
Judiciary
To hold hearings to examine reauthorization of the Violence Against Women Act.
SD–226

2:30 p.m.
Foreign Relations
To hold hearings to examine advancing Iraqi political development.
SH–216

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine a review of Federal consent decrees.
SD–226

JULY 20

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider proposed Better Healthcare through Information Technology Act, proposed Medical Device User Fee Stabilization Act of 2005, and pending nominations.
SD–430

Indian Affairs
To hold oversight hearings to examine legislation to resolve Cobell v. Norton.
Room to be announced

Judiciary
To hold hearings to examine issues and implications relating to reporters' shield legislation.
SD–226

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine biosecurity preparedness and efforts to address agroterrorism threats.
SR–328A

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area, S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.
SD–366

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings to examine S. 1003, to amend the Act of December 22, 1974, relating to Navajo-Hopi land settlement.
SR–485

10 a.m.
Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.
SH–216

Foreign Relations
To hold hearings to examine United Nations reform.
SD–419

Veterans' Affairs
Business meeting to consider pending VA legislation.
SR–418

2 p.m.
Appropriations
Business meeting to consider H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006.
SD–106

JULY 26

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine how farm bill programs can better support species conservation.
SR–328A

JULY 27

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine Indian Gaming Regulatory Act exceptions and off-reservation gaming.
SH–216

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Conservation Reserve Program.
SR–328A

JULY 28

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601).
SR–485

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8153–S8246

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1386–1395, and S. Res. 197. **Page S8217**

Measures Reported:

S. 364, to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities, with amendments. (S. Rept. No. 109–102) **Page S8217**

Measures Passed:

Controlled Substances Import and Export Act: Senate passed S. 1395, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied. **Page S8244**

Good Friday Agreement: Committee on Foreign Relations was discharged from further consideration of S. Res. 173, expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland, and the resolution was then agreed to. **Pages S8244–45**

Office of Compliance Term Extensions: Senate passed H.R. 3071, to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term, clearing the measure for the President. **Page S8245**

Department of Homeland Security Appropriations: Senate continued consideration of H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages S8154–S8204**

Adopted:

Salazar Amendment No. 1207, to provide for a report on the effectiveness of programs concerning State and local government emergency officials. **Pages S8155, S8159**

Salazar Modified Amendment No. 1209, to require a quadrennial review by the Department of Homeland Security. **Pages S8155, S8159**

Salazar Modified Amendment No. 1210, to express the sense of the Senate regarding rail tunnel security research. **Pages S8156–57, S8159**

Pryor Amendment No. 1125, to encourage the acquisition by the Secretary of Homeland Security of an integrated mobile medical system. **Pages S8165–66**

Schumer/Boxer Modified Amendment No. 1184, to encourage the Secretary of Homeland Security to designate an agency within the Department of Homeland Security as having responsibility for countermeasures for man portable air defense systems (MANPADS). **Page S8174**

Clinton Modified Amendment No. 1105, to require a detailed description of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001. **Page S8182**

Clinton Amendment No. 1106, to require the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security. **Pages S8182–83**

Ensign Modified Amendment No. 1104, to require the Transportation Security Administration to potentially implement the use of multi-compartment bins to screen passenger belongings at security checkpoints. **Pages S8183–84**

Byrd (for Feingold) Amendment No. 1120, to require reports to Congress on Department of Homeland Security use of data-mining. **Page S8186**

Byrd (for Boxer) Modified Amendment No. 1155, to provide oversight of homeland security spending. **Pages S8186–87**

Byrd Amendment No. 1201, to require State and local governments to expend or return grant funds. **Page S8187**

Durbin Amendment No. 1166, to provide that MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry. **Pages S8188–89**

Gregg (for Thomas) Amendment No. 1172, to authorize and direct the Secretary of Homeland Security to designate Natrona County International Airport, Wyoming, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the United States Customs and Border Protection. **Page S8202**

Gregg (for Hutchison) Modified Amendment No. 1173, to express the sense of the Senate regarding coordination with the American Red Cross. **Page S8202**

Gregg (for Hatch) Amendment No. 1221 (to Amendment No. 1171, as modified), to clarify the source of allocated funds. **Page S8202**

Reid Amendment No. 1161, to express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq. **Page S8203**

Voinovich Amendment No. 1075, to increase funds for emergency management performance grants, with an offset. **Pages S8178–79, S8204**

McCain Modified Amendment No. 1151, to specify how certain vehicles are to be deployed to enhance border security. **Pages S8170–71, S8204**

Withdrawn:

Schumer Amendment No. 1183, to provide additional funding to counter man portable air defense systems. **Page S8174**

Pending:

Byrd Amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974. **Page S8155**

Akaka Amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants. **Page S8155**

Dorgan Amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004. **Page S8155**

Durbin (for Boxer) Amendment No. 1216, to provide for the strengthening of security at nuclear power plants. **Page S8155**

Durbin (for Stabenow) Amendment No. 1217, to provide funding for interoperable communications equipment grants. **Pages S8157–59**

Subsequently, a point of order was raised with respect to the emergency designation provision in the amendment and a motion to waive was entered. **Page S8160**

Gregg (for Ensign) Modified Amendment No. 1124, to transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures. **Pages S8155, S8184–85**

McCain Modified Amendment No. 1150, to increase the number of border patrol agents consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). **Pages S8171–72**

McCain Modified Amendment No. 1171, to increase the number of detention beds and positions or FTEs in the United States consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). **Pages S8172–74, S8176**

Schumer Amendment No. 1189, to provide that certain air cargo security programs are implemented. **Pages S8174–75, S8176**

Subsequently, a point of order was raised that the amendment would provide spending in excess of the subcommittee's 302(b) allocation and a motion to waive was entered. **Page S8176**

Schumer Amendment No. 1190, to appropriate $70,000,000 to identify and track hazardous materials shipments. **Pages S8175–78**

Subsequently, a point of order was raised that the amendment would provide spending in excess of the subcommittee's 302(b) allocation and a motion to waive was entered. **Page S8176**

Reid (for Byrd) Amendment No. 1218, to provide additional funding for intercity passenger rail transportation, freight rail, and mass transit. **Pages S8179, S8185–86**

Ensign Amendment No. 1219 (to Amendment No. 1124), of a perfecting nature. **Pages S8184, S8187–88**

Shelby Modified Amendment No. 1205, to appropriate funds for transit security grants for fiscal year 2006 authorized in the Public Transportation Terrorism Prevention Act of 2004. **Pages S8189–91**

Gregg Amendment No. 1220 (to Amendment No. 1205, as modified), of a perfecting nature. **Page S8190**

During consideration of this measure today, the Senate also took the following actions:

By 36 yeas to 60 nays (Vote No. 177), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Dodd/Stabenow Modified Amendment No. 1202, to fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million. Subsequently, the point of order that the amendment

would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S8163–70, S8191–99, S8201**

By 42 yeas to 55 nays (Vote No. 178), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Akaka Modified Amendment No. 1112, to increase funding for State and local grant programs. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S8199, S8201–02

A unanimous-consent agreement was reached providing that at 10 a.m. on Thursday, July 14, 2005, Senate proceed to a series of votes on or in relation to certain pending amendments; further, that no second-degree amendments be in order to any of the amendments prior to the votes. **Page S8202**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, July 14, 2005; further, that the time until 10 a.m. be equally divided. **Page S8245**

Messages From the House: **Page S8215**

Measures Referred: **Page S8215**

Measures Placed on Calendar: **Pages S8215, S8243**

Measures Read First Time: **Pages S8215, S8243–44**

Executive Communications: **Pages S8215–17**

Executive Reports of Committees: **Page S8217**

Additional Cosponsors: **Pages S8217–20, S8245**

Statements on Introduced Bills/Resolutions: **Pages S8220–37**

Additional Statements: **Pages S8211–15**

Amendments Submitted: **Pages S8237–38**

Notices for Hearings/Meetings: **Page S8238**

Authority for Committees to Meet: **Pages S8238–39**

Record Votes: Two record votes were taken today. (Total—178) **Pages S8201, S8202**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:44 p.m. until 9:30 a.m., on Thursday, July 14, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8246.)

Committee Meetings

(Committees not listed did not meet)

GUANTANAMO BAY

Committee on Armed Services: Committee concluded open and closed hearings to examine the investigation into Federal Bureau of Investigations allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility, after receiving testimony from General Bantz J. Craddock, USA, Commander, U.S. Southern Command; Lieutenant General Randall M. Schmidt, USAF, Senior Investigating Officer; and Brigadier General John T. Furlow, USA, Investigating Officer.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of General Peter Pace, USMC, for reappointment to the grade of general and to be Chairman, Joint Chiefs of Staff, Admiral Edmund P. Giambastiani, Jr., USN, for reappointment to the grade of admiral and to be Vice Chairman, Joint Chiefs of Staff, and 8 nominations in the Army, Navy, and Air Force.

TERRORIST FINANCING

Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine money laundering and terror financing issues in the Middle East, focusing on the Financial Action Task Force, the use of charities to fund terrorism, and the Presidential Executive Order (13224) which allows the United States to freeze the assets of certain organizations, after receiving testimony from Stuart Levey, Under Secretary of the Treasury, Office of Terrorism and Financial Intelligence; E. Anthony Wayne, Assistant Secretary for Economic and Business Affairs, and Nancy Powell, Acting Assistant Secretary for International Narcotics and Law Enforcement, both of the Department of State; Dennis M. Lormel, Corporate Risk International, Fairfax, Virginia; Steven Emerson, The Investigative Project on Terrorism, Washington, D.C.; and Mahmoud A. El-Gamal, Rice University, Houston, Texas.

Hearing recessed subject to the call.

AIRLINE FINANCIAL STABILITY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine the financial stability of airlines, focusing on the continued financial difficulties faced by legacy airlines, the effect of bankruptcy on the industry and competitors, and the effect of airline pension underfunding on employees, airlines and the Pension Benefit Guaranty Corporation, after receiving testimony

from JayEtta Z. Hecker, Director, Physical Infrastructure Issues, Government Accountability Office; James C. May, Air Transport Association of America, Inc., Washington, D.C.; Jamie N. Baker, J.P. Morgan Securities Inc., New York, New York; and Robert Roach, Jr., International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland.

ENDANGERED SPECIES ACT: PRIVATE LANDOWNER INCENTIVES

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded a hearing to examine the Endangered Species Act and incentives for private landowners, focusing on existing Federal incentives for private landowners to protect threatened and endangered species, as well as new and innovative ways for incentivizing species protection on private lands, after receiving testimony from Marshall P. Jones, Deputy Director, Fish and Wildlife Service, Department of the Interior; Sara Braasch, Regional Assistant Chief, Natural Resources Conservation Service, Department of Agriculture; Michael J. Bean, Environmental Defense, and Laurence D. Wiseman, on behalf of the American Forest Foundation and the American Tree Farm System, both of Washington, D.C.; Paul Campos, Home Builders Association of Northern California, Contra Costa County, on behalf of the National Association of Home Builders; Alan Foutz, Colorado Farm Bureau, Akron, on behalf of the American Farm Bureau Federation; and Robert J. Olszewski, Plum Creek Timber Company, Inc., Atlanta, Georgia.

CHEMICAL FACILITY SECURITY

Committee on Homeland Security and Governmental Affairs: Committee resumed hearings to examine the Federal role regarding chemical facility security, receiving testimony from Martin J. Durbin, American Chemistry Council, Arlington, Virginia; Matthew Barmasse, ISOCHEM, Inc., Lockport, New York, on behalf of Synthetic Organic Chemical Manufacturers Association; Bob Slaughter, National Petrochemical and Refiners Association, and Gerald V. Poje, National Academy of Science, both of Washington, D.C.; Glenn Erwin, United Steel Workers International Union, Washburn, Missouri; and Carol L. Andress, Environmental Defense Fund, New York, New York.

Hearings will continue on Wednesday, July 27, 2005.

STREAMLINED PROCEDURES ACT

Committee on the Judiciary: Committee concluded a hearing to examine current habeas corpus proceedings and issues of actual innocence, focusing on S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, after receiving testimony from Seth P. Waxman, Wilmer, Cutler, Pickering, Hale and Dorr, Washington, D.C., former Solicitor General of the United States; Thomas Dolgenos, Office of Philadelphia District Attorney, Philadelphia, Pennsylvania; John Pressley Todd and Kent E. Cattani, both of the Office of Arizona Attorney General, Phoenix; and Barry C. Scheck, Yeshiva University Cardozo School of Law, and Bryan A. Stevenson, New York University School of Law, both of New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 3262–3275; and 3 resolutions, H.J. Res. 58; H. Con. Res. 208; and H. Res. 3611 were introduced. **Pages H5800–01**

Additional Cosponsors: **Page H5801**

Reports Filed: Reports were filed today as follows:

H.R. 624, to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (H. Rept. 109–166);

H.R. 1359, to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, amended (H. Rept. 109–167); and

H.R. 2601, to authorize appropriations for the Department of State for fiscal years 2006 and 2007, amended (H. Rept. 109–268). **Page H5800**

Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as speaker pro tempore for today. **Page H5743**

Chaplain: The prayer was offered today by Rev. Dr. Arnold B. Lovell, Senior Pastor, Second Baptist Church in Knoxville, Tennessee. **Page H5743**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Veterans' Compensation Cost-of-Living Adjustment Act of 2005: H.R. 1220, amended, to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; **Pages H5749–54**

Making permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program: H.R. 2385, amended, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; **Pages H5754–56**

Agreed to amend the title so as to read: to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program. **Page H5756**

John F. Whiteside Joliet Post Office Building Designation Act: H.R. 2113, to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building"; **Pages H5756–58**

Vincent Palladino Post Office Building Designation Act: H.R. 2183, to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office"; and **Pages H5758–59**

J.M. Dietrich Northeast Annex Designation Act: H.R. 2630, to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex". **Pages H5759–60**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration will continue tomorrow, July 14.

East Asia Security Act of 2005: H.R. 3100, to authorize measures to deter arms transfers by foreign countries to the People's Republic of China; **Pages H5760–64**

Commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring the veterans of WWII: H. Con. Res. 191, amended, commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; and **Pages H5764–66**

Condemning the terrorist attacks in London, England on July 7, 2005: H. Res. 356, condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005. **Pages H5766–68**

Water Resources Development Act of 2005—Rule for Consideration: The House agreed to H. Res. 346, the rule providing for consideration of H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, by voice vote. **Pages H5768–72**

Recess: The House recessed at 1:27 p.m. and reconvened at 1:54 p.m. **Page H5772**

Energy Policy Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy. **Pages H5772–77**

The House began consideration of the Capps motion to instruct conferees on the bill. Futher consideration will continue tomorrow, July 14. **Page H5777**

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:10 p.m.

Committee Meetings

NATIONAL SECURITY IMPLICATIONS—CHINA NATIONAL OFFSHORE OIL MERGER—UNOCAL CORPORATION

Committee on Armed Services: Held a hearing on national security implications of the possible merger of the China National Offshore Oil Corporation with Unocal Corporation. Testimony was heard from C. Richard D'Amato, Chairman, U.S.-China Economic and Security Review Commission; R. James Woolsey, former Director, CIA; and public witnesses.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness began mark up of H.R. 609, College Access and Opportunity Act of 2005.

Will continue tomorrow.

TREASURY'S REPORT—TERRORISM RISK INSURANCE ACT

Committee on Financial Services: Held a hearing entitled "Treasury's Report to Congress on the Terrorism Risk Insurance Act (TRIA)," Testimony was heard from John W. Snow, Secretary of the Treasury.

ENTREPRENEURIALISM AND FEDERAL GOVERNMENT

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled "From Bureaucrats to Plutocrats: Can Entrepreneurialism Work in the Federal Government?" Testimony was heard from David M. Walker, Comptroller General of the United States, GAO; former Speaker of the House of Representatives Newt L. Gingrich of Georgia; and a public witness.

IMPROVE AVIATION SECURITY

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and

Cybersecurity held a hearing entitled ''Leveraging Technology to Improve Aviation Security.'' Testimony was heard from Cathleen A. Berrick, Director, Homeland Security and Justice, GAO; and public witnesses.

U.S. AND RUSSIA BIOLOGICAL WEAPONS PROGRAMS

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled ''Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs.'' Testimony was heard from public witnesses.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Committee on the Judiciary: Ordered reported, as amended, H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

FEDERAL LANDS—MOTORIZED RECREATIONAL USE

Committee on Resources: Subcommittee on National Parks and the Subcommittee on Forests and Forest Health held a joint hearing entitled ''Motorized Recreational Use on Federal Lands.'' Testimony was heard from Dale Bosworth, Chief, Forest Service, USDA; Ed Shepard, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

SMALL BUSINESS DEVELOPMENT CENTERS

Committee on Small Business: Held a hearing entitled ''Small Business Development Centers: New Offerings for a New Economy,'' Testimony was heard from public witnesses.

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action H.R. 3200, Servicemembers' Group Life Insurance Enhancement Act of 2005.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Permanent Select Committee on Intelligence: Ordered reported, as amended, H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Joint Meetings

YUKOS AFFAIR

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission met to receive a briefing regarding the political and business implications of the prosecution and imprisonment of Russian Yukos Oil Chairman and Chief Executive Officer (CEO) Mikhail Khodorkovsky from Peter Roudik, Senior Foreign Law Expert, Congressional Research Service, Library of Congress; and Leonid Nevzlin, Tel Aviv, Israel.

COMMITTEE MEETINGS FOR THURSDAY, JULY 14, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitors Center construction, 10:30 a.m., SD–138.

Full Committee, business meeting to consider 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, 2 p.m., SD–106.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine military justice and detention policy in the global war on terrorism, 9:30 a.m., SR–325.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Department of Treasury's report to Congress entitled: ''Assessment: The Terrorism Risk Insurance Act of 2002'', 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of R. Thomas Weimer, of Colorado, and Mark A. Limbaugh, of Idaho, each to be an Assistant Secretary of the Interior, 10 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine the National Park Service's business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Marcus C. Peacock, of Minnesota, to be Deputy Administrator, Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nomination of Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Department of State, 3 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness, to discuss preparing an effective and immediate public health response in the aftermath of a terrorism attack, 10 a.m., SD–430.

Full Committee, with the Committee on Indian Affairs, to hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to

hold hearings to examine how prepared the National Capitol Region is for terrorism, focusing on how the National Capitol Region (NCR) is spending its homeland security grant funding, the organizational structures established to provide coordinated security, and if the NCR can be used as a model for security in other regions of the country, 9:30 a.m., SD–562.

Full Committee, to hold hearings to examine the Department of Homeland Security, 1:30 p.m., SD–562.

Committee on Indian Affairs: with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, 2:30 p.m., SD–430.

Committee on the Judiciary: business meeting to consider S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, proposed Personal Data Privacy and Security Act of 2005, S. 751, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 103, to respond to the illegal production, distribution, and use of methamphetamine in the United States, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and committee rules for the 109th Congress, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training, 10:30 a.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, oversight hearing on Bureau of Land Management/Forest Service National Fire Plan, 10 a.m., B–308 Rayburn.

Committee on the Budget, hearing on Mid-Session Review Budget of the United States Government Fiscal Year 2006, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to continue mark up of H.R. 609, College Access and Opportunity Act of 2005, 11:15 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, to mark up the following measures: H.R. 3204, State High Risk Pool Funding Extension Act of 2005; H.R. 3205, To amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety; and H. Res. 220, Recognizing America's Blood Centers and its member organizations for their commitment to providing over half the Nation with a safe and adequate volunteer donor blood supply, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, hearing entitled ''One Year Later: Evaluating the Effectiveness of Project BioShield,'' 10 a.m., 2154 Rayburn.

Committee on Homeland Security, hearing entitled ''The Secretary's Second-Stage Review: Re-thinking the Department of Homeland Security's Organization and Policy Direction,'' 10 a.m., 2128 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing entitled ''North Korean Nuclear Negotiations: Strategies and Prospects for Success,'' 10:30 a.m., 2172 Rayburn.

Committee on Resources, hearing entitled ''Status of Settling Recognized Tribes' Land Claims in the State of New York,'' 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 233, Northern California Coastal Wild Heritage Wilderness Act; H.R. 1129, Pitkin County Land Exchange Act of 2005; H.R. 2720, Salt Cedar and Russian Olive Control Demonstration Act; and H.R. 2875, Public Lands Corps Healthy Forests Restoration Act of 2005, 11:30 a.m., 1334 Longworth.

Committee on Science, to mark up H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005, 11 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the following bills: H.R. 230, National Small Business Regulatory Assistance Act of 2005; H.R. 527, Vocational and Technical Entrepreneurship Development Act of 2005; H.R. 2981, To amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; and H.R. 3207, Second-Stage Small Business Development Act of 2005, 9:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Cell Phones on Aircraft: Nuisance or Necessity?, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following bills: H.R. 3208, Disaster Relief Equity Act of 2005; and H.R. 2338, Rural Disaster Assistance Fairness Act of 2005, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following: H.R. 3200, Servicemembers' Group Life Insurance Enhancement Act of 2005; and a resolution recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Welfare and Work Data, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 14

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2360, Homeland Security Appropriations, and vote on, or in relation to, certain pending amendments to the bill beginning at 10 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 14

House Chamber

Program for Thursday: Rolled votes on Suspensions: H.R. 3100, East Asia Security Act of 2005; H. Con. Res. 191, commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; and H. Res. 356, condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005. Rolled vote on Capps motion to instruct conferees on H.R. 6, Energy Policy Act of 2005. Consideration of H.R. 2864, Water Resources Development Act of 2005 (structured rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Abercrombie, Neil, Hawaii, E1480
Baldwin, Tammy, Wisc., E1478
Beauprez, Bob, Colo., E1473, E1477, E1481
Buyer, Steve, Ind., E1480
Castle, Michael N., Del., E1482
Conyers, John, Jr., Mich., E1481
Everett, Terry, Ala., E1476
Gordon, Bart, Tenn., E1476
Green, Al, Tex., E1473, E1477
Higgins, Brian, N.Y., E1473, E1477, E1481
Holt, Rush D., N.J., E1484
Johnson, Sam, Tex., E1474
Kennedy, Mark R., Minn., E1482
McHenry, Patrick T., N.C., E1483
Millender-McDonald, Juanita, Calif., E1474
Moore, Gwen, Wisc., E1482
Nadler, Jerrold, N.Y., E1483
Norton, Eleanor Holmes, D.C., E1483
Norwood, Charlie, Ga., E1478
Radanovich, George, Calif., E1482
Rangel, Charles B., N.Y., E1484
Rehberg, Dennis R., Mont., E1478
Souder, Mark E., Ind., E1484
Towns, Edolphus, N.Y., E1478
Udall, Tom, N.M., E1478
Wolf, Frank R., Va., E1474

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